

**21/01717/APP**  
**2nd November 2021**

**Substitution of house types at plots nos 156-160 204-211  
246 247 and 257-259 renumbered 443-454 Phase 3 (as  
per application 18/01142/APP) R2 Ferrylea Forres Moray  
for Springfield Properties PLC**

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**Comments:**

- The proposal has previously been reported to Committee and the appointed officer considers that significant implications of this proposal in conjunction with 18/01142/APP have been made for Committee to reconsider the development.
- The application has been advertised as a departure from the development plan, though following amendments is no longer considered to be a departure from the development plan.
- No objections received.

**Procedure:**

- If members are minded to approve as per the recommendation, then a modification of the existing legal agreement attached to planning permission ref 18/01142/APP (as permitted under appeal decision notice PPA-300-2057) is required prior to issue of planning consent.
- Request delegated authority to the Head of Economic Growth and Development to withhold issue of consent until expiry of advert expiry period (28 June) to review any late representations received.

**Recommendation**      **Grant planning permission subject to conditions:**

**Conditions/Reasons**

1. The development hereby granted planning permission forms part of, and is related to, a development granted planning permission under formal planning appeal decision notice PPA-300-2057 by the Planning and Environmental Appeals Division, Scottish Government dated 2 July 2020 wherein:
  - a. the terms and conditions as attached to the permission granted under that decision notice are hereby re-iterated and remain in force in so far as they relate to the development hereby approved, namely conditions 4, 5, 17-20, including any details already approved thereunder to discharge the requirements of those conditions; and
  - b. no part of the development as hereby granted shall be exercised in conjunction with, or in addition to, the building design and plot layout details already approved for plots 156 – 160 and 204 - 211 (now identified under this permission as plots 443 – 452).

**Reason:** To ensure a satisfactory form of development and that it progresses in accordance with the already approved and required details, and that only one permission is implemented on plots 156 – 160 and 204 – 211 (now identified as plots 443 – 452).

2. Prior to any development commencing and notwithstanding the details shown on the approved plans, a scheme of external material finishes of the houses and flats that match those of consented neighbouring plots shall be submitted to and approved in writing by the Council, as Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

**Reason:** To ensure suitable material finishes to each plot, in the interests of the character of the development in which the house plots sit.

3. No development shall commence until details (Location and Design plans) have been submitted for approval by the Planning Authority in consultation with the Roads Authority showing the provision of secure cycle parking facilities at a rate of not less than 1 space per flat. Thereafter the cycle parking shall be provided prior to completion of the associated flats and retained and maintained for that purpose unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

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

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

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

5. Parking provision for houses shall be provided at the following rates:
  - 1 Bedroom = 1 space
  - 2 -3 Bedrooms = 2 spaces
  - 4 or more bedrooms = 3 spaces

Parking shall be provided prior to the completion of each house which it is associated with and thereafter retained and available for that purpose unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

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

6. No boundary fences, hedges, walls or any other obstruction whatsoever over 0.6m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.

**Reason:** To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

7. The landscaping as shown in drawing numbers MO01-1\_Remix\_SL\_42 Rev A and MO01-1\_Remix\_SL\_43 Rev A hereby approved shall be provided by no later than the first planting season after completion or first occupation (whichever is the soonest) of the respective house plot/block of flats to which the landscaping relates. Any trees, shrubs and hedge plantings which within a period of 5 years from planting die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and spacing unless the Planning Authority gives written consent to any variation of this condition.

**Reason:** In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the amenity, appearance, character and quality of the development and the surrounding area.

8. No development shall commence unless a plan showing the location of all natural habitat creations, as indicated in the submitted document "Forres Bird and Bat Boxes" has been submitted and approved in writing by the Council, as Planning Authority. This plan shall also include timing for provision of the respective measures. Thereafter the natural habitat creations shall be retained unless otherwise agreed in writing with the Council, as Planning Authority.

**Reason:** In order to agree the position of the biodiversity measures and ensure they are provided timeously.

9. No development shall commence until a scheme for the provision of a communal bin storage area for flatted properties in the development has been submitted to and approved in writing by the Planning Authority. Thereafter, no flats shall be brought into use unless they are served by the bin storage facilities as approved under this condition for their respective block.

**Reason:** In order to ensure the flatted properties are served by suitable recycling and refuse facilities.

**Reason(s) for Decision**

The Council's reason(s) for making this decision are:-

The proposal complies with the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

**List of Informatives:**

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

This decision notice must be read in conjunction with the terms of the planning obligation that has been entered into in respect of this development under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended). The agreement is available for inspection on the Moray Council online planning register.

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 0300 1234561.

The TRANSPORTATION MANAGER has made the following comments:-

Before commencing development, the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The implications for the proposed changes on any existing Roads Construction Consent must be addressed. The applicant will be required to provide technical information, including drawings and drainage calculations, and provide a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations. Advice on this matter can be obtained from the Moray Council web site or by emailing [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority. Guidance on Electric Vehicle (EV) Charging requirements can be found at: <http://www.moray.gov.uk/downloads/file134860.pdf>

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

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

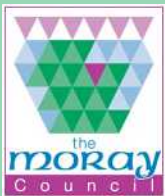
The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
1104DT AS-90 C	Lauder house type
1237DT ASO-901 B	Nairn house type
901	Cottage apartments
932TE AS-901 A	Dallachy house type
FO-ENG-306	Remix levels layout
MO01-1_REMIX_LP_05	Location plan
MO01-1_REMIX_SL_43-1 A	Landscaping layout
MO01-1_REMIX_SL_45-2	EV charging locations
MO01-1_REMIX_SL_45-3	EV charging locations
MO01-1_REMIX_01 E	House type allocation
MO01-1_REMIX_SL_42 A	Site layout
MO01-1_REMIX_SL_43 A	Landscaping layout
MO01-1_REMIX_SL_44 A	Material conditions
MO01-1_REMIX_SL_45 A	EV charging locations
MO01-1_REMIX_SL_45-1 A	EV charging locations

Documents to be approved:

- Ecological Statement
- Drainage Statement





## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**

**21/01717/APP**

**Site Address:**

**R2 Ferrylea**

**Forres**

**Applicant Name:**

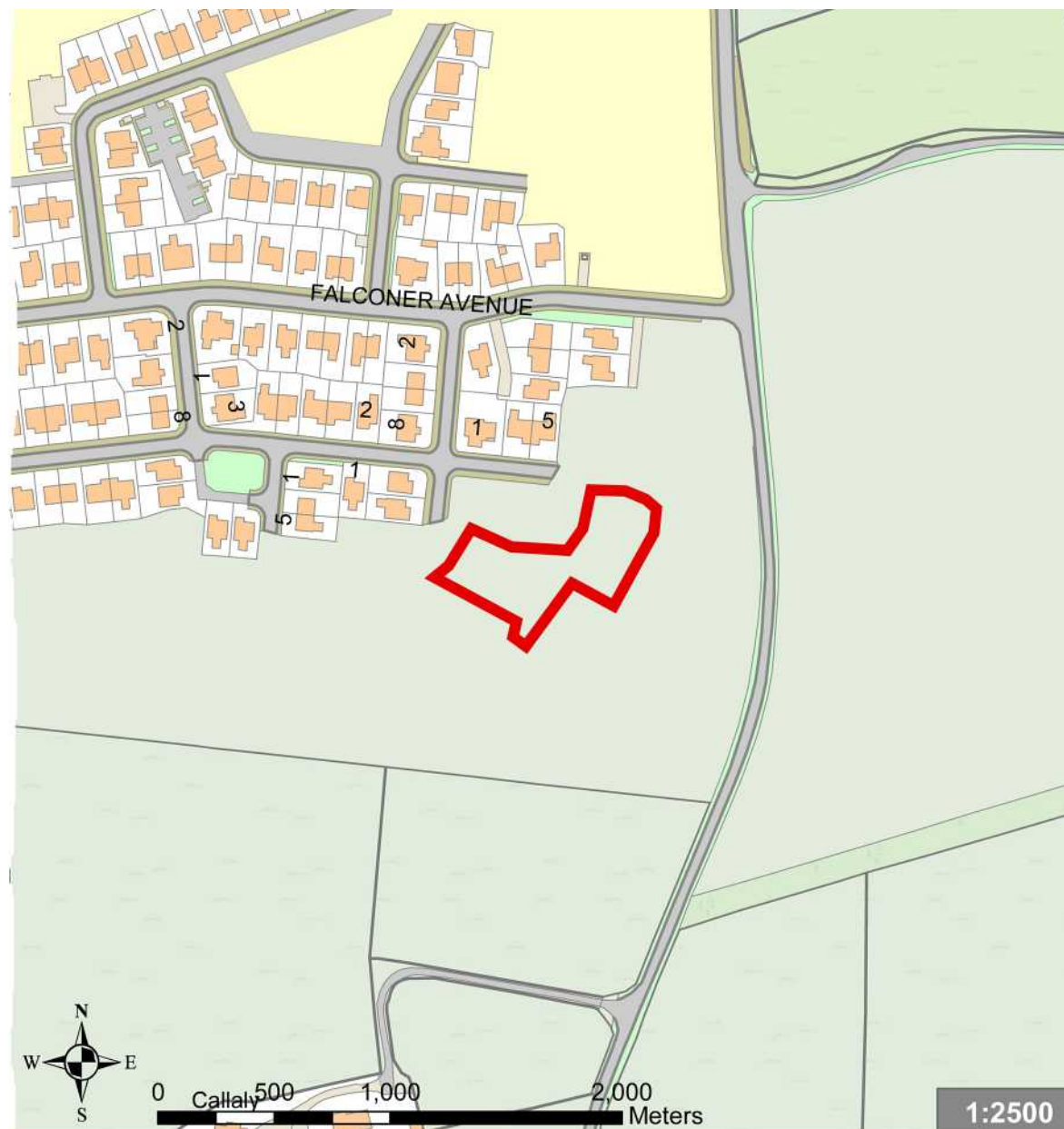
**Springfield Properties PLC**

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## Location Plan

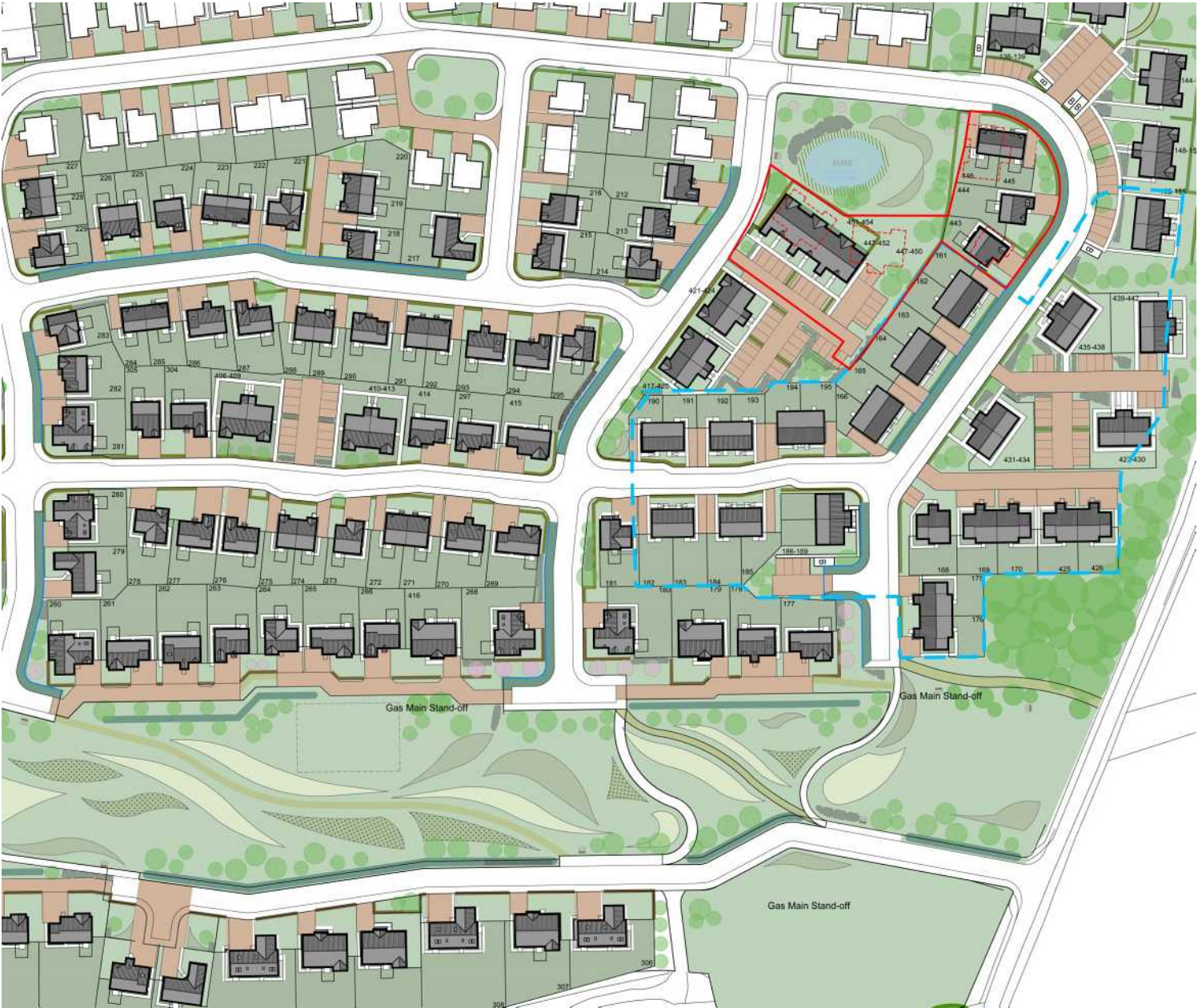


Site Location





Site Layout



## 21/01717/APP- Photograph Positions



Map Description: Arrows point in direction photograph was taken.

PROHIBITED FOR THE USE WITH PLANNING APPLICATIONS  
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Scale: 1:2,500 @ A4





**Photo 1**



**Photo 2**



## PLANNING APPLICATION: 21/01717/APP

*In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications*

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### 1. **THE PROPOSAL**

- Remix of 12 consented flats and a detached house to form 6 flats, 2 detached houses and 2 semi-detached houses within a consented housing development at Ferrylea, Forres (currently marketed by the applicant as “Knockomie Braes”).
- Two blocks of flats would be a Moray & Dunbar type, comprising a two storey block of 6 flats with associated parking (shared with flats proposed under application 21/01350/APP – see History below). Ground floor flats would have a patio and first floor flats would have balconies. There would be solar panels on the roof of the flats.
- The detached houses would be served by private driveways.
- All units proposed under this application would be private.

### 2. **THE SITE**

- House plots within a consented housing development. The area of ground subject to this application is yet to be developed, with the earlier phases nearby either completed or under construction.
- The surrounding plots comprise a mix of detached and semi-detached houses and flats (in two storey blocks of four), with a mix of private and affordable housing.

### 3. **HISTORY**

The designation in which the site sits has been subject to three phases of development on residential designation R2 – Ferrylea, Forres in the Moray Local Development Plan 2020 (previously R3 in Moray Local Development Plan 2015 and Moray Local Development Plan 2008). Phases 1 and 2 are complete and phase 3 is underway and a number of houses are now occupied.

**Five applications on phase 3 pending consideration alongside this application:**

**21/00941/APP** – Revised design of three detached houses on plots 257-259 permitted under 18/01142/APP. Willingness to approve under delegated powers subject to varied legal agreement.

**21/01217/APP** – Remix of 8 houses on plots 267, 296 and 298 – 303 permitted under 18/01142/APP to 8 flats and three houses pending consideration alongside this application.

**21/01350/APP** – Remix of 12 flats to 8 flats and two houses, and erection of 16 flats on site of consented student accommodation site (19/00615/APP) pending consideration alongside this application.

**21/01801/APP** – Remix of 20 flats to 10 flats and two detached houses pending consideration alongside this application.

**21/01821/APP** – Revised design and layout of 16 flats pending consideration alongside this application.

### **Phase 3**

**18/01142/APP** – Planning permission for 316 residential units refused by the Planning and Regulatory Services Committee at their meeting of 8 October 2019 and decision notice issued on 16 October 2019. Subsequent appeal to the Planning and Environmental Appeals Division (Scottish Ministers) allowed subject to signing of legal agreement to secure development obligations. Decision issued following signing of legal agreement on 2 July 2020.

**19/01184/APP** – Installation of SuDS basin adjacent approved by the Planning and Regulatory Services Committee at their meeting of 25 February 2020 and decision notice issued on 28 February 2020.

**19/00615/APP** – Erection of student residences (6 flats with 42 bed spaces) with associated parking and landscaping granted planning permission was given a willingness to approve by the Planning and Regulatory Services Committee at their meeting of 8 October 2019 subject to signing of legal agreement to secure developer obligations. Legal agreement was subsequently signed and decision issued on 14 July 2020.

**17/00970/PAN** – Proposal of Application Notice (PAN) for residential development and associated infrastructure incorporating the balance of Forres R3 Ferrylea and Forres LONG 3. This PAN was presented to the Planning and Regulatory Services Committee on 15 August 2017. Feedback was given by the Committee on a number of matters that should be taken into account.

### **Phase 2**

**16/00743/APP** – 120 residential units with associated infrastructure granted planning permission on 28 April 2017 following decision of Planning and Regulatory Services Committee meeting of 6 December 2016 to grant consent subject to conditions and legal agreement.

**15/01861/PAN** – PAN for residential development on part of R3 Ferrylea, Forres. This PAN was reported to the Planning and Regulatory Services Committee on 1 December 2015. Feedback was given by the Committee on access arrangements.

## **Phase 1**

**12/01110/APP** – Erection of 129 residential units and community facilities (dental practice, retail units) with associated infrastructure and landscaping, as well as masterplan covering the remaining balance of site R3 (up to 380 units) granted planning consent by Planning and Regulatory Services Committee of 18 December 2012 subject to conditions and legal agreement.

**15/01923/APP** – Application for a partial reconfiguration of the site granted under 12/01110/APP increasing number of units on part of site from 5 to 10 units granted planning consent by Planning and Regulatory Services Committee of 23 February 2016 subject to conditions.

**10/00048/PAN** – Proposal of Application Notice for housing development and community facilities.

**Phases 1 & 2** - Several applications to vary house types across the consented phases have been approved.

## **4. POLICY - SEE APPENDIX**

## **5. ADVERTISEMENTS**

5.1 Advertised as a departure from the development plan.

## **6. CONSULTATIONS**

**Transportation Manager** – No objections subject to conditions in relation to car and cycle parking and EV charging.

**Strategic Planning and Delivery** – Quality audit not required due to nature of amendments proposed, following amendments and clarification, proposal complies with relevant policies of the Moray Local Development Plan 2020.

**Environmental Health** – No objections.

**Contaminated Land** – No objections.

**Scottish Water** – No objections, sufficient capacity for foul (Forres Waste Water Treatment Works) and water (Glenlatterach Water Treatment Works) connections.

**Moray Flood Risk Management** – No objections.

**Developer Obligations** – Revised developer obligations assessment for wider development approved under 18/01142/APP in light of amendments proposed under this and other remix applications. Obligations sought towards:

- Transport – public transport and Orchard Road/Thornhill Road junction improvement);

- Healthcare – extension to Forres Health Centre, 2 additional dental chairs and reconfiguration of pharmacy outlets; and
- Sports and Recreation – 3G pitch in Forres.

**Housing** – Condition must be applied to ensure 25% affordable housing provision and 10% accessible housing in private units is provided across the site permitted under 18/01142/APP.

## 7. **OBJECTIONS-REPRESENTATIONS**

None

## 8. **OBSERVATIONS**

- 8.1 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main issues are considered below:
- 8.2 **Principle**  
The general principle of residential development on this site is established via the extant consent in place in addition to its designation as a residential development site in the MLDP. Consideration therefore lies with the suitability of the proposal in terms of design, siting and servicing arrangements (parking, drainage, etc.).
- 8.3 **Design and Siting**  
Policy PP1 requires new development of 10 or more units to be subject to the quality audit process, however given this proposal involves the revision of a small part of a consented development, and there is no change to the street layout, open space, landscaping, play area, SuDS, etc. in the wider development, there is limited scope to apply the quality audit process to this application. Nonetheless the requirements of policies PP1 and DP1 must still be considered.
- 8.3.1 The application was advertised as a departure from the development plan on the basis it did not comply with policies DP1 and PP1, though following amendments the proposal is no longer considered to be a departure from the development plan.
- 8.3.2 The layout of the wider development in which this proposal sits will remain largely unchanged, with housing to the south and east remaining as consented. The flats would see a decrease in units compared to that already consented (8 to 6). They would share parking with the flats to the south (proposed under application 21/01350/APP). Sufficient parking has been provided between both, along with open space, which ensures an appropriate balance of development. The houses proposed occupy a sweeping corner, offering a public frontage to this section of the development. Though plot 445 is on a corner, an area of landscape planting between the road and the house means there is no need for a side window to ensure a dual aspect house that house “turns the corner” as



required under policy DP1 (for natural surveillance, which is offered by other units nearby).

- 8.3.3 The houses are all “house types” that have been used elsewhere on the wider site permitted under 18/01142/APP, though the flats are a new type (Moray/Dunbar) that has not been permitted within this designation. They are similar to flats found in Elgin, and the overall style of development is in keeping with the common identity established by the applicant’s housebuilding style on this site and elsewhere in the region. Under 18/01142/APP the site was split into different character areas, whereby the use of varying external material finishes to the buildings, landscaping and surfacing materials allowed the development to have a mix in finishes to offer a degree of variety and legibility to the housing development. This proposal has proposed a slight difference to the material finishes, but a condition will be applied to ensure material finishes match those of the established character areas under the original consent.
- 8.3.4 The position of the houses and flats subject to this application do not give rise to any amenity issues in terms of significant adverse overlooking, overshadowing and loss of light to neighbouring house plots.
- 8.3.5 The proposed car parking arrangement for the flats and houses has allowed for the 50% requirement of parking to the side and rear of the building line under policy PP1. This reduces the dominance of parked cars on the street scene compared with extant consent. The communal parking for flats is broken up by planting to ensure parking provision is broken up at an interval of every 4 spaces with shrub planting.
- 8.3.6 Sufficient landscaping has been proposed, with hedge boundary treatment on front gardens where they have a road frontage and trees within the development. The species are suitable for the character areas established under 18/01142/APP.
- 8.3.7 Overall, the design and siting of the proposal is considered to comply with policies PP1 and DP1.
- 8.4 **Biodiversity**  
Under policy EP2, new development proposal of four or more houses must ensure they safeguard and enhance biodiversity. In this case a biodiversity statement provided with the application has identified that landscaping, along with bat and bird boxes will be provided in order to enhance biodiversity. Subject to condition ensuring the specific location for these measures is identified (as part of the wider landscaping proposals) and given the scale and type of development (remixing a consented scheme), the proposed biodiversity measures are considered to be acceptable in terms of policy EP2.
- 8.5 **Parking and Access**  
The proposed parking arrangement is considered suitable, with the Transportation Manager raising no objections to this proposal, subject to conditions ensuring electric vehicle charging infrastructure can be accommodated within the development, cycle parking is provided for flats and ensuring parking provision is maintained at the numbers proposed. Subject to

these conditions, the proposal is considered to comply with the requirements of policies PP3 and DP1 in respect of parking and access.

**8.6 Drainage and Water**

Existing drainage arrangements consented under application 18/01142/APP will be amended to accommodate the revised proposal subject to this application. Moray Flood Risk Management have raised no objections to the proposal in regards to design.

**8.7 Developer Obligations**

In light of the revisions to this application along with other amendments proposed (see History), an updated developer obligations assessment has been undertaken for the site. The developer has agreed to the heads of terms of these obligations and following determination of this consent (and the others), the legal agreement will be varied to take account of these amendments. Subject to this being undertaken the proposal complies with policy PP3.

**8.8 Affordable and Accessible Housing**

The revisions proposed have impacted on the provision of affordable housing. The extant consent provides 25% affordable housing, and policy DP2 requires 25% to be provided on any housing development of four or more units. In light of the amendments proposed there is a net increase in 3 units as a result of this proposal. The Housing Manager has not objected to this application but has recommended the proposal be subject to a condition ensuring affordable housing is provided at a rate of 25% across phase 3 (covered under application 18/01142/APP and the student accommodation site (19/00615/APP)).

8.8.1 Plans provided with this and all other applications pending consideration show 25% affordable housing will be provided. The application with affordable housing shown (21/01350/APP) will be conditioned to ensure its provision and secure 25% on site provision of affordable housing, though as no affordable housing is shown as part of this remix application a condition is not necessary for this consent.

8.8.2 Accessible housing figures will see an increase of four ground floor flats provided as part of the wider development of phase 3, however this number will have to be considered as part of the other remixes proposed. Nonetheless, the overall provision of accessible housing exceeds 10% under the original phase 3 consent 18/01142/APP (22.7%).

8.8.3 Taking account of the above considerations there is no conflict with policy DP2.

**Conclusion and Recommendation**

The proposed remix comprises a suitable form of development in terms of siting, design, layout, and can be served by suitable infrastructure (either existing or proposed as part of this proposal or the original consent for the housing development). It therefore complies with relevant policies of the MLDP. Approval is therefore recommended subject to conditions, but consent should be held until the developer has entered into a varied legal agreement of that in place under planning permission 18/01142/APP to secure developer obligations.

**REASON(S) FOR DECISION**

The Council's reason(s) for making this decision are: -

The proposal complies with the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

**Author/Contact  
Officer:**

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**Beverly Smith  
Development Management & Building Standards Manager**



## **APPENDIX**

### **POLICY**

#### **Moray Local Development Plan 2020**

##### **PP1 PLACEMAKING**

- a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
- b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include sufficient information for the council to carry out a Quality Audit. Where considered appropriate by the council, taking account of the nature and scale of the proposed development and of the site circumstances, this shall include a landscaping plan, a topographical survey, slope analysis, site sections, 3D visualisations, a Street Engineering Review and a Biodiversity Plan. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.
- c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles:
  - (i) **Character and Identity**
    - Create places that are distinctive to prevent homogenous 'anywhere' development;
    - Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable;
    - Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of open spaces and streets within a cohesive design strategy for the whole development;
    - Distinctiveness must be reinforced along main thoroughfares, open spaces and places where people may congregate such as shopping/service centres;
    - Retain, incorporate and/or respond to relevant elements of the landscape such as topography and planted features, natural and historic environment, and propose street naming (in residential developments of 20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations;

**(ii) Healthier, Safer Environments**

- Designed to prevent crime, fear of crime and anti-social behaviour with good levels of natural surveillance and security using treatments such as low boundary walls, dual frontages (principal rooms) and well-lit routes to encourage social interaction. Unbroken high boundary treatments such as wooden fencing and blank gables onto routes, open spaces and communal areas will not be acceptable.
- Designed to encourage physical exercise for people of all abilities.
- Create a distinctive urban form with landmarks, key buildings, vistas, gateways and public art to provide good orientation and navigation through the development.
- Provide a mix of compatible uses, where indicated within settlement statements, integrated into the fabric of buildings within the street.
- Prioritise pedestrians and cyclists by providing a permeable movement framework that incorporates desire lines (including connecting to and upgrading existing desire lines) and is fully integrated with the surrounding network to create walkable neighbourhoods and encourage physical activity.
- Integrate multi- functional active travel routes, green and open space into layout and design, to create well connected places that encourage physical activity, provide attractive spaces for people to interact and to connect with nature.
- Create safe streets that influence driver behaviour to reduce vehicle speeds that are appropriate to the local context such as through shorter streets, reduced visibility and varying the building line.
- Provide seating opportunities within streets, paths and open spaces for all generations and mobility's to interact, participate in activity, and rest and reflect.
- Provide for people with mobility problems or a disability to access buildings, places and open spaces.
- Create development with public fronts and private backs.
- Maximise environmental benefits through the orientation of buildings, streets and open space to maximise the health benefits associated with solar gain and wind shelter.

**(iii) Housing Mix**

- Provide a wide range of well integrated tenures, including a range of house types and plot sizes for different household sizes, incomes and generations and meet the affordable and accessible requirements of policy DP2 Housing.
- All tenures of housing should have equal access to amenities, greenspace and active travel routes.

**(iv) Open Spaces/Landscaping**

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and Drainage Impact Assessment for New Developments Supplementary Guidance.

- Landscaped areas must provide seasonal variation, (mix of planting and colour) including native planting for pollination and food production.
- Landscaping areas that because of their size, shape or location would not form any useable space or that will not positively contribute to the character of an area will not contribute to the open space requirements of Policy EP4 Open Space.
- Semi-mature tree planting and shrubs must be provided along all routes with the variety of approaches reflecting and accentuating the street hierarchy.
- Public and private space must be clearly defined.
- Play areas (where identified) must be inclusive, providing equipment so the facility is for every child/young person regardless of ability and provided upon completion of 50% of the character area.
- Proposals must provide advance landscaping identified in site designations and meet the quality requirements of policy EP5 Open Space.
- Structural landscaping must incorporate countryside style paths (such as bound or compacted gravel) with waymarkers.
- Maintenance arrangements for all paths, trees, hedging, shrubs, play/sports areas, roundabouts and other open/ green spaces and blue/green corridors must be provided.

**v) Biodiversity**

- Create a variety of high quality multi- functional green/blue spaces and networks that connect people and nature, that include trees, hedges and planting to enhance biodiversity and support habitats/wildlife and comply with policy EP2 Biodiversity and Geodiversity and EP5 Open Space.
- A plan detailing how different elements of the development will contribute to supporting biodiversity must be included in the design statement submitted with the planning application.
- Integrate green and blue infrastructure such as swales, permeable paving, SUDS ponds, green roofs and walls and grass/wildflower verges into streets, parking areas and plots to sustainably address drainage and flooding issues and enhance biodiversity from the outset of the development.
- Developments must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.

**(vi) Parking**

- Car parking must not dominate the streetscape to the front or rear of properties. On all streets a minimum of 50% of car parking must be provided to the side or rear and behind the building line with a maximum of 50% car parking within the front curtilage or on street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments that enhance the streetscape.
- Provide semi-mature trees and planting within communal private and public/visitor parking areas and on-street parking at a maximum interval of 4 car parking spaces.
- Secure and covered cycle parking and storage, car sharing spaces and electric car charging points must be provided in accordance with policy DP1 Development Principles.

- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

**(vii) Street Layout and Detail**

- Provide a clear hierarchy of streets reinforced through street width, building density and street and building design, materials, hard/soft landscaping and a variety of approaches to tree planting and shrubs.
- Streets and connecting routes should encourage walking and cycling over use of the private car by providing well connected, safe and appealing routes.
- Design junctions to prioritise pedestrians, accommodate active travel and public transport and service/emergency vehicles to reflect the context and urban form and ensure that the street pattern is not standardised.
- Dead-end streets/cul-de-sacs will only be selectively permitted such as on rural edges or where topography, site size, shape or relationship to adjacent developments prevent an alternative more permeable layout. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
- Where a roundabout forms a gateway into, or a landmark within, a town and/or a development, it must be designed to create a gateway feature or to contribute positively to the character of the area.
- Design principles for street layouts must be informed by a Street Engineering Review (SER) and align with Roads Construction Consent (RCC) to provide certainty that the development will be delivered as per the planning consent.

- (d) Future masterplans will be prepared through collaborative working and in partnership between the developer and the council for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. Masterplans that are not prepared collaboratively and in partnership with the council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan.
- (e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

**PP3 INFRASTRUCTURE & SERVICES**

Development must be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services.

- a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:
- i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.



- ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
- iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
- iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
- v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
- vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
- vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.
- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

**b) Development proposals will not be supported where they:**

- i) Create new accesses onto trunk roads and other main/key routes (A941 & A98) unless significant economic benefits are demonstrated or such access is required to facilitate development that supports the provisions of the development plan.
- ii) Adversely impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated by an equivalent or better alternative provision in a location convenient for users.
- iii) Adversely impact on blue/green infrastructure, including green networks important for wildlife unless an equivalent or better alternative provision will be provided.
- iv) Are incompatible with key waste sites at Dallachy, Gollanfield, Moycroft and Waterford and would prejudice their operation.
- v) Adversely impact on community and recreational sites, buildings or infrastructure including CF designations and cannot be adequately mitigated.
- vi) Adversely impact on flood alleviation and mitigation infrastructure.
- vii) Compromise the economic viability of bus or rail facilities.

**c) Harbours**

Development within and diversification of harbours to support their sustainable operation will be supported subject to compliance with other policies and settlement statements.

**d) Developer Obligations**

Developer obligations will be sought to mitigate any measurable adverse impact of a development proposal on local infrastructure, including education, healthcare, transport (including rail), sports and recreational facilities and access routes. Obligations will be sought to reduce, eliminate or compensate for this impact. Developer obligations may also be sought to mitigate any adverse impacts of a development, alone or cumulatively with other developments in the area, on the natural environment.

Where necessary obligations that can be secured satisfactorily by means of a planning condition attached to planning permission will be done this way. Where this cannot be achieved, the required obligation will be secured through a planning agreement in accordance with Circular 3/2012 on Planning Obligations.

Developer obligations will be sought in accordance with the Council's Supplementary Guidance on Developer Obligations. This sets out the anticipated infrastructure requirements, including methodology and rates.

Where a developer considers that the application of developer obligations renders a development commercially unviable a viability assessment and 'open-book accounting' must be provided by the developer which Moray Council, via the District Valuer, will verify, at the developer's expense. Should this be deemed accurate then

the Council will enter into negotiation with the developer to determine a viable level of developer obligations.

The Council's Developer Obligations Supplementary Guidance provides further detail to support this policy.

## **DP1 DEVELOPMENT PRINCIPLES**

This policy applies to all development, including extensions and conversions and will be applied reasonably taking into account the nature and scale of a proposal and individual circumstances.

The Council will require applicants to provide impact assessments in order to determine the impact of a proposal. Applicants may be asked to determine the impacts upon the environment, transport network, town centres, noise, air quality, landscape, trees, flood risk, protected habitats and species, contaminated land, built heritage and archaeology and provide mitigation to address these impacts.

Development proposals will be supported if they conform to the relevant Local Development Plan policies, proposals and additional guidance, meet the following criteria and address their individual and cumulative impacts:

### **(i) Design**

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m<sup>2</sup>, excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

## **(ii) Transportation**

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Maximum (50%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.

- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.
- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

**(iii) Water environment, pollution, contamination**

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).
- b) New development should not be located in areas at flood risk or increase vulnerability to flooding (see Policy EP12). Exceptions to this would only be considered in specific circumstances, e.g. extension to an existing building or change of use to an equal or less vulnerable use. Where this exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets.
- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures.
- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.

- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

## **DP2 HOUSING**

- a) Proposals for development on all designated and windfall housing sites must include a design statement and shall include supporting information regarding the comprehensive layout and development of the whole site, addressing infrastructure, access for pedestrians, cyclists, public transport and service vehicles, landscaping, drainage, affordable and accessible housing and other matters as may be required by the planning authority, unless these requirements are not specified in the site designation or are considered not to be required.

Proposals must comply with Policy PP1, DP1, the site development requirements within the settlement plans, all other relevant policies within the Plan and must comply with the following requirements;

- b) Piecemeal/ individual plot development proposals**

Piecemeal and individual/ plot development proposals will only be acceptable where details for the comprehensive redevelopment of the site are provided to the satisfaction of the planning authority and proposals comply with the terms of Policy DP1, other relevant policies including access, affordable and accessible housing, landscaping and open space and where appropriate key design principles and site designation requirements are met.

Proposals for piecemeal/ plot development must be accompanied by a Delivery Plan setting out how the comprehensive development of the site will be achieved.

- c) Housing density**

Capacity figures indicated within site designations are indicative only. Proposed capacities will be considered through the Quality Auditing process against the characteristics of the site, character of the surrounding area, conformity with all policies and the requirements of good Placemaking as set out in Policies PP1 and DP1.

- d) Affordable Housing**

Proposals for all housing developments (including conversions) must provide a contribution towards the provision of affordable housing.

Proposals for new housing developments of 4 or more units (including conversions) must provide 25% of the total units as affordable housing in affordable tenures to be agreed by the Housing Strategy and Development Manager. For proposals of less than 4 market housing units a commuted payment will be required towards meeting housing needs in the local housing market area.

A higher percentage contribution will be considered subject to funding availability, as informed by the Local Housing Strategy. A lesser contribution or alternative in the form of off-site provision or a commuted payment will only be considered where exceptional site development costs or other project viability issues are demonstrated and agreed by the Housing Strategy and Development Manager and the Strategic Planning and Development Manager. Intermediate tenures will be considered in

accordance with the HNDA and Local Housing Strategy, and agreed with the Housing Strategy and Development Manager.

Further detail on the implementation of this policy is provided in the Policy Guidance note on page 40.

**e) Housing Mix and Tenure Integration**

Proposals must demonstrate tenure integration and meet the following criteria;

- Architectural style and external finishes must ensure that homes are tenure blind
- The spatial mix must ensure communities are integrated to share school catchment areas, open spaces, play areas, sports areas, bus stops and other community facilities.

**f) Accessible Housing**

Housing proposals of 10 or more units incorporating affordable housing will be required to provide 10% of the private sector units to wheelchair accessible standard. Flexibility may be applied on sites where topography would be particularly challenging for wheelchair users.

Further detail on the implementation of this policy is provided in the Policy Guidance note on page 41.

**POLICY GUIDANCE NOTE- AFFORDABLE AND ACCESSIBLE HOUSING**

**Affordable Housing**

Providing affordable housing is a key priority for Moray Council and this is reflected in the Local Outcomes Improvement Plan (LOIP) and the Local Housing Strategy (LHS). The Council's Housing Need and Demand Assessment 2017 highlights the significant requirement for affordable housing in Moray, which is a national issue, resulting from a number of factors including affordability issues, downturn in the economy and the shortage of public and private sector rented houses.

Planning policies assist with the provision of affordable housing, which is defined in Scottish Planning Policy (SPP) as;

"housing of a reasonable quality that is affordable to people on modest incomes. Affordable housing may be provided in the form of social rented accommodation, mid-market rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for self-build and low cost housing without subsidy." This local development plan regards lower quartile earnings as "modest incomes".

The 2017 HNDA identified a requirement for 56% of all need and demand to be affordable units in Moray between 2017 and 2035. This Local Development Plan has lowered the threshold so that individual house proposals are required to make a contribution towards affordable housing provision, which is intended to ensure proposals do not circumnavigate the policy and provide a fair and transparent process.

A number of variables influence affordability of housing, including mortgage deposit requirements, mortgage interest rates, lower quartile house prices, lower quartile private rents, lower quartile full time gross earnings. Changes in these variables will affect the affordability of housing in Moray. The maximum affordable rent and maximum affordable house purchase prices is published on the Council's website at [http://www.moray.gov.uk/moray\\_standard/page\\_90100.html](http://www.moray.gov.uk/moray_standard/page_90100.html). The current Local Housing Allowance will be used as a proxy for average private sector rents.

Affordable housing should be provided on site and as part of a mixed development of private and affordable units. To meet the need for affordable housing there may be proposals for 100% provision of affordable housing and these will be acceptable as part of a wider mixed community, provided all other Local Development Plan policies are met.

The policy requires single house proposals to make a commuted sum payment as a developer obligation towards affordable housing, with the cost figure published annually on the Council website at [http://www.moray.gov.uk/moray\\_standard/page\\_94665.html](http://www.moray.gov.uk/moray_standard/page_94665.html) and determined by the District Valuer's assessment of the value of serviced land for affordable housing in Moray. This allows developers to be clear at the outset of a project about the potential cost of commuted payments and should be reflected in land values.

The type of affordable housing to be provided will be determined by the Housing and Property service. Developers should contact Housing and Property as early as possible. Housing and Property will decide whether a commuted payment or affordable units will be required on a site by site basis. Housing and Property will provide developers with an affordable housing mix, detailing the size and type of housing required based on HNDA/LHS requirements.

The Council will consider the following categories of affordable housing within the context of the needs identified in the HNDA/ LHS;

- Social rented accommodation- housing provided by an affordable rent managed by a Registered Social Landlord such as a housing association or another body regulated by the Scottish Housing Regulator, including Moray Council.
- Mid-market rent accommodation- housing with rents set at a level higher than purely social rent, but lower than market rent levels and affordable by households in housing need. Mid-market rent housing can be provided by the private and social housing sectors.
- Shared equity housing- sales to low income households, administered through a Scottish Government scheme e.g. Low-cost initiative for First Time Buyers (LIFT).

Any proposals to provide affordable housing in a form other than those listed above, must demonstrate that the cost to the householder is "affordable" in the Moray context and that the property will remain "affordable" in perpetuity.

Affordable housing requirement figures will be rounded up.

The Strategic Housing Investment Plan (SHIP) is produced annually by the Council and identifies details of the proposed delivery of affordable housing.

### **Accessible housing**

Scottish Planning Policy states (para 28) that "the aim is to achieve the right development in the right place; it is not to allow development at any cost" and "that policies and decisions should be.....supporting delivery of accessible housing."

Policy DP2 aims to;



- Assist the Council, the NHS and the Health and Social Care Moray to meet the challenges presented by our ageing population and the shared aim of helping people to live well at home or in a homely setting. The HNDA 2017 demonstrates that Moray's population is ageing and there is a trend towards older and smaller households.
- Provide increased choice of tenure to people with physical disabilities or mobility impairments, by increasing the supply of accessible housing in the private sector. There is currently a mismatch between the size and type of housing required and the size and type of housing available across all tenures. This mismatch, along with increasing housing needs associated with physical disability, are the likely drivers of owner occupiers seeking public sector accessible housing to meet medical needs.

Accessible/ adapted housing can promote independence and wellbeing for older or disabled people, can facilitate self- care, informal care and unpaid care, potentially prevent falls and hospital admissions and can delay entry into residential care.

Policy DP2 requires that housing proposals of 10 or more units incorporating affordable housing must provide 10% of the private sector units to wheelchair accessible standard where all the rooms are accessible to a wheelchair user.

This applies to new build and conversion/ redevelopment projects. Flexibility may apply where there is extremely challenging topography or where the site is in a remote location. For the purposes of Policy DP2, "remote" locations are defined as being rural areas outside settlement and Rural Grouping boundaries as defined in the Local Development Plan.

Accessible units should be in a location which provides convenient access, in terms of distance, gradient and available public transport, to reach the facilities needed for independent living. Small, low maintenance gardens are generally regarded as a positive feature by this customer group.

New wheelchair accessible housing in any tenure must comply with Housing for Varying Needs Standards (HfVNs), including the standards specific to dwellings for wheelchair users. HfVNs is available at [http://webarchive.nationalarchives.gov.uk/20131205115152uo\\_/http://www.archive2.official-documents.co.uk/document/deps/cs/HousingOutput/start.htm](http://webarchive.nationalarchives.gov.uk/20131205115152uo_/http://www.archive2.official-documents.co.uk/document/deps/cs/HousingOutput/start.htm)

The specific design specification required to meet the terms of this policy are;  
External requirements

- location(s) convenient for amenities and facilities e.g. public transport, local shops etc
- car parking space as close as possible to the entrance door and at a maximum distance of 15m (HfVNs para 7.13.4 refers).
- Step free paths within curtilage, ramp gradients preferably of 1:20 but no steeper than 1:12 (HfVNs para 7.7.1 refers)

Internal requirements

- Hallways- minimum 1200mm wide (HfVNs para 10.2.3 refers)
- Door frames- minimum 926mm wide door leaf, giving a clear width of 870mm (HfVNs para 10.5.7 refers)

- Bathrooms/ wet rooms- 1500mm wheelchair turning circle required (HfVNs para 14.9.2 refers)

Accessible housing requirement figures will be rounded down.

All proposals for new build or converted housing should set out details of how they will comply with this policy in their planning application.

## **EP2 BIODIVERSITY**

All development proposals must, where possible, retain, protect and enhance features of biological interest and provide for their appropriate management. Development must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.

Development should integrate measures to enhance biodiversity as part of multi-functional spaces/ routes.

Proposals for 4 or more housing units or 1000 m<sup>2</sup> or more of commercial floorspace must create new or, where appropriate, enhance natural habitats of ecological and amenity value.

Developers must demonstrate, through a Placemaking Statement where required by Policy PP1 which incorporates a Biodiversity Plan, that they have included biodiversity features in the design of the development. Habitat creation can be achieved by providing links into existing green and blue networks, wildlife friendly features such as wildflower verges and meadows, bird and bat boxes, amphibian friendly kerbing, wildlife crossing points such as hedgehog highways and planting to encourage pollination, wildlife friendly climbing plants, use of hedges rather than fences, incorporating biodiversity measures into SUDS and retaining some standing or lying dead wood, allotments, orchards and woodlands.

Where development would result in loss of natural habitats of ecological amenity value, compensatory habitat creation will be required where deemed appropriate.

## **EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT**

### **a) Flooding**

New development will not be supported if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. For development at or near coastal locations, this includes consideration of future flooding that may be caused by sea level rise and/or coastal change eroding existing natural defences in the medium and long term.

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 Scottish Planning Policy and to the satisfaction of Scottish Environment Protection Agency and the Council is provided by the applicant.

There are different levels of flood risk assessment dependent on the nature of the flood risk. The level of assessment should be discussed with the Council prior to submitting a planning application.

**Level 1** - a flood statement with basic information with regard to flood risk.

**Level 2** - full flood risk assessment providing details of flood risk from all sources, results of hydrological and hydraulic studies and any appropriate proposed mitigation.

Assessments must demonstrate that the development is not at risk of flooding and would not increase the probability of flooding elsewhere. Level 2 flood risk assessments must be signed off by a competent professional. The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required.

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. Proposed development in coastal areas must consider the impact of tidal events and wave action when assessing potential flood risk.

The following limitations on development will also be applied to take account of the degree of flooding as defined in Scottish Planning Policy;

- 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. A flood risk assessment may be required at the upper end of the probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.
- c) Areas of medium to high risk (0.5% or above) may be suitable for:
  - Residential, institutional, commercial and industrial development within built up areas provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan.
  - Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow.
  - Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
  - Employment related accommodation e.g. caretakers or operational staff.

Areas within these risk categories will generally not be suitable for the following uses and where an alternative/lower risk location is not available;

- Civil infrastructure and most vulnerable uses.
- Additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons e.g. for navigation and water based recreation, agriculture, transport or utilities infrastructure (which should be designed to be operational during floods and not impede water flows).
- New caravan and camping sites

Where development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water resistant materials and construction must be used where

appropriate. Land raising and elevated buildings on structures such as stilts are unlikely to be acceptable.

**b) Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)**

Surface water from development must be dealt with in a sustainable manner that has a neutral effect on flooding or which reduces the risk of flooding. The method of dealing with surface water must also avoid pollution and promote habitat enhancement and amenity. All sites must be drained by a sustainable drainage system (SUDS) designed in line with current CIRIA guidance. Drainage systems must contribute to enhancing existing "blue" and "green" networks while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives.

When considering the appropriate SUDS design for the development the most sustainable methods, such as rainwater harvesting, green roofs, bio retention systems, soakaways, and permeable pavements must be considered first. If it is necessary to include surface water attenuation as part of the drainage system, only above ground attenuation solutions will be considered, unless this is not possible due to site constraints.

If below ground attenuation is proposed the developer must provide a robust justification for this proposal. Over development of a site or a justification on economic grounds will not be acceptable. When investigating appropriate SUDS solutions developers must integrate the SUDS with allocated green space, green networks and active travel routes to maximise amenity and biodiversity benefits.

Specific arrangements must be made to avoid the issue of permanent SUDS features becoming silted-up with run-off. Care must be taken to avoid the spreading and/or introduction of invasive non-native species during the construction of all SUDS features. On completion of SUDS construction the developer must submit a comprehensive Operation and Maintenance Manual. The ongoing maintenance of SUDS for all new development will be undertaken through a factoring agreement, the details of which must be supplied to the Planning Authority.

All developments of less than 3 houses or a non-householder extension under 100 square metres must provide a Drainage Statement. A Drainage Assessment will be required for all developments other than those identified above.

**c) Water Environment**

Proposals, including associated construction works, must be designed to avoid adverse impacts upon the water environment including Ground Water Dependent Terrestrial Ecosystems and should seek opportunities for restoration and/or enhancement, if appropriate. The Council will only approve proposals impacting on water features where the applicant provides a report to the satisfaction of the Council that demonstrates that any impact (including cumulative) on water quality, water quantity, physical form (morphology), river hydrology, sediment transport and erosion, coastal processes (where relevant) nature conservation (including protected species), fisheries, recreational, landscape, amenity and economic and social impact can be adequately mitigated.

The report must 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.

A buffer strip of at least 6 metres between any new development and all water features is required and should be proportional to the bank width and functional river corridor (see table on page 96). This must achieve the minimum width within the specified range as a standard, however, the actual required width within the range should be calculated on a case by case basis by an appropriately qualified individual. These must be designed to link with blue and green networks, including appropriate native riparian vegetation and can contribute to open space requirements.

Developers may be required to make improvements to the water environment as part of the development. Where a Water Framework Directive (WFD) water body specific objective is within the development boundary, or in proximity, developers will need to address this within the planning submission through assessment of potential measures to address the objective and implementation, unless adequate justification is provided. Where there is no WFD objective the applicant should still investigate the potential for watercourse restoration along straightened sections or removal of redundant structures and implement these measures where viable.

<b>Width to watercourse (top of bank)</b>	<b>Width of buffer strip (either side)</b>
Less than 1m	6m
1-5m	6-12m
5-15m	12-20m
15m+	20m+

The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required to support proposals.

## **EP13 FOUL DRAINAGE**

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population must connect to the public sewerage system unless connection 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 allocated within its investment Programme and the following requirements have been met;

- Systems must not have an adverse effect 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 above) of less than 2,000 population will require to connect to public sewerage 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 a risk of detrimental effects, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area.

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 Regulations) must be explored prior to considering a discharge to surface waters.

## **EP14 POLLUTION, CONTAMINATION & HAZARDS**

### **a) Pollution**

Development proposals which may cause significant air, water, soil, light or noise pollution or exacerbate existing issues must be accompanied by a detailed assessment report on the levels, character and transmission of the potential pollution with measures to mitigate impacts. Where significant or unacceptable impacts cannot be mitigated, proposals will be refused.

### **b) Contamination**

Development proposals on potentially contaminated land will be approved where they comply with other relevant policies and;

- i) 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
- ii) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/ or treatment of any hazardous material.

### **c) Hazardous sites**

Development proposals must avoid and not impact upon hazardous sites or result in public safety concerns due to proximity or use in the vicinity of hazardous sites.

## **R2 Ferrylea 22.2ha 380 units**

- Phases 1 and 2 of development has commenced with 249 units consented.
- A masterplan is required, incorporating land at West Park Croft, showing connections between all areas, proposed landscaping, the required affordable and accessible housing and required buffer to the gas pipeline.
- Lowering of density onto the rural edge required.
- Pocket park within south eastern part of site required.
- Transport Assessment required.
- Junction improvements required within Forres, scale to be determined through the Transport Assessment.
- Widening of Mannachie Road along frontage of site to 6m and provision of a 3m wide cycle path to the west side connecting to the north and completing any missing sections between the site and the existing network to the north required.
- Contribution required towards path widening along Mannachie Road to 3m wide from development to core path FR22 (including provision for a crossing).
- Widening of Mannachie Road to 5.5m from Link Road access, south to access to West Park Croft and safeguarding for future widening within site boundary beyond this is required.

- Assessment for additional bus stop infrastructure within the frontage of the development must be considered as part of the overall R2/R4/R6 bus stop infrastructure provision and accessibility to bus stops.
- A developer contribution towards public transport will be sought.
- Path links must be provided to the woodland to the south of the site, and north into adjacent housing at Mannachie Brae.
- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- Phase 1 Habitat Survey required.
- Archaeological targeted evaluation (10%) of known features and monitored topsoil strip of all remaining areas required.