

19/01127/APP
12th September
2019

Residential development for 11 dwellings including affordable houses and associated infrastructure/landscaping on Whiteland Site To Rear Of Ewing Crescent Buckie Moray for Mr Fredrick Parkes

Comments:

- A SITE VISIT has been carried out.
- The application is reported to committee because the site extends to more than 2ha.
- The application was advertised for neighbour notification purposes.
- 48 representations received. 42 opposed and 6 in support.

Procedure:

A S.75 agreement will be required before a decision can be issued.

Recommendation

Grant Planning Permission – Subject to the following:

Conditions/Reasons

1. All landscaping shall be carried out as detailed on the approved plan entitled 'Compensatory Tree Planting Plan rev B'. Notwithstanding the approved landscaping details no development shall commence until details of additional planting along all boundaries that plots 9,10 & 11 share with the property known as Briarbank' have been submitted to and approved in writing by the planning authority. There after approved landscaping shall be carried out in accordance with condition 2 below.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

2. No development shall commence until details of the timescales and maintenance arrangements for all proposed landscaping (including the compensatory planting) and open space have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall not proceed except in accordance with the approved details. For the avoidance of doubt all

landscaping shall be carried out as detailed on the approved plan entitled 'Compensatory Tree Planting Plan rev B'.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

3. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. A full specification for archaeological works can be provided by Aberdeenshire Archaeology Service and the work shall comprise a 5-7% archaeological trial trenching to be undertaken by a suitably qualified archaeological contractor. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

4. No development, site excavation or groundwork (including archaeological trial trenching) shall commence until the tree protection measures detailed in the Arboricultural Impact Assessment/Method Statement, Proposed Housing Development, Site to Rear of Ewing Crescent, Buckie, dated 2 September 2019 and on the approved plan entitled Tree Protection Plan Revision C have been implemented in full. These measures shall remain in place throughout the construction period and must not be moved or removed during the construction period without the prior written approval of the Planning Authority.

Reason: In order to ensure the protection of retained trees, which are important amenity assets, during construction.

5. No trees within the application site, other than those which are specifically identified for removal on the approved plans, shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority

Reason: In order to ensure the protection of retained trees, which are important amenity assets.

6. No works shall commence on site until a construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Council as Planning Authority in consultation with the Roads Authority. The CTMP shall include as a minimum the following information:

- a. Duration of works;
- b. Construction programme;
- c. Number of vehicle movements (i.e materials, plant , staff, compounds)
- d. Schedule of delivery of materials and plant;
- e. Full details of construction traffic routes to the site including any temporary construction accesses;
- f. measures to be put in place to prevent material being deposited on the public road;
- g. Traffic management measures to be put in place during works including any specific instructions to drivers;
- h. Parking provision for site staff;
- i. Drop-off and turning provision for delivery vehicles to ensure entry and exit in a forward gear;
- j. Hours of operation and restrictions during school arrival and departure times from the existing housing;
- k. Arrangements for providing residents with information on works, points of contact for liaison and emergencies.

Thereafter, the development shall only proceed in accordance with the approved details, unless otherwise approved in writing by the Planning Authority in consultation with the Roads Authority.

Reason: To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site, road safety and the amenity of the area/adjacent properties

- 7. Notwithstanding the details submitted for the proposed 2.5m path connection to Barr Close, and the non-adopted private access road serving plots 5-8 (which are not accepted). No development shall commence until the following details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with Roads Authority. Thereafter, the development shall only progress in accordance with the approved details and the approved arrangements shall be completed and open for use prior to the occupation of any house within the development:
 - a. Plan(s) (1:200min) showing a kerbed, continuous 2.5m cyclepath along the frontage of plots 5 to 8 between the plots and the private drive. The path shall be tapered at 1:10 (minimum) into the 2m footpath at plot 4. From the end of the shared driveway serving plot 8 to the turning head at Barr Close, the cycle path shall be widened to 3.0m (taper details to be agreed but not less than 1:10) and set back 0.5m from the plot boundary.

Reason: In the interests of pedestrian and cycle connectivity to the proposed

- 8. The road width shall be 5.5 metres wide with a continuous 2 metre wide footway on the south side from Greenlaw Lane and with a road narrowing/traffic calming feature opposite plot 2 as shown on Drawing No. BW01 900.

Reason: To ensure acceptable infrastructure at the development access.

9. The width of each individual vehicular access shall be a minimum of 3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the prospective public carriageway. The part of the access over the prospective public footway/verge shall be to The Moray Council specification and surfaced with bituminous macadam. Drop kerbs shall be provided across the access to The Moray Council specification.

Reason: To ensure acceptable infrastructure at individual development accesses.

10. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access/accesses.

11. Parking provision shall be as follows:
- Minimum of 2 spaces for a dwelling with three bedrooms or less; or
 - Minimum of 3 spaces for a dwelling with four bedrooms or more.

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

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

12. No boundary fences, hedges, walls or any other obstruction fronting onto the prospective public road shall be within 2.4 of the edge of the carriageway and shall not exceed 1.0m in height.

Reason: To ensure acceptable infrastructure at the development access

13. Trees shall be set back at a minimum of 5.0m from the edge of the prospective public road carriageway, unless suitable root protection is utilised. The details of any proposed root protection shall be submitted to and approved in writing by the Council, as planning authority in consultation with the roads authority. Thereafter the root protection measures shall be installed in accordance with the agreed details.

Reason: to prevent root interference that could compromise the public road carriageway (and the utilities contained therein) thereby ensuring acceptable infrastructure at the development access, in the interests of road safety.

14. All foul and surface water drainage proposals shall be in accordance with the submitted report Drainage Assessment Proposed Development Buckie, August 2019. Thereafter the approved details shall be implemented in full prior to the first occupation of any part of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SuDS; in order to protect the water environment.

15. The house hereby approved on plot 6 shall be accessible in accordance with the applicant's Accessible Housing Statement of Compliance (as contained within the applicants Design and Access Statement dated August 2018) and drawings Ash House type drawing no 6. Thereafter, the accommodation shall, at all times, remain capable for adaptation to accessible housing needs unless otherwise agreed with the Council, as Planning Authority.

Reason: To ensure an acceptable form of development in terms of the required provision and delivery of accessible housing within the site as required and defined in terms of current planning policy and associated supplementary planning guidance.

16. The 2m high privacy fence identified on the approved site plan (1A) shall be provided prior to the first occupation of any of the houses approved on plots 9-11 and maintained in perpetuity.

Reason: In order to safeguard the amenity of neighbouring properties.

17. The houses hereby approved on plots 9-11 shall only be used for affordable housing purposes in accordance with the agreement(s) reached between the applicant/developer and Moray Council and/or any registered social landlord (e.g. housing association or similar) to enable the long term delivery of affordable housing on this site; and no development shall commence until details of the agreement(s) to confirm the arrangements for the delivery of the proposed affordable accommodation hereby approved 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 an acceptable form of development in terms of the required provision and delivery of the affordable housing accommodation proposed for this site wherein the benefits of such provision are passed on to serve the community in future years.

18. For the avoidance of doubt there shall be no change in levels within a 6m buffer zone from the top of the Burn of Buckie.

Reason: To ensure that the development does not increase the risk of flooding on site or elsewhere.

19. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no additional upper floor windows or other openings shall be installed in the south east facing elevations of the houses hereby approved on plots 9 or 10, without planning permission being granted on application to the Planning Authority.

Reason: In order to safeguard the privacy and amenity of occupants of the adjacent property.

Reason(s) for Decision

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

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise.

List of Informatives:

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

A Section 75 Legal Agreement will need to be agreed and Acknowledged with the Registers of Scotland prior to issue of the planning permission.

A Building Warrant will be required from the Building Standards Section prior to the construction of any dwellings.

The TRANSPORTATION MANAGER has commented that:

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

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 applicant will be required to provide technical information, including drawings and drainage calculations. Advice on this matter can be obtained from the Moray Council web site at http://www.moray.gov.uk/moray_standard/page_65638.html

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

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.

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

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

SCOTTISH WATER has commented that:

Infrastructure within boundary

Scottish Water records appear to show abandoned water infrastructure within your site. Please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer below. If the infrastructure requires to be removed to allow your works to proceed please contact the Scottish Water Asset Impact Team using the email address below for guidance prior to commencing the works.

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

Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk www.sisplan.co.uk

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find all of our application forms on our website at the following link
<https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>

10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented:

You will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that any discharge does not result in pollution of the water environment.

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
1	Location plan
1 of 1 B	Compensatory tree planting plan
900	Road layout
901	Longitudinal sections

902	Road drainage layout
903	Drainage longitudinal sections
904	Kerbing layout
905	Engineering construction
906	Swept path analysis
907	Manhole schedule
3	Plot 4 - elevations and floor plans
4.1	Plot 7 - elevations and floor plans
5.1	Plots 1 and 8 - elevations and floor plans
7	Plot 11 - elevations and floor plans
8	Plot 9 - elevations and floor plans
8.1	Plot 10 - elevations and floor plans
9	Garage details - plots 1,2,3,4,5,6,7 and 8
908	Construction details
2	Site plan and sections
4	Plot 2 - elevations and floor plans
6	Plot 6 - elevations and floor plans
5	Plot 3 - elevations and floor plans
3.1	Plot 5 - elevations and floor plans



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
19/01127/APP

Site Address:
Whiteland Site To Rear Of
Ewing Crescent Buckie

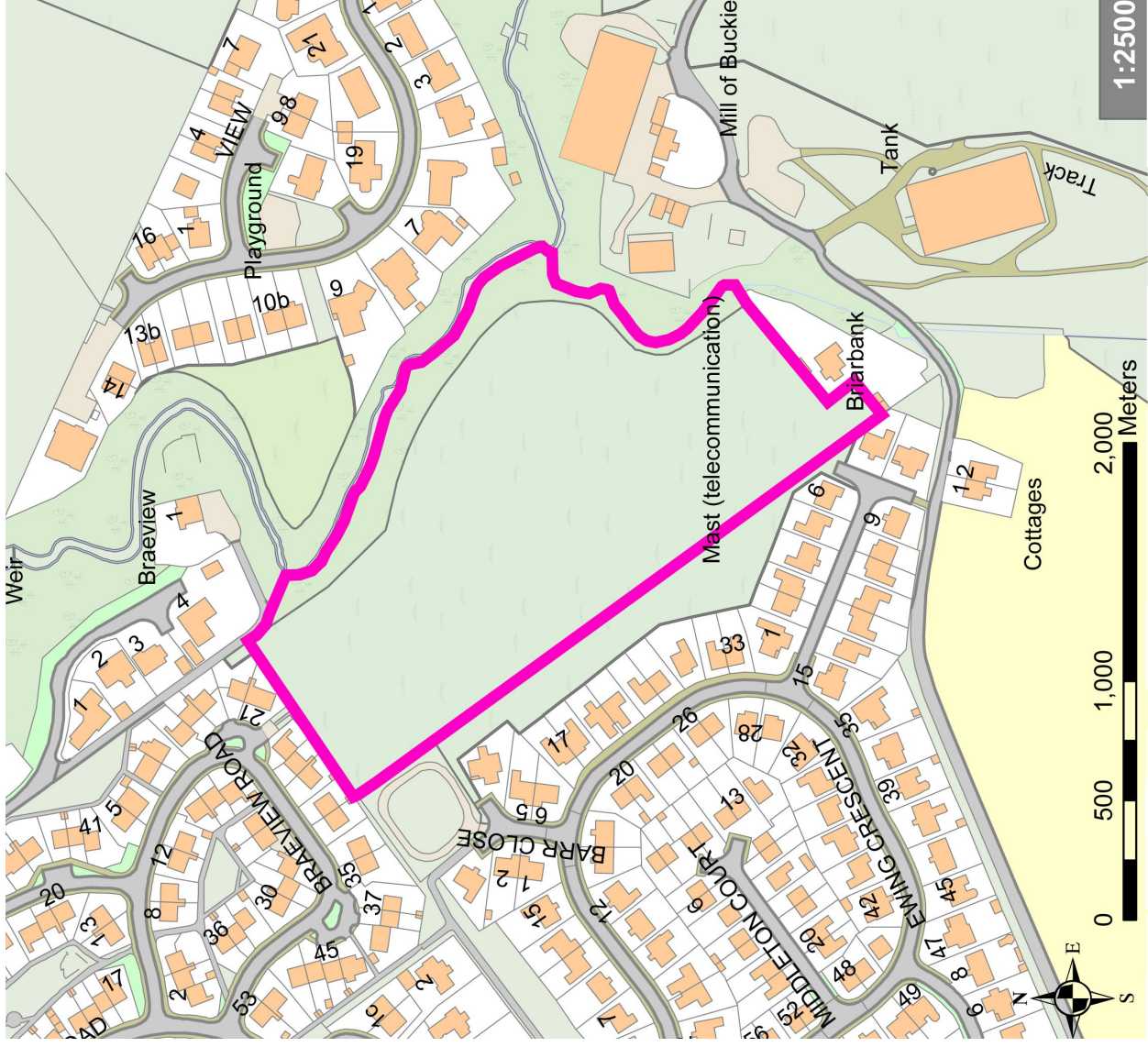
Applicant Name:
Mr Fredrick Parkes

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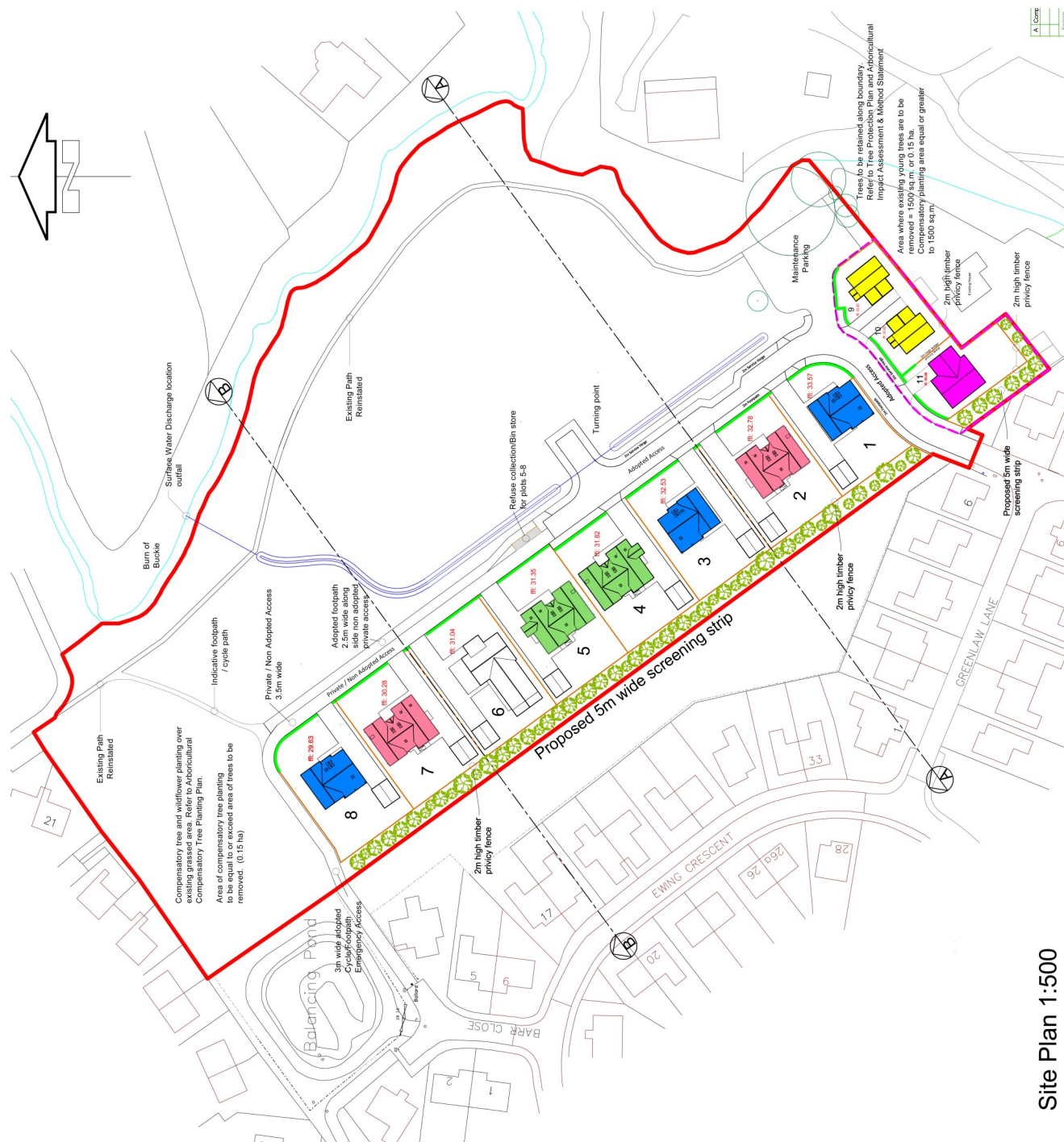
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Location Plan



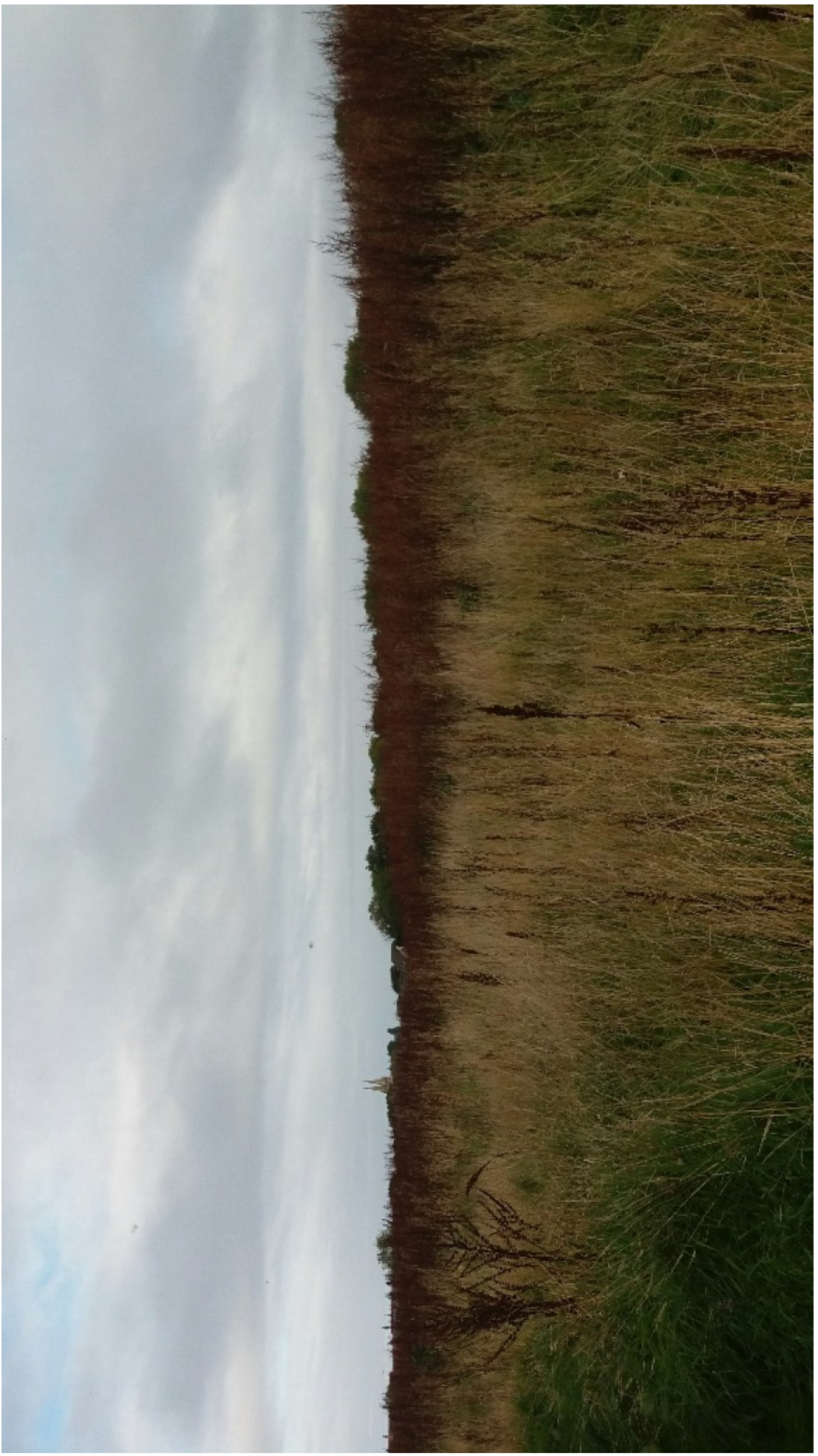
Site Location



Site Plan 1:500











PLANNING APPLICATION: 19/01127/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

THE PROPOSAL

- This application seeks planning permission for 11 houses with associated access, parking and surface water drainage. Footpaths and an area of landscaping with a maintenance parking area are also proposed.
- The houses are shown in the western and southern part of the site with landscaped areas to the north and west.
- The site will be served from the south west via Greenlaw Lane. It is proposed that the road will be adopted as far as plot 4 and thereafter it will be a private access.
- Footpath connections are proposed to the north east and north west.
- The development includes 3 affordable housing units (plots 9-11) and one accessible unit (plot 6).
- Six house types are proposed - Ash (4 bedroom single storey house, accessible), Spruce (5 bedroom 1 ¾ storey house), Birch (4 bedroom 1 ¾ storey house), Rowan (4 bedroom 1 ¾ storey house), AF-01 (two bedroom affordable single storey house with car port) and AF02 (4 bedroom two storey affordable house).
- Plots 1-8 will each have a single storey garage. The garages will be timber clad with concrete roof tiles.
- The houses will be finished in a white synthetic render with flat grey concrete tiles on the roof and some elements of timber cladding.
- Surface water will be directed to a swale running through the landscape area and discharging to an existing burn which follows the north eastern boundary of the site.
- The houses will be connected to the public sewer and water supply.
- Some 1500m2 of trees will be removed but an equivalent level of compensatory planting will be provided in the northern part of the site.
- Two other additional areas of planting are proposed in the eastern part of the site and screen planting is proposed along the south western boundary and a small section of the south eastern boundary.
- The application is supported by a Design and Access Statement (including Sustainability Statement and Accessible Housing Statement), Ecological Assessment, Arboricultural Impact Assessment and Method Statement, Drainage Assessment, Habitat Survey, Landscaping Plan, Design Statement, Transport Assessment, Tree and Woodland Survey.

THE SITE

- The site extends to 2.8ha and is to the north east of the recent development at Barhill Road in Buckie.

- The site is largely open grass land but there is a band of mature trees along the north eastern boundary of the site. This is part of a larger woodland that continues to the east of the application site.
- There is a group of sycamore trees in the south east of the site.
- The development will connect to the public road at Greenlaw Lane to the south west of the site.
- Foot/cycle path connections are proposed at the north west and north east of the site.
- There are changes in levels across the site. The site is slightly higher than the development to the west.
- There are houses on the boundary of the site to the north west, south west and south east of the site.
- The Mill of Buckie which is a site of archaeological interest is to the east of the site.
- The site is not covered by any designation in the current Moray Local Development Plan (2015).
- In the Moray Local Development 2020 the site is covered by the Buckie ENV6 designation. An objection was received to the allocation of this ENV designation during the public consultation therefore minimal weight can be given to this designation at this time. At a meeting of the Planning and Regulatory Services committee on June 25 2019 the Committee agreed the Council's response to the objection to the ENV allocation. It was agreed that subject to a future planning application being approved the Council would not object to part of the site being "white land" with small scale residential proposals to be determined against Local Development Plan policies and the remainder of the site being identified as an ENV.

HISTORY

19/00621/APP - Erect 11 dwelling including affordable houses formation of Community Woodland and related pedestrian /Cycle pathways on Site To Rear Of Ewing Crescent Buckie – withdrawn 03/09/19.

POLICY - SEE APPENDIX

ADVERTISEMENTS

- Advertised for neighbour notification purposes.

CONSULTATIONS

Strategic Planning & Delivery:

- The site is classed as "white land" in the Moray Local Development Plan 2015 and there is no existing use on the site;
- The site is designated as ENV6 in the Moray Local Development Plan 2020 but minimal weight is attached to this designation as objections have been received. At a meeting of the Planning and Regulatory Services committee on June 25 2019 the Committee agreed that the Council would not object to a small area of the site being designated 'white land' with the rest remaining ENV;

- The site is regarded as a windfall site. It will contribute to the housing land supply and SPP's requirements to provide a range of attractive sites;
- The proposal does not affect the quality of the surrounding environment. The proposal is for a strip of housing backing onto an existing large housing development with good connections being provided. It has been sited to maximise the area of open space and reflects the existing development while having its own character;
- The proposed landscaping would transform and reconfigure the area of unmanaged grassland;
- The applicant has provided an Ecological Report which states that the proposed development will make a positive contribution to the local ecological and green network and deliver significant ecological enhancements to the current undermanaged site;
- Significant compensatory planting has been provided on the site which exceeds the number of trees that will be lost. Adequate servicing and infrastructure can be provided; and
- The accompanying Quality Audit shows that the proposal has complied with Primary Policy PP3 Placemaking and scored green in every category.

Developer Obligations: Obligations of £71500 are sought towards primary education and health care requirements. This will be controlled by legal agreement.

Transportation: No objection.

- The development is below the threshold where a Transport Assessment would be required
- The existing road network has been designed to adoptable standard
- The existing access from Barhill Road can be accessed from multiple points and there are other pedestrian access
- A cycle path is proposed to the north which is would be the most direct route for non-vehicular trips to schools, shops and services
- The proposed new road is relatively short and narrow which will deter fast speeds
- Greenlaw Lane would remain a cul-de-sac with limited traffic and no through traffic
- A footway along at least one side of Greenlaw Lane would be beneficial but as the main benefit for residents of Greenlaw Lane it would not be reasonable to seek this as part of the current application
- Subject to conditions the layout is acceptable in road safety terms
- At present construction traffic on the adjoining site is controlled by a Construction Traffic Management Plan (CTMP). A CTMP is also recommended in this case
- Parking for the existing development was approved on the basis of the standards prevailing at the time. The road is wide enough to allow vehicles to pass parked cars. Any blocking of the public road is a matter for the Police.

Housing Strategy and Policy Manager: No objection. A condition is recommended requiring delivery arrangements for the proposed affordable housing to be agreed.

Moray Flood Risk Management: No objections

Moray Access Manager: No objection

Environmental Health: No objection

Contaminated Land: No objection

Archaeology: No objection. The site is close to known archaeological sites therefore a condition is recommended requiring the submission of an archaeological written scheme of investigation (WSI).

Scottish Water: No objection however connection to the public sewer remains the responsibility of the developer

SEPA: No objection subject to a condition that there is no change in ground levels within a 6m buffer zone from the top of the Burn of Buckie.

SNH: SNH have recently changed their approach to planning consultations and advised that this application is now below threshold for consultation. However, at the time of the previous application SNH commented that the ecological survey methods were thorough and found no requirement for any mitigation.

Scottish Forestry: No objection. Compensatory planting is required as detailed in the application. The proposals are acceptable.

OBJECTIONS-REPRESENTATIONS

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the General Data Protection Regulations (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014)

NB: multiple representations have been received from some parties

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Objections

Issue: The proposal is contrary to Moray Local Development Plan (MLDP) 2015 policies PP2, PP3, IMP1, IMP2, H1 H8, H9, E2, E3, E4, E5, EP5 & ER2.

Comment (PO): The proposal is assessed against the relevant sections of the MLDP 2015 below in the Observations section.

Issue: The proposal is contrary to Moray Local Development Plan (MLDP) 2020 policies PP1, PP3, DP1, DP2, EP1, EP2, EP5, EP7 & EP12 and the proposed ENV6 designation.

Comment (PO): The proposed MLDP 2020 represents the settled view of the Council. However where policies are subject to unresolved objections minimal weight is attached until the outcome of the examination process. There are unresolved objections to all the listed policies and the proposed ENV6 designation therefore minimal weight is attached to these policies in the assessment of the current application. It is noted that at a meeting of the Planning and Regulatory Services Committee on 25 June 2019 members agreed that the Council would not object to a portion (approximately one third) of the proposed ENV6 remaining as white land.

Issue: The adjoining houses were sold as 'edge of development' and purchasers had reasonable comfort in this as the land was designated ENV6 in the proposed MLDP.

Comment (PO): The basis on which adjoining properties were bought or sold is not a material consideration in the assessment of the application. The proposed MLDP is going through the statutory assessment process and until that is concluded it is liable to change.

Issue: The application form makes reference to positive pre-application discussion.

Comment (PO): Discussions were held with the Strategic Planning and Delivery Team in relation to the objection to the proposed MLDP 2020 designation. Subsequently officers have given the applicant and his agent advice during the course of the current application and the previous application which was withdrawn. Any advice given was without prejudice to the subsequent and current planning application.

Issue: The Open Space Strategy (OSS) identifies the site for potential community woodland and recommends the ENV designation.

Comment (PO): The Open Space Strategy recommended the ENV6 designation but that can only come forward through the LDP process. During the course of this process the designations may be subject to change.

Issue: The audit in the OSS shows that Buckie is lacking in open space and this proposal will lead to a reduction in open space.

Comment (PO): The OSS identifies that the level of open space per household in Buckie is lower than that across Moray however it does note that Buckie benefits from coastal areas. The OSS also identifies the need to provide good quality open space. The current proposal includes enhancement of the existing open space while alongside the proposed housing. The Planning and Regulatory Services Committee has agreed that the Council would not object to a portion (approximately one third) of the proposed ENV6 designation in the MLDP 2020 remaining as white land.

Issue: Description of the site address as 'white-land' is prejudicial.

Comment (PO): The land is currently vacant and as such has no address. The site is 'white land' in the adopted MLDP 2015. The term has for some time referred to undesignated land within settlement boundaries maps.

Issue: The application is premature and could prejudice the outcome of MLDP 2020 examination in relation the ENV6 designation.

Comment (PO): All applications that come forward have to be considered against current policy. At present minimal weight is attached to the policies in the proposed plan due to unresolved objections. The Council has agreed not to object to a portion of the proposed ENV 6 site remaining white land. The applicant has the right to see the current application assessed against the current Moray Local Development Plan 2015.

Issue: proposals to change the MLDP 2020 designation was not put to members of the public.

Comment (PO): The change to the proposed MLDP has not been finalised and will subject to the examination process in accordance with local development plan formulation legislation.

Issue: Buckie is already overdeveloped.

Comment (PO): The site is within the settlement of Buckie where the MLDP seeks to concentrate development to allow for the expansion of the town.

Issue: There is a lack of demand for housing of this kind in Buckie.

Comment (PO): In line with Local and National policy a range of house types should be provided, and speculation regarding the extent of demand is not a valid planning objection.

Issue: Lack of clarity as to whether community woodland is now proposed or not.

Comment (PO): The community woodland proposed in the previous withdrawn application is not part of the current application. The application includes an area of open space which is required to comply with policy E5.

Issue: The proposal for housing should be considered on its own merits separately from any community woodland proposal.

Comment (PO): There is no current proposal for a community woodland. The current application proposes houses and associated infrastructure along with a landscaping area. The application is considered as a whole.

Issue: Ongoing maintenance of the open space and landscaping.

Comment (PO): A condition is recommended requiring full details of all maintenance to be agreed with the planning authority.

Issue: The current state of the site is due to lack of maintenance and this should not be 'rewarded' by the granting of permission for houses.

Comment (PO): The proposal is considered on its own merits. While the opportunity to provide some enhancements to the existing green space is welcomed the proposal is considered in the round against all material considerations.

Issue: The proposal does not meet the open space requirements of policy E5 as the space is existing.

Comment (PO): The proposal does comply with policy E5 both in terms of the quantity and quality of open space included within the application. This is set out in more detail below in the observations section.

Issue: The use of the maintenance parking area is unclear.

Comment (PO): The developer has provided this to allow for maintenance of the landscaping areas. It could also be used for visitor parking and by users of the open space.

Issue: Impact on habitats.

Comment (PO): An ecological survey has been carried out and found no requirements for mitigation. The retention and enhancement of green space will provide biodiversity benefits.

Issue: Ecological Surveys have not been provided.

Comment (PO): An ecological assessment has been provided in support of the application. In line with our practice in relation to potentially sensitive information this document is not published as part of the online planning file.

Issue: The source of compensatory planting figures are not clear and tree removal is contrary to policy.

Comment (PO): A small area (1500m²) of trees in the southern part of the site will be removed and this will be compensated for with planting in the northern part of the site. This is detailed in the Arboriculture Assessment and accompanying Tree Planting Plan.

Given the proposed replacement planting the tree removal is considered to comply with policy.

Issue: Confusion over some details on the tree protection and compensatory planting plans.

Comment (PO): Some points of confusion highlighted by objectors were clarified and re-notification of neighbours took place.

Issue: The landscaping area is inadequate.

Comment (PO): The landscaping proposals include proposals for screen planting along with compensatory tree planting in the northern part of the site and two other areas of tree planting and wildflower meadows. The proposals are considered to be acceptable for a development of this scale.

Issue: The proposed houses are out of scale with those built in the adjoining development.

Comment (PO): The proposed development has a different character to the recently built adjoining development with different plot sizes, houses and density of development. This reflects the need for a range of different scale development to meet all needs. It will also help contribute to a stronger sense of place.

Issue: The proposed houses do not match the design of houses in the adjoining development or other nearby traditional houses.

Comment (PO): The house designs are different from surrounding development and are essentially modern in their form and design. This reflects the mix of traditional and modern styles already present in this part of Buckie and will not be incongruous in this setting.

Issue: There is clear distinction between the affordable and private houses.

Comment (PO): The development provides a mix of house types. The affordable housing house types are guided by the Council's Housing Department. It is noted that similar finishes are proposed throughout.

Issue: The houses are laid out in a uniform manner that does not reflect the layout of the surrounding development.

Comment (PO): The layout reflects the shape of the site and is not considered to be at odds with the layout of surrounding development.

Issue: The continuous strip of landscaping around the houses is contrived and in contrast to the natural features.

Comment (PO): The proposed landscaping strip will provide setting and privacy for the development and is considered to be acceptable in this context.

Issue: Plots 9, 10 & 11 should be moved to reduce the impact on existing houses.

Comment (PO): The houses are considered to be sufficiently separated from surrounding houses given the urban setting and the position of openings has been considered to avoid privacy or overlooking issues. Planting and a 2m high privacy fence all proposed on the boundaries of these plots to enhance privacy and screening.

Issue: Overlooking of existing houses.

Comment (PO): Plots 9 & 10 have a mutual boundary with the existing house to the south and face directly onto it however no upper floor windows are shown on this elevation. A condition is recommended removing permitted development rights for the formation of openings on these elevations in future. Plots 1-8 are separated from the existing houses to the west by intervening land. The layout of the adjoining development means that part of the development will not directly overlook any houses and the separation distance is otherwise considered acceptable.

Issue: Loss of light at rear of existing houses.

Comment (PO): The positioning of the proposed houses and separation distances between the existing and proposed are such that any loss of light will be minimal and acceptable.

Issue: Loss of privacy.

Comment (PO): There is intervening land between the existing and proposed plots 1-8. Planting and a screen fence is proposed around the boundaries of all plots to enhance privacy.

Issue: Loss of trees in the southern part of the site will result in a loss of privacy for adjoining houses.

Comment (PO): The arboriculture report found that the existing trees were not suitable for retention alongside houses. Replacement planting including screen planting is proposed. A 2m high fence is also proposed along the mutual boundary.

Issue: Screen planting is not extended to plots 9 and 10 which will adversely impact the house to the south.

Comment (PO): A 2m high boundary fence is proposed in this location but a condition is recommended requiring further planting on this boundary.

Issue: The proposed screen fence arounds plots 9-11 is not high enough to protect privacy.

Comment (PO): The fence will be 2m high on the side of the development which will be high enough to protect privacy. The topographical survey shows that the land does not drop significantly until beyond plot 9.

Issue: There are flooding issues on the adjoining site.

Comment (PO): The flooding on the adjoining site is a separate matter. However FRM have advised that the proposed development is likely to alleviate localised flooding at the back of Ewing Crescent and Greenlaw Lane as surface water will be redirected.

Issue: The development will result in loss of greenspace and more hardstanding which will result in loss of drainage capacity.

Comment (PO): The drainage impact and flood risk associated with the development has been fully assessed and FRM have no objection.

Issue: The roads within the existing housing development which serve the site are not adopted and are not suitable for construction traffic.

Comment (PO): The roads within the adjoining development which serve the site are not yet adopted but have been designed to adoptable standard and once complete are likely to become public roads adopted by the Council. The roads are not unsuitable for construction traffic but construction traffic is currently directed away from these roads as

part of the management of construction traffic on that site. A condition is recommended requiring a Construction Management Plan (CMP) to be provided to ensure that construction traffic is effectively managed.

Issue: Construction traffic on roads where children play.

Comment (PO): A condition requiring the submission of a CMP is recommended. This will ensure that construction traffic is effectively managed and residents are kept informed.

Issue: No Transport Assessment (TA) has been provided.

Comment (PO): The Transportation Manager has confirmed that due to the scale of the proposal no TA is required.

Issue: The roads that will serve the development were not designed to accommodate further development.

Comment (PO): The Transportation Section are content the surrounding road network can accommodate additional development and the proposed layout is acceptable in terms of road safety.

Issue: Inter-connectivity is poor as the connections are to roads with no pavements including Greenlaw Lane.

Comment (PO): The plans show connections to the north and south. This will connect to existing routes within the adjoining development. The proposed connection to Barr Close to the north west represents the most direct route for pedestrians and cyclists to access local amenities. In their consultation response Transportation acknowledge that a footway along Greenlaw Lane would be beneficial but that it would not be reasonable to seek this as part of the current development as the benefit would principally be felt by existing residents and the application makes provision for a pedestrian and cycle route to the north west which is likely to be a more desirable route for residents of the proposed development.

Issue: There is only one access (Barrhill Road) to the application site and the adjoining development to the west.

Comment (PO): The Transportation Manager has confirmed that the surrounding road network is sufficient to accommodate the proposed development. There are multiple points that can be used to reach the point of access. There are cycle connections to the north.

Issue: Problems arising from the lack of parking within the adjoining development.

Comment (PO): The existing development was built in accordance with the parking standards in place at the time. It is the responsibility of drivers to ensure that they are suitably parked and do not present a danger to other road users.

Issue: The submitted swept path analysis shows access to the site is tight and larger vehicles could be impeded by parked cars.

Comment (PO): It is the responsibility of drivers to ensure that their cars do not cause problems or obstruct access to others within the existing development.

Issue: Concerns regarding the proximity of the access to the site and existing accesses onto Greenlaw Lane.

Comment (PO): Transportation have no objection and are satisfied that the proposed layout is acceptable in terms of road safety.

Issue: Disturbance from traffic.

Comment (PO): No through road is proposed therefore the only traffic will be for access to the site. This is only likely to give rise to a moderate level of disturbance.

Issue: Disturbance from Construction traffic.

Comment (PO): It is recognised that there will be some disturbance from construction traffic for a temporary period. A condition is recommended requiring the submission of a Construction Traffic Management Plan (CTMP) which will ensure that construction traffic is effectively controlled.

Issue: Lack of a survey drawing.

Comment (PO): There is sufficient information to fully assess the proposal.

Issue: Litter.

Comment (PO): A development of this nature is unlikely to give rise to a significant increase in litter. It would be the responsibility of the developer and future householders to manage this. It is speculative to presume that new residents would cause a litter issue.

Issue: Neighbour Notification was not extensive enough.

Comment (PO): Neighbour Notification has been carried out by the Council in accordance with the regulations. Neighbour Notification was served on all properties with an address within 20m of the application site boundary (red line) and the application was advertised to account for land with no address falling within the 20m buffer.

Issue: Documents from the previous (withdrawn) application were made removed from public view on the website.

Comment (PO): This is standard practice when applications are withdrawn, and helps avoid confusion when a subsequent application is lodged.

Issue: The description of development has changed from the original submission meaning that the description attached to the original consultations and neighbour notification documents were not the same.

Comment (PO): A description of development was changed to simplify it. This happened after initial consultations were sent but before neighbour notification. The description of development is clear and it is not considered that anyone was disadvantaged by the change.

Issue: The application site exceeds 2ha and therefore should be treated as a major development under the hierarchy of developments.

Comment (PO): The application site extends to 2.8ha however the area to be developed is less than 2ha therefore the application is not a major application.

Issue: Noise.

Comment (PO): There will be some noise associated with construction but this will be for a limited period. Construction working hours are controlled by Environmental Health under separate legislation. Noise associated with houses is considered to be appropriate in this location within an established settlement.

Issue: Air pollution from increased traffic.

Comment (PO): The site is not in an area where air quality is specifically controlled, and the levels of traffic would fall well below any levels that could cause concern. The impact of additional car use is considered to be acceptable within the settlement.

Issue: Safety and crime.

Comment (PO): Crime and anti-social behaviour are the responsibility of the Police and other relevant bodies. A development of this nature would not be expected to give rise to significant problems in this regard.

Issue: The fence on the south eastern boundary will leave one householder unable to paint their garage.

Comment (PO): This is a legal matter, and the individuals' title deeds may clarify what rights of access they have over neighbouring land for maintenance.

Issue: The existing footpath to be upgraded does not exist.

Comment (PO): The site is heavily overgrown. The line of the path is clearly indicated on the proposed plan.

Issue: Loss of views.

Comment (PO): This is not a material consideration for planning applications.

Comments in Support

Issue: The provision of large houses in generous plots within the town is welcome and would make a welcome addition to the adjoining development.

Comment (PO): The contributor's comments are noted.

Issue: Several representations in support state an interest in moving into the new bigger houses to remain in the locality and the development is therefore welcomed.

Comment (PO): The contributors comments are noted but are immaterial to the determination of the application.

OBSERVATIONS

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 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

Further consideration of the weight to be attached to the Proposed Plan was considered and agreed at the Planning and Regulatory Services Committee on 29th January 2019, with the Committee agreeing that between June/ August 2019 and adoption of the new LDP in mid-2020, the weight to be given to matters set out in the Proposed Plan will vary;

- Where matters set out in the Proposed Plan are subject to unresolved objections which will be considered through Examination, then those matters will continue to be given minimal weight as a material consideration in the development management process.
- Where matters set out in the Proposed Plan are not subject to unresolved objections, they will be given greater weight as a material consideration in the development management process.

The weight to be given will be considered on a case by case basis and will be agreed by the Development Management Manager and Development Plans Principal Planning Officer.

In this case the proposal is subject to a designated site which will be subject to the Examination process.

The main issues are considered below.

Principle of Development (H1)

The site is not covered by any designation in the current MLDP2015 and as such is considered as a 'windfall site' under policy H1. Policy H1 is supportive of new housing on land not designated for housing provided that:

- The proposal does not adversely affect the surrounding environment;
- Adequate servicing and infrastructure is available, or can be made available;
- The site is not designated for an alternative use; and
- The requirements of policies PP2, PP3, and IMP1 are met.

It is noted in more detailed assessment below that the development will not adversely affect the environment, can be adequately serviced and the requirements of policies PP2, PP3 and IMP1 are met. The site is not designated for any alternative use in the current local plan. The proposal therefore complies with policy H1.

It is acknowledged that the site is covered by the Buckie ENV6 designation in the proposed Moray LDP 2020. However, this designation is subject to an unresolved objection and the Planning and Regulatory Services has agreed that minimal weight will be attached to matters have unresolved objections. At a meeting of the Planning and Regulatory Services committee on June 25 2019 the Committee agreed that the Council would not object to a small area of the site being designated 'white land' with the rest remaining ENV. This accounts for approximately one third of the designation but the site on the premise of the current plan for which it is white land. Of note the area of proposed housing lies along the western edge of this area, with no development proposed adjacent to the riparian woodland edge of the Burn of Buckie. The status of the site in the proposed plan is acknowledged but at present minimal weight is attached to this element of the proposed plan and the current application must be assessed against current policy.

Placemaking, Siting and Design (PP3, H1 & IMP1)

A quality audit (QA) process, covering design and site layout issues, has been agreed to assess the conformity of residential development with Policy PP3 place-making and Urban Design SPG principles. This is a material consideration.

The QA approach examines 12 criteria considered to contribute to place-making principles i.e. connections, public transport, safer environment, car parking, legibility/street hierarchy, character and identity, housing mix, access to facilities and amenities, natural features, open space, biodiversity, and landscaping.

A detailed QA process was undertaken in relation to this application and the results are detailed in the table below.

DESIGN PRINCIPLE	AUDIT
Connections	
Public Transport	N/A
Safer Environment	
Car Parking	
Legibility/Street Hierarchy	
Character & Identity	
Housing Mix	
Access to Facilities and Amenities	
Natural Features	
Open Space	
Biodiversity	
Landscaping	

The development represents a high standard of urban design and incorporates the principles of good placemaking set out in SPP and LDP policy PP3.

This is a low density development characterised by large houses on generous plots. While this does not directly replicate the pattern of development on adjoining sites it will contribute to a diversity of attractive and well-designed developments that SPP recognises contributes towards successful places. While volume house building dominates in the immediate vicinity there are styles and densities of development nearby and the proposed development will be read as part of this mix and will not be incongruous in this setting.

The proposed house types are largely modern but have conventional form and style. The designs will sit comfortably alongside the range of modern and traditional house types in the area. They will be finished in a white synthetic render with concrete tiles on the roof which will reflect the modern materials used in surrounding development. There is sufficient distinction between the house types create a strong sense of character and place for the development.

The design and materials are considered to be acceptable in this location and will create a place with a strong character and identity. The proposals accord with policies PP3 and H1 in relation to design and materials.

Privacy, Overlooking and Amenity (IMP1)

The proposed houses are close to existing houses to the south and west. There is intervening land between plots 1-8 and the houses to the west. Privacy will be protected by means of a 2m high fence along the western boundary of plots 1-8 and to the south of plots 9-11. Furthermore a 5m strip of screen planting is proposed along the western boundary and part of the southern boundary as plot 11. It would be beneficial for this strip to be continued along the boundaries of plots 9 and 10 but it is recognised that a 5m wide strip could not be accommodated for the full length of these boundaries. A condition is recommended requiring details of additional planting in this location.

Plots 1-8 are considered to be sufficiently separated and off-set from the houses to the west to avoid any unacceptable level of overlooking. Plots 9 -10 are immediately adjacent to the existing house to the south but no upper floor windows are shown on the elevation facing that boundary. A condition is recommended removing permitted development

rights to form upper floor windows in these elevations to prevent insensitive development in future.

The development has been sited and designed in a manner that is sympathetic to the amenity of the area and accords with policy IMP1.

Impact on Trees (E4 & ER2)

Policy E4 Trees and Development, and ER2 Development in Woodlands both seek to control or mitigate the impact of lost woodland or trees relative to proposed development. The application is supported by an Arboricultural Assessment which includes a tree survey. The existing mature trees in the eastern part of the site are to be retained. A detailed tree protection plan has been provided and a condition is recommended to ensure that these measures are fully implemented.

The plans show that 79 immature Sycamore trees will be removed in the southern part of the site to facilitate the development. These trees cover an area of approximately 1500m². It is noted that these trees are not recorded on the National Forestry Inventory and beyond the steep river banks adjacent to the Burn of Buckie; this area has not historically been wooded. The report states that these trees are not suitable for retention in proximity to houses because of their tendency to cast shadows and attract aphids. The loss of trees is regrettable but it is necessary for these young trees to be removed to facilitate the development and an area at least equivalent to that lost will be provided. The national policy document Control of Woodland Removal applies and in this instance the development is considered to be in line with the guiding principles of this document in that only a small area of trees are to be removed and compensatory planting is proposed. Scottish Forestry have been consulted and have no objection given the compensatory planting proposals provided. Conditions are recommended to secure the compensatory planting. Subject to conditions the proposals accord with policy E4 and ER2.

Landscaping, Open Space and Biodiversity (E2 & E5)

A substantial area of open space is proposed in the east of the application site. This will connect to the existing mature woodland beyond the application site to the east. The landscaping areas are intended to provide setting for the development and reinforce the character of the site however there will be potential recreational benefits for the wider community as the space will be more accessible and better managed. It is noted above that the existing mature woodland along the eastern boundary of the site will be retained and compensatory tree planting will be provided in the northern part of the site. Screen planting is also proposed along the south and west boundaries of the site. In addition more trees will be planted in blocks in the central part of the site and areas of wildflowers will be planted around them. The plans specify an 'urban pollinator mix' which is intended to produce pollen and nectar producing plants. Tree planting will incorporate native species chosen for their potential benefits for a variety of species. These proposals will ensure biodiversity improvements for the site in accordance with policy E2. The level of open space proposed is sufficient for a development of this scale. The open space will be overlooked and is well connected and accessible. A condition is recommended requiring the details of timescales for provision and future maintenance of the landscaping to be provided. The quantity and quality of the open space is acceptable and accords with policies E2 and E5.

Protected Species (E3)

The application is supported by an Ecological Assessment. The assessment includes a survey for protected species and their habitats but found no evidence of either. No

mitigation is therefore required. It is noted that there have been sightings of badgers in the vicinity. SNH advise that this is not unusual in urban settings. The survey found that the site was unlikely to be attractive for the creation of setts or foraging as most of the site is very flat but the banks of the burns are very steep. The ecological assessment concludes that there is likely to be beneficial to local biodiversity overall as the habitat improvements including tree and wildflower planting will attract a range of species and will lead to an expansion of the Burn of Buckie green corridor. It is noted that SNH advised that the current application is below their threshold for providing comments in response to consultation however they did offer comments at the time of the previous withdrawn application. At that time SNH advised that the ecologist's methods were thorough and agreed with the conclusion that no mitigation was required in this case. The proposals will not adversely affect protected species and as such accord with policy E3.

Access and Parking (T2 & T5)

The development will be accessed from Greenlaw Lane which is currently a cul-de-sac. This road has been designed to adoptable standard but is not yet complete. It is anticipated that it will be adopted on completion. The new access road runs through the site from north to south but no through-road is proposed. The road will be adopted as far as plot 4 and thereafter will be a private road. A footpath connection will follow the line of the private road and will provide a pedestrian/cycle access to Barr Close to the north west. It is acknowledged that this would be the most direct route to the schools and shops etc. The Transportation Manager has identified concerns about the detail of the non-adopted part of the road and a condition is recommended requiring details to be provided showing the amendments of the path including the widening of the path to 3m. The proposed connections to and through the site are welcomed. The Transportation Manager has advised that while a footway on Greenlaw Lane would be desirable, the benefit would principally be felt by residents of that street and it is therefore unreasonable to seek such an improvement as part of this development. The range of connections proposed are considered to be acceptable and offers a safe and realistic choice.

The proposed road is relatively short and has a tight bend which would discourage excessive speed in this location. There is traffic calming with the adjoining development which will further encourage safe speeds. The Transportation Manager has confirmed that the existing road network is sufficient to accommodate the existing development and the proposed layout is acceptable in road safety terms. Conditions are recommended to ensure that the access to the site and the individual plot accesses are formed to an acceptable standard and to secure adequate visibility. This will ensure safe entry and exit. A further condition is recommended requiring the submission of a Construction Traffic Management Plan (CTMP). This will ensure that construction traffic is adequately managed at all times and require specific arrangements for particularly sensitive times such as school drop off and collection times. Subject to the recommended conditions the proposal complies with policy T2.

Parking is proposed in accordance with the Council's parking standards. A condition is recommended to ensure this is fully and timeously provided. Subject to the condition the proposal accords with policy T5.

Drainage and Flood Risk (EP5, EP7 & EP10)

The application is supported by Drainage Assessment which sets out the proposals for both foul and surface water drainage.

Foul drainage will be dealt with by means of a new site located underneath the road connected to the existing public sewer on Barr Close. This accords with policy EP10 which requires development within settlements to be connected to the public sewer. Scottish Water has no objection to the proposal but securing a connection remains the responsibility of the developer.

Surface water will be dealt with by means of a swale running along the east of the proposed road and discharging to the burn to the south east. A condition is recommended to ensure that the proposals are implemented in full. This will ensure that surface water within the site is appropriately managed. The swale will be a visually appealing feature that reflects the undeveloped character of this part of the site. The submitted assessment acknowledges the surface water flooding issues on the adjoining development that have subsequently been raised in representations (as noted above). While pre-existing issues on the adjoining site are not part of the application it is noted that care has been taken to ensure that existing problems are not exacerbated and this development does not create additional surface water flooding issues. The proposals will ensure surface water from the proposed development is attenuated before discharge to the burn therefore there will be no additional burden on the existing surface water drainage features on the adjoining site. The Flood Risk Management Team have advised that there may also be some benefit for adjoining properties as surface water will be redirected to the proposed swale. The Flood Risk Management Team have no objection. The proposals will ensure that surface water is sustainably managed and does not increase the risk of surface water flooding on site or elsewhere. The proposals accord with policies EP5 and EP7.

It is recognised that the site is immediately adjacent to the Burn of Buckie and parts of the site are in or adjacent to land which appears on SEPA's flood maps at medium likelihood of fluvial flooding. However, the banks of the burn are high in this location and the proposed houses are at least 0.6m from the top of the burn. SEPA have therefore taken the view that the development is outwith the functional floodplain and have no objection on flood risk grounds. SEPA have requested a condition preventing any land raising within 6m of the top of the banks. This will protect the integrity of the banks and prevent increase in flood risk. Subject to the recommended conditions the proposals accord with policy EP7.

Affordable Housing & Accessible Housing (H8 & H9)

The submitted plans show three affordable housing units (plots 9-11). This represents a 25% contribution to affordable housing as required by policy H8. The housing mix has been agreed with the Housing Strategy but a condition is recommended requiring the arrangements for delivery to be agreed.

One accessible house has been provided (plot 6). This represents 10% of the private units on site as required by policy H9 and the associated guidance. A condition is recommended to ensure that this will be secured as accessible housing in perpetuity.

Impact on Cultural Heritage (BE1)

The development is close to areas of known archaeology including Mill of Buckie which is to the south east of the site. A condition is recommended requiring the submission of an archaeological written scheme of investigation (WSI) for the site. The archaeological scheme will ensure that any archaeology is properly recorded. The proposal accords with policy BE1.

Sustainability (PP2)

In line with policy PP2 a Sustainability Statement has been submitted. The statement sets out compliance with the sustainability aims set out the Climate Change SPG. It is noted that the development has been designed to be low energy and highly efficient. The development will also provide green infrastructure and encourage active travel through the provision of paths. Waste will be minimised and construction waste will be removed and reused where possible. The houses are designed to be flexible and adaptable. Adequate provision for surface water drainage incorporating the principles of SUDs are proposed. The statement demonstrates that the development has sought to address the sustainability objectives and is sufficient to comply with policy PP2.

Developer Obligations (IMP3)

The development has been assessed for developer obligations in line with policy IMP3. Obligations of £71 500 are sought towards primary education (£65 229.45) and health care facilities (£6270.55). The applicant has agreed to pay these and it is recommended that this is controlled by means of a S.75 legal agreement.

Recommendation

This application represents a windfall site within the settlement of Buckie. It is an opportunity to provide a development of a different character and density to that typically found in the area and will contribute to a strong sense of place. The site can be adequately serviced and will not adversely impact the surrounding area in terms of amenity or environmental impact. There will be some opportunity for biodiversity enhancement and improvement of an existing green area. The proposal accords with policy and it is recommended that planning permission is granted.

REASON(S) FOR DECISION

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

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise.

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APPENDIX

POLICY

Adopted Moray Local Development Plan 2015

Moray Local Development Plan 2015 - Material Consideration

Primary Policy 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.

Primary Policy 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
- Where practical, 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
- Minimise disturbance to carbon rich soils and, in cases where it is agreed that trees can be felled, to incorporate compensatory tree planting.

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.

Primary Policy PP3: Placemaking

All residential and commercial (business, industrial and retail) 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
- maintain and enhance the natural landscape features and distinctive character of the area 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.

Policy H1: Housing Land

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.

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 reasons of overriding public interest, including those of a social or economic nature, and beneficial consequences of primary importance for the environment; and the development will not be detrimental to the maintenance of the population of species concerned at a favourable conservation status of the species concerned.

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

- There is no other satisfactory solution
- The development is necessary to preserve public health or public safety
- The development will not be detrimental to the conservation status of the species concerned.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan to avoid, minimise or compensate for impacts. A licence from Scottish Natural Heritage may be required as well as planning permission. Where a protected species may be affected a species survey should be prepared to accompany the application to demonstrate how any offence under the relevant legislation will be avoided.

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.

Woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. 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 ER2.

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.

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.

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 the integrity of 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.

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 effect on the risk of flooding or which reduces the risk of flooding. The method of dealing with surface water should also avoid pollution and promote habitat enhancement and amenity. All sites should be drained by a sustainable drainage system (SUDS). Drainage systems should contribute to enhancing existing "blue" and "green" networks while contributing to place-making, 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 in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) 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.

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 the 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 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 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 extreme 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 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
- Job related accommodation e.g. for caretakers or operational staff.

Areas within these risk categories will generally not be suitable:

- 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 flow), and
- An alternative, lower risk location is not available and
- 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 should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

Policy EP8: 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.

Policy EP9: 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 and/or treatment 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.

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.

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 address 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.
- Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

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.

Significant travel generating proposals will only be 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.

Policy T5: Parking Standards

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

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 and where possible enhancement 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 management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.

- m) Make acceptable arrangements for waste management.

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 prepare supplementary guidance to explain how the approach will be implemented in accordance with Circular 3/2012 on Planning Obligations. This will detail the necessary facilities and infrastructure and the scale of contributions 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.

Proposed 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 a sufficient information for the Council to carry out a Quality Audit including a topo survey, slope analysis, site sections, 3D visualisations, a Landscaping Plan, a Street Engineering Review and a Biodiversity Plan as these will not be covered by suspensive conditions on a planning consent. 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.
- For developments of 20 units and above, provide a number of character areas that have their own distinctive identity and are clearly distinguishable.

Developments of less than 20 units will be considered to be one character area, unless they are part of a larger phase of development or masterplan area.

- 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.
- Landscaped areas must not be 'left-over' spaces that provide no function. 'Left-over' spaces 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 connect into wildlife corridors/ green 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 75% of car parking must be provided to the side or rear and behind the building line with a maximum of 25% 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
- Secured 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 standardized.
- Dead-end streets/cul-de-sacs will only be selectively permitted on rural edges or where topography dictates. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
- Roundabouts must be designed to create gateways and contribute to the character of the overall development.
- 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) Masterplans have been prepared for Findrassie (Elgin), Elgin South, Bilbohall (Elgin), and Dallas Dhu (Forres) and are Supplementary Guidance to the Plan. Further Masterplans will be prepared in partnership for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/ Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. A peer review organised by the Council will be undertaken at the draft and final stages in the masterplan's preparation. Following approval, the Masterplans 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.

PP2 SUSTAINABLE ECONOMIC GROWTH.

"Development proposals for employment land which support the Moray Economic Strategy to deliver sustainable economic growth will be supported where the quality of the natural and built environment is safeguarded, there is a clear locational need and all potential impacts can be satisfactorily mitigated. "

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 Utilities Plan must be submitted with planning applications setting out how existing and new utility (including gas, water, electricity, pipelines and pylons) provision have been incorporated into the layout and design of the proposal.

a) Development proposals will need to provide for the following infrastructure and services:

- 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 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, community and communal parking facilities. Access to charging points must also be provided for residential on plot parking provision. Car share parking spaces must be provided within communal parking areas where a need is identified by the Transportation Manager.
- 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.

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.
- 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, sports and recreational facilities and access routes. Obligations will be sought to reduce, eliminate or compensate for this impact.

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 developments, including extensions and conversions and will be applied proportionately.

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 400m², 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.
- i) 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

(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. Minimal (25%) 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 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 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 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 identified by the planning authority, unless otherwise indicated in the site designation.

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 Economic Development and Planning 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 44.

e) Housing Mix and Tenure Integration

Proposals for 4 or more housing units must provide a mix of house types, tenures and sizes to meet local needs as identified in the Housing Need and Demand Assessment and Local Housing Strategy.

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 will be required to provide 10% of the private sector units to wheelchair accessible standard, with all of the accessible units to be in single storey form. 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 44.

EP8 HISTORIC ENVIRONMENT.

a) Scheduled Monuments and National Designations.

Where a proposed development potentially has a direct impact on a scheduled monument, the written consent of Historic Environment Scotland is required, in addition to any other necessary consents.

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.

b) Local Designations.

Development proposals which adversely affect sites of local archaeological importance or the integrity of their settings will be refused unless;

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

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

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 as they are unsustainable in the long term due to sea level rise and coastal change.

b) Surface Water Drainage: Sustainable Urban Drainage Systems (SUSDS)

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 (except single houses) 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 104). 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.

Width to Watercourse (top of bank)	Width of buffer strip (either side)
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 Technical 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