

19/01080/APP

2nd September 2019

**Residential development and associated infrastructure
at R1 St Andrews Terrace Lhanbryde Moray
for Springfield Properties PLC**

Comments:

- The application is on a housing site designated for 50 or more dwellings within the Development Plan and is a major planning application.
- The application was advertised for neighbour notification purposes.
- Five representations received.

Procedure:

- Completion of a (Section 75) legal agreement regarding developer obligations relating to healthcare prior to issue of consent.

Recommendation

Grant Planning Permission – Subject to following:

Conditions/Reasons

1. 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 Council, as planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. 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 WSI 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 Council, as 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.

2. No development shall commence until full details (including scaled elevation drawings) of the proposed 'key buildings' identified in the placemaking statement received on 25 November 2020 and drawing LH01_PL_07 have been submitted to and approved in writing by the Council, as Planning Authority. For the avoidance of doubt the key buildings shall reflect the house types approved as part of the application. Thereafter development shall not proceed except in

accordance with the approved details.

Reason: To ensure that the proposals harmonise with the character of the development and the wider area and because no such details were included with the application.

3. Notwithstanding the submitted landscaping plans no development shall commence until additional plans have been submitted to and approved in writing by the Council, as planning authority incorporating all the currently proposed details along with all measures identified in the submitted placemaking statement received on 25 November 2020 and the biodiversity plan received on 2 October. For the avoidance of doubt the revised plans shall include:
 - Details of all measures to provide distinctive planting in each character area;
 - Full specification for the proposed woodland paths;
 - A full maintenance schedule including woodland areas;
 - Full details (scaled drawings 1:50) of the proposed entrance walls which shall be constructed in stone;
 - Written details of sizes of trees and shrub planting to be semi-mature plants and not heavy standard as noted on the submitted drawings;
 - Details of the type and location of all proposed bat and bird boxes and timing of provision;
 - A method statement for the creation of the proposed wetland areas and a maintenance schedule.

Thereafter all landscaping works shall be carried out in accordance with the approved details. Unless otherwise agreed as part of the approved details all planting, seeding or turfing shall be carried out in the first planting season following the first occupation of any of the units hereby approved. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless otherwise approved by the Council, as Planning Authority.

Reason: To ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area and because no such information was included with the application.

4. No development shall commence until details of the landscaping treatment along the trunk road boundary has been submitted to, and approved by, the Council, as Planning Authority, after consultation with Transport Scotland. Thereafter the approved details shall be implemented in full prior to the first occupation of any part of the development.

Reason: To ensure that there will be no distraction to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.

5. No development shall commence until a Peat Management Plan, demonstrating avoidance of areas of deep peat and details of quantities and appropriate reuse of excavated peat and any mitigation or restoration proposals, has been submitted to

and approved in writing by the Council, as Planning Authority in consultation with SEPA, and thereafter shall be implemented in full on site.

Reason: In order to minimise disturbance of peat and ensure the appropriate reuse and management of peat on site.

6. No development shall commence until details of measures to protect and enhance the M9 habitat (as identified in the submitted Lhanbryde Development Site: Badger and GWDTE survey by Highland Ecology and Development Services) have been submitted to and approved in writing by the Council, as Planning Authority in consultation with SEPA. Thereafter development shall not proceed except in accordance with these approved details.

Reason: To protect the water environment.

7. No development shall commence until a Badger Mitigation Plan has been submitted to and approved in writing by the Council, as Planning Authority. For the avoidance of doubt the plan shall allow for the channelling of badgers around the site. The construction of the development shall be implemented in accordance with the approved Badger Mitigation Plan.

Reason: To minimise the potential conflict with badgers during construction.

8. As part of the development hereby approved, the accessible housing units shall be provided in line with the detail in accordance with the Moray Council's DP2 Policy Guidance Note on Accessible Housing. Prior to any development commencing, a compliance statement, along with detailed floor plans at a suitable scale, which demonstrate compliance with the Policy Guidance, shall be submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the accommodation as identified shall, at all times, remain as accessible housing and remain capable for adaptation for accessible housing needs unless otherwise agreed with the Council, as Planning Authority. For the avoidance of doubt 10% of the private housing units hereby approved shall be accessible units. Furthermore evidence must be provided that level access to each unit can be achieved from parking to an external door within 15m.

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.

9. The 19 units identified as affordable housing on approved plan LH01_PL_01 revision L 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.

10. No trees other than those identified for removal in the submitted Arboricultural Impact Assessment/Method Statement by Urban-Arb Arboricultural Consultants and Tree Protection Plan rev B sheets 1-3 shall be removed without the prior written approval of the Council, as planning authority.

Reason: In order to ensure tree removal is adequately controlled.

11. No development shall commence until the tree protection measures detailed in the submitted Arboricultural Impact Assessment/Method Statement by Urban-Arb Arboricultural and Tree Protection Plan rev B sheets 1-3 have been implemented in full.

Reason: In order to ensure adequate measures to protect retained trees are in place.

12. Notwithstanding submitted drawing 1706.16352 (ExampleDesign_SpringfieldP) no development shall commence until full details (scaled drawing 1:100 and equipment specification schedule) of an equipped play area as identified on approved plan LH01_PL_01 revision L including the maintenance arrangements have been submitted to and approved in writing by the Council, as Planning Authority. The equipped play area shall make provision for all-abilities access including in relation to the surface finish, play equipment and seating. The equipped play area shall be provided in accordance with the approved details and be available for use prior to the occupation of the 25th unit hereby approved. Thereafter the play area shall be maintained in accordance with the approved maintenance arrangements.

Reason: To ensure the adequate provision of an equipped play area and its future maintenance.

13. No development shall commence until details confirming the installation of fibre broadband connection for each residential unit (to be provided prior to occupation of each unit) have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the development shall be implemented in accordance with these approved details, unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure the residential units hereby approved are served by appropriate high speed internet connections, in accordance with policy PP3 – Infrastructure and Services of the Moray Local Development Plan 2020.

14. No development shall commence until details (scaled drawings) of a safe and suitable connection from the site to the existing cycle path on the north side of St Andrews Road have been submitted to and approved in writing by the Council, as Planning Authority. The connection shall be provided prior to the completion of any house or flat.

Reason: To ensure adequate connectivity to and through the site.

15. Notwithstanding the details submitted within the Transport Assessment on Drawing No 180980-900 (which is not accepted). No development shall commence until the following details have been submitted and approved in writing by the Council, as Planning Authority in Consultation with the Roads Authority:
- i. Details (Plan 1:500) for two new bus stops (one in each direction) on St Andrews Road (including road markings or laybys as required, shelters and flags); and
 - ii. A Road Safety Audit (Stage 1/2) which has been carried out in accordance with the requirements set out in the Design Manual for Roads and Bridges taking account of the proposed bus stops and site access. The proposals shall be revised to take account of any agreed mitigation and thereafter the bus stops and any other agreed mitigation required shall be provided in accordance with the approved details prior to the completion of any house or flat.

Reason: To ensure adequate provision is made for accessibility to public transport, the provision of details lacking from the submission and in the interests of road safety.

16. No development shall commence until details comprising a Root Protection Plan have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The root protection measures shall be installed in accordance with the agreed Root Protection Plan. No trees shall be planted within 5.0m of the edge of the public road carriageway unless agreed root protection is provided.

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.

17. Notwithstanding the parking details submitted on the Parking Provision EV Charging Drawings LH01_PL_ 8, 9 and 10 (which are not accepted), no development shall commence until the following details have been submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority:
- Details (Plan 1:200) showing the provision of electric vehicle charging infrastructure at a rate of 1 per flat for Plots 3-10 and parking spaces accessible within 5 metres.
 - Statement/specifications to confirm that the EV charging supply and cabling provision for each plot will be suitable for the connection of a 7Kw 'Fast' type charging unit as a minimum.
 - Design/specifications for the proposed mounting/installations to be provided

for any future EV charging points which shall not be mounted on a wall/within a garage.

Thereafter the development shall be completed in accordance with the approved details, the parking and EV charging provision associated with each house or flat shall be completed prior to occupation and shall be maintained and available for this purpose unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

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

18. Notwithstanding the parking details shown on plan LH01_PL_01 revision L. No development shall commence until the following details have been submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority:
- i. a plan (1:500) showing the provision of 3 parking spaces for plot 12 (Type F);
 - ii. a plan showing 2 additional lay-by type parking spaces at a location to be agreed on the north side of the site access road between Plot 22 and the 'Kickabout area' (as shown on Drawing LH01_PL_05).

Thereafter the development shall be completed in accordance with the approved details and parking provision associated with each house or flat shall be completed prior to the occupation of said house or flat and maintained for this purpose unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason: Submission of additional information to ensure adequate provision is made for car parking within the development, and 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.

19. Prior to the completion of any house or flat the footway on the south of St Andrews Road connecting the site access with the existing footway to the east of the site must be completed and available for use by the public.

Reason: To ensure adequate provision for non-vehicular road users in the interests of road safety.

20. A visibility splay of 4.5m x 160m to the west and 4.5m x 90m to the right (as shown on Drawing No. LH01-ENG-700 Rev) shall be provided in accordance with the approved drawing prior to any works commencing on the access (except for those works associated with the provision of the visibility splay); and
- i. a schedule of maintenance for the visibility splay shall be provided prior to the access becoming operational; and
 - ii. the visibility splay shall be maintained at all times free from any obstruction exceeding 0.26m metres above the level of the carriageway in accordance with the agreed schedule of maintenance, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads

Authority.

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

21. Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam unless otherwise agreed with the Council, as Planning Authority in consultation with the Roads Authority.

Reason: To ensure acceptable infrastructure is provided at the property accesses.

22. 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:
- Details of any temporary construction access from the public road;
 - Duration of works;
 - Construction programme;
 - Details of construction traffic routes to the site;
 - Measures to be put in place to prevent material being deposited on the public road, monitoring and arrangements to clean the road if necessary;
 - Traffic management measures to be put in place during works including any specific instructions to drivers;
 - Parking provision for site staff;
 - Drop-off and turning provision for delivery vehicles to ensure entry and exit in a forward gear;
 - Hours of operation and restrictions during school arrival and departure times from the existing housing; and
 - Arrangements for providing residents with information on works, points of contact for liaison and emergencies.

Thereafter, the development works shall proceed in accordance with the approved details, unless otherwise approved in writing by the Council, as 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

23. The development shall meet the following requirements:
- a) Except for the formation of a single access route, there should be no built development – including any land-raising – within the area shown as being at risk of flooding in Figure 10 (p28) of the Flood Risk Assessment (1601 – Lhanbryde, Moray, FRA Aug 19) by Kaya Consulting. (Note SEPA advises that while there should be no built development including land raising, this area should be sustainably managed).
 - b) No development shall commence until the detailed design of the access route, including provision of compensatory storage and flood relief culverts

has been agreed in writing with the Council, as Planning Authority in consultation with SEPA and thereafter the agreed details shall be implemented in full on site.

Reason: To protect people and property from flood risk in line with Scottish Planning Policy.

24. Prior to the first occupation of any unit hereby approved the acoustic barrier shall be installed at the location as described in Figure 4, page 11 of the Noise Impact Assessment supporting document by Charlie Fleming Associates Ltd, 5 Saltpans, Charlestown, Fife KY11 3EB, dated 20 September 2019, and titled "Report on Road Traffic Sound For Springfield Properties At St Andrews Road, Lhanbryde, Elgin, Moray". Thereafter, the approved barrier (or a suitable equivalent approved in writing by the Council, as Planning Authority in consultation with the Environmental Health Authority and the Trunk Roads Authority) shall be retained during the lifetime of the development.

Reason: To prevent noise nuisance.

25. Prior to the first occupation of any units defined as plots 71-77 hereby approved a post and wire fence shall be provided along the eastern boundary of the site.

Reason: In the interests of the amenity of the surrounding area.

26. Notwithstanding the details noted on approved drawings 2016/D/PL/01 (D type), 2016FF_901 (FF type) and 2019AA_901 the feature cladding on each elevation of these houses shall have a vertical orientation rather than a horizontal orientation as detailed on the plans.

Reason: In order to ensure all elements of the development harmonise regardless of tenure.

27. Notwithstanding the details noted in the placemaking statement received on 25 November and the material conditions drawing reference LH01_PL_04 revision F, the render colour for the Coxton View Character Areas identified in the foregoing shall not be white and shall instead be altered to cream or another pale colour to be agreed in writing with the Council, as Planning Authority prior to the commencement of any unit in this character area.

Reason: In order to create a strong sense of place.

28. All surface water drainage proposals shall be in accordance with the submitted report 'Drainage Strategy Report, St Andrews Road, Lhanbryde'. All measures for the management of surface water shall be implemented in full prior to the first occupation of any residential unit hereby approved. Maintenance shall be in accordance with the measures set out in the maintenance document received on 23 November 2020.

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

29. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing trunk road drainage network is not affected

30. No development shall commence until details of the proposed foul pumping station including elevations of all works, means of enclosures and associated plant (including noise levels) have been submitted to, and approved by the Council, as Planning Authority, in consultation with Environmental Health. Thereafter the approved details shall be implemented in full prior to the first occupation of any part of the development.

Reason: To ensure an acceptable form of development as these details are lacking from the application.

Reason(s) for Decision

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

Notwithstanding the deviation from the car parking requirements in Policies PP1 and DP1 and subject to conditions as recommended, the siting, design and servicing of the development are considered acceptable and otherwise accord with planning policy with no unacceptable or significant adverse effect upon the surrounding environment and there are no material considerations that indicate otherwise.

List of Informatives:

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

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail buildingstandards@moray.gov.uk

The development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard. The applicant/ agent/ developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/ confirmed by this notice.

Address is:
Southern Gas Networks Plc
SGN Plant Location Team
95 Kilbirnie Street
Glasgow
G5 8JD
Tel: 01414 184093 OR 0845 0703497

Search online at:

www.linsearchbeforeyoudig.co.uk

SGN personnel will contact you accordingly

The Transportation Manager has commented that:

Electric Vehicle (EV) charging provision must be provided in accordance with the current Moray Local Development Plan (MLDP 2020) policy and supplementary guidance requirements.

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

The Transportation Manager must always be contacted before any works commence. This includes any temporary access, which should be agreed with the Roads Authority prior to work commencing on it.

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 transport.develop@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.

Street lighting will be required as part of the development proposal.

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.

SEPA has commented that:

See attached consultation response dated 12 September 2019.

Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

As advised above a Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from this construction site. See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. The applicant should ensure sufficient space is available for construction drainage mitigation measures. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office, contact details below.

Please also refer to Guidance for Pollution Prevention (GPPs) Notes and Guidance on the construction of SUDS (CIRIA C768). Please refer to the NetRegs website for guidance on waste management and see specifically their Waste Management Plan template for producing the site waste management plan.

Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012.

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 at: 28 Perimeter Road, Pinefield, Elgin, IV30 6AF, Tel: 01343 547663.

SCOTTISH WATER has commented that:

See attached consultation response dated 17 September 2019.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
LB2_PL_AB_01	Acoustic barrier elevation
LH01-ENG-490	Proposed service utilities route layout
LH01_PL_06 A	Parking mitigation

1090BW(as)911	Cullen house type - elevations and floor plans
LH01_PL_AB_01	Acoustic barrier
1916-01 A	Noise barrier detail
1073SD(00)901J	Cupar semi - elevations and floor plans
1060BW(AS)901	Croy - elevations and floor plan
1104DT(AS)901 B	Lauder - elevations and floor plans
1237DT(--)901 A	Nairn - elevations and floor plans
1237DT(--)901 C	Nairn semi - elevations and floor plans
1287DT(AS)901 C	Balerno - elevations and floor plans
2016/D/PL/01	D type - elevations and floor plans
2016FF_901	FF - elevations and floor plans
2019 AA_901	AA - elevations and floor plans
3649_SUR_01	Topographical survey
652/757CF(--)901 F	Aulder house type - elevations and floor plans
725BWS(--)901	Roseisle SD - elevations and floor plans
932TE(AS)901/01	Dallachy (AS) - elevations and floor plans
950SD(AS)901 D	Ardmour house type - elevations and floor plans
LH01_ENG_250	Slope analysis
LH01_LP_01	Location plan
MC/2018/CS/01 B	C type semi detached - elevations and floor plans
SR-901	Standard sun lounge elevations and floor plans
2019/NETH/PL/02	Nethy - elevations and floor plans
1224DTAS – 911 G	Arden (AS) - elevations and floor plans with sun room option
1706.16352	Playpark design

LH01-ENG-500	Roads layout
LH01-ENG-505	Adoption layout
LH01_PL_07	Key buildings
LH01-ENG-600 B	Drainage layout
LH01-ENG-650	Overland flow layout
LH01-ENG-700	Visibility layout
1 of 1	Tree constraints plan
1-3 B	Tree protection plan
LH01_ENG-160	Visitors parking layout
LH01_ENG_155 A	Planning road long sections
LH01_ENG_156 A	Planning road long sections



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
19/01080/APP

Site Address:

R1 St Andrews Terrace
Lhanbryde

Applicant Name:

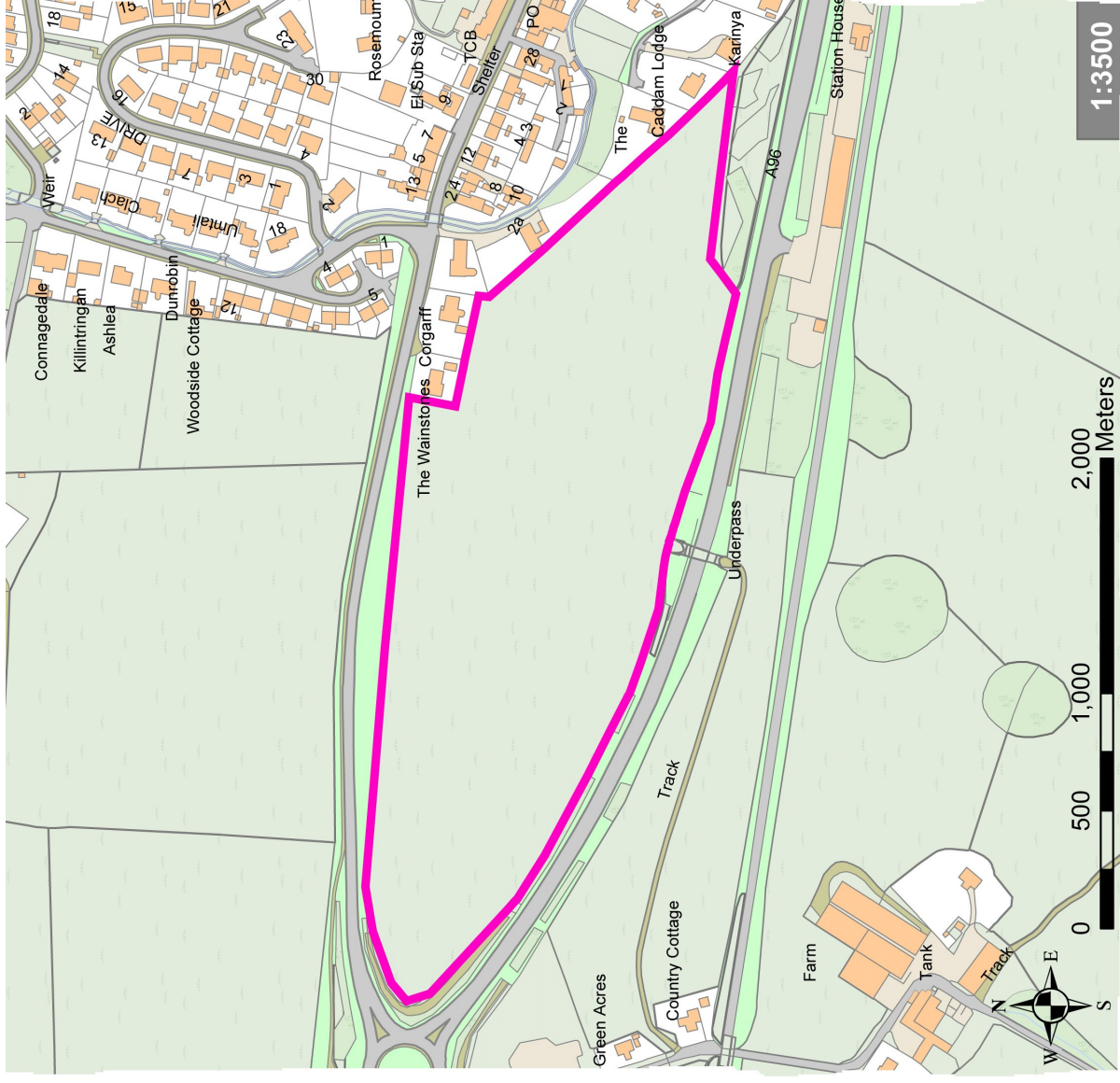
Springfield Properties PLC

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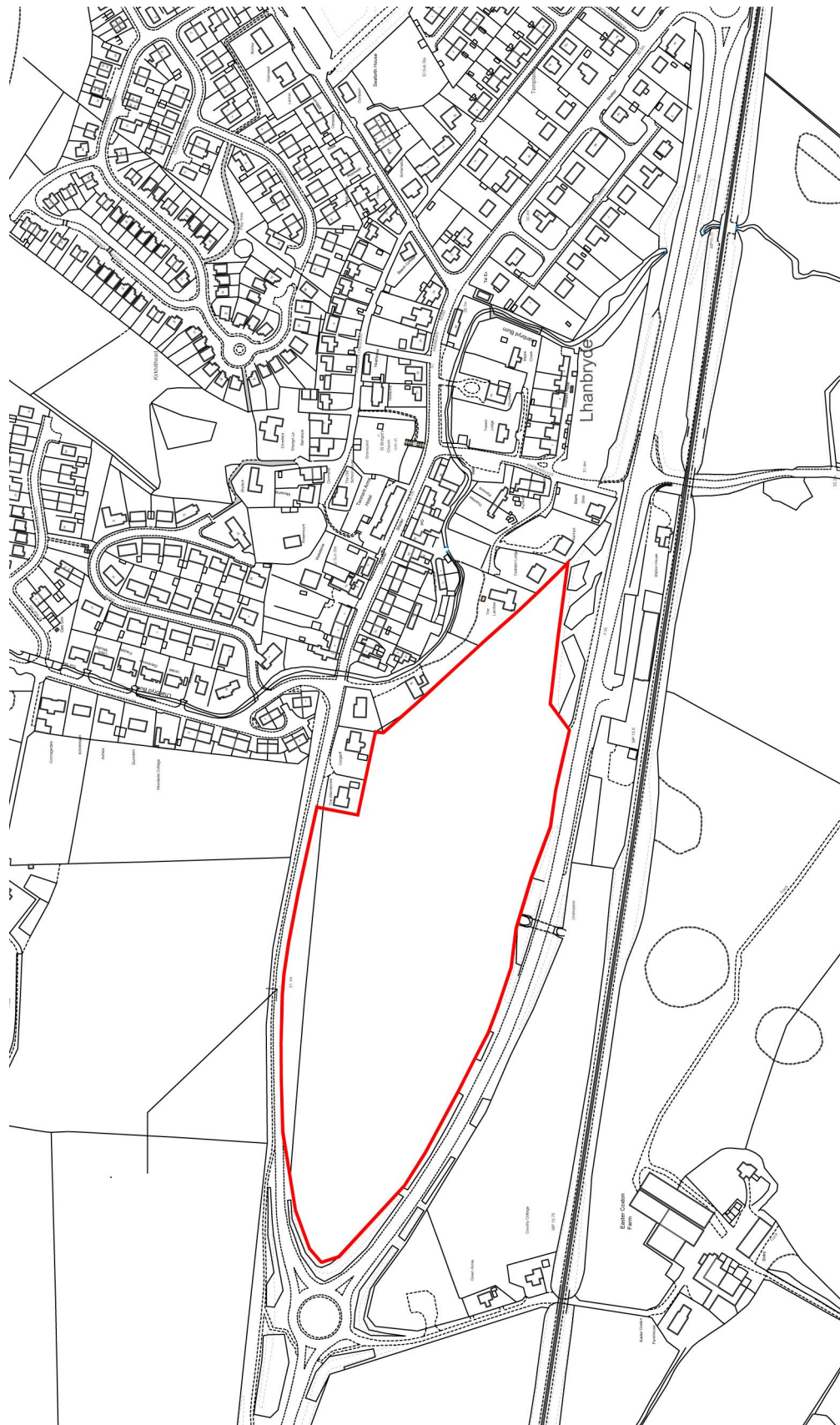
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Location Plan



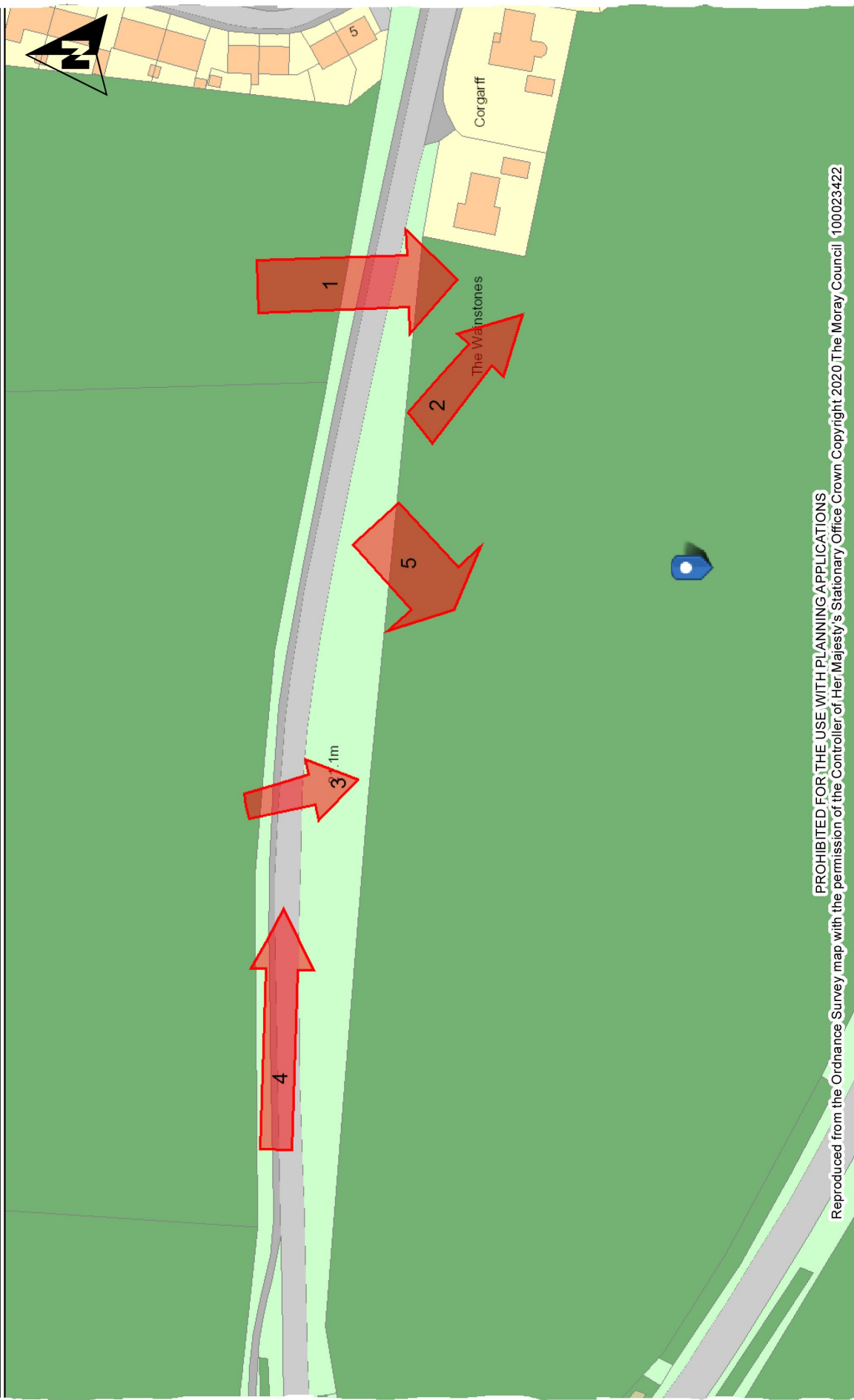
Site Location



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Photograph Positions



Map Description: a Description of a Moray Council Map

Scale: 1:1,322 @ A4





Photo 1



Photo 2

Photo 3





Photo 4



Photo 5

PLANNING APPLICATION: 19/01080/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 77 houses with associated access, parking and surface water drainage. A play park, kickabout pitch, footpaths and landscaping are also proposed.
- The development is concentrated in the central part of the site with landscaping around it.
- The site will be served from the north via St Andrews Road.
- A cycle path which will also serve as an emergency access is proposed to the north west.
- The development includes 19 affordable housing units (3-13 & 31-38) and 7 accessible units (plot 71-77).
- Twelve private house types are proposed - 4 x Ardmore (3 bedroom 2 storey houses), 9 x Dallachy (3 bedroom 1 ¾ storey house), 4 x Cupar (3 bedroom 2 storey house), 2 x Nairn (3 bedroom 1 ¾ storey house with integral garage), 2 x Lauder (3 bedroom 2 storey house with integral garage), 3 x Arden (4 bedroom), 2 x Balerno (4 bedroom 1 ¾ storey with integral garage), 16 x Auldearn (2 bedroom flat in 2 storey blocks), 1 x Cullen (3 bedroom single storey house), 12 x Roseisle (2 bedroom single storey house), 2 x Croy (3 bedroom single storey house) and 1 Nethy (3 bedroom 1 ½ storey house)
- The affordable housing units are 8 x Type A (1 bedroom flat in 2 storey blocks), 6 x CS (2 bedroom single storey house), 2 x D (3 bedroom semi) and 3 x F (4 bedroom 2 storey house).
- Five character types are identified which will be spread across three character areas. All houses are proposed to be finished in a white render with flat grey tiles on the roof. The private houses have feature masonry. All the units have feature timber cladding with two different colours in each character area. The chosen colours are green, grey and brown.
- Surface water will be directed to a proposed SuDs basin to the north west of the site.
- The houses will be connected to the public sewer and water supply.
- An area of 14 trees will be removed to form the proposed access and visibility splays. These are identified on the Tree Protection Plan.
- A landscaping plan has been provided. Landscaping is provided around the edges of the development and throughout the site
- The application is supported by a Planning Statement, Placemaking Statement, Lhanbryde Visual Assessment, Archaeological Survey, Badger and Ground Water Dependent Terrestrial Ecosystems (GWDTE) Survey, Drainage Strategy, Flood Risk Assessment, Site Investigation, Transport Assessment, Road Safety Assessment, Noise Assessment, Accessible Housing Statement, Aborigicultural Impact Assessment and Method Statement.

- The application was submitted in September 2019. Significant amendments were made to the proposal in order to comply with the Moray Local Development Plan 2015 which was in force at that time. The Moray Local Development Plan became a material consideration in June and was adopted on 27 July. The application remained undetermined at that time and the applicant was made aware that it now has to be assessed against the requirements of the 2020 plan.
- The application has been amended to meet the requirements of the new plan. A placemaking statement and biodiversity plan have been submitted. New character areas have been introduced and attempts have been made to introduce greater character and distinctiveness through the use of materials and landscaping. The parking provisions have also been altered and provision has been made for electric vehicle charging.

THE SITE

- The site extends to 6.8ha and is on the western edge of Lhanbryde.
- The site is bounded to the north by St Andrews Road and to the south by the A96 (T).
- There are existing houses to the east of the site.
- The site is largely open grazing land and there is an existing cattle pass underneath the A96 (T) which will be blocked up.
- There are mature trees along the roadside boundaries of the site.
- There is an existing burn running through the site that will be retained.
- There are significant changes in levels across the site. There is central dip and the land rises steeply to the east.
- There is a site (Meikle Coxton Cottages) of archaeological interest to the south of the site.
- Areas in the north of the site and around the burn are identified on SEPA flood maps as at risk of surface water flooding.
- An area of the site in the north appears on the SEPA flood map as at Low (1 in 1000 years) risk of flooding and the site is adjacent to an area of medium (1 in 200 year) flood risk.
- There is a medium pressure gas pipeline to the north of the site.
- The site is covered by the Lhanbryde R1 designation in the Moray Local Development Plan 2020 which is designated for 65 units.

HISTORY

None.

POLICY - SEE APPENDIX

ADVERTISEMENTS

- Advertised for neighbour notification purposes and as a departure from the development plan.

CONSULTATIONS

Strategic Planning & Delivery: The application has been through the Quality Audit process which assessed the proposal against the key placemaking principles of Policy PP1 and the Key Design Principles to ensure that the development creates a successful healthy place with character and identity that reflects Lhanbryde. In order to fully comply with PP1 the proposal had to achieve green in every section of the QA.

During the assessment period a significant amount of work was undertaken with the applicant to address and negotiate revisions to the proposal. This involved several discussions and written comments (including 2 QA's) which offered clear mitigation measures as to what was required to score a green in each category to ensure full compliance.

The detail of each category can be found in the QA, to summarise, the proposal failed to comply with PP1 in the following areas but these matters can be addressed by planning conditions;

- **Character and Identity** - Significant steps have been taken to improve the character and identity of the development and in particular the distinctiveness and variation between Character Areas. However, to achieve "green" further variation is required to provide greater distinction between Character Areas. It is recommended that the render colour within Character Area 3 is changed to a smooth cream render. Whilst key buildings have been identified and it is noted that these will have feature cladding to make them distinct no detail has been provided on where this feature cladding will be applied to the key building. It is therefore not possible to confirm if the buildings will be distinct enough to aid orientation and navigation through the development. Details of the feature cladding proposed on key buildings is required to demonstrate that the key buildings are significantly distinct from other housing proposed. The Placemaking Statement refers to stone walls being built at the development entrance. These have not been shown on the layout or Landscaping Plan. This would create a gateway into the development, particularly given housing is set back significantly from the road. Details of the proposed stone wall are required.
- **Character and Identity/Open Space/Landscaping** - The variation in tree, shrub and hedge planting between Character Area described within the Placemaking Statement is not shown on the Landscaping Plan. The variation in planting between Character Areas is a key component that gives each Character Area its own distinct character and identity. Ensuring that the planting is implemented in line with the Placemaking Statement requires the Landscaping Plan to be updated. The Landscaping Plan (or addendum to this) must update the street trees so there is clearer variation between Character Area and the trees must reflect those selected within the Placemaking Statement. The Landscaping Plan must show different types of shrub planting for each Character Area that reflects the variation within the Placemaking Statement (i.e. have a specific shrub mix identified for each Character Area on the Landscaping Plan). Similarly three different hedge types must be shown on the landscaping plan to reflect the Character Area and the variation shown within the Placemaking Statement.
- **Housing Mix** – Whilst similar materials and finishes are to be applied to both affordable and private houses, amendments to the orientation of cladding is required to ensure affordable units are not distinguishable from private units. It is noted that with the exception of the CS house type the cladding within the affordable housing is

horizontal while the private is all vertical. Vertical cladding must be provided on all houses.

- Open Space/Landscaping - The central play area and kickabout space is within Character Area 1 Coxton Crescent. Depending on phasing this may mean that the play area is not available to a significant portion of the development including the affordable housing. It is also noted that Character Area 1 Coxton Crescent has the potential to be impacted by the A96 dualling proposals which could delay development of this Character Area. To ensure timely delivery and access to the play area this must be built by the occupation of the 25th housing unit. The design proposed for the play area is a standard layout and does not include all abilities play equipment. Further details of the play area including inclusive play equipment is required.
- Open Space/Landscaping - The Landscaping Plan indicates that heavy standard trees have been selected. To comply with policy semi mature tree and shrub planting must be provided. A specification for the informal paths through the woodland areas is also required.
- Biodiversity – The Landscaping Plan identifies an area of fen habitat to be protected as set out within the plan associated with the Biodiversity Plan. Further detail on the measures to protect and enhance the fen habitat are required.
- Car Parking - The cul de sac at plots 67 to 70 all have integral garages which results in parking within the front curtilage. This does not meet policy PP1. However, given this application was submitted first in 2019 and given the mitigation provided this parking is acceptable in this instance.
- Car Parking – Further details required in respect of car parking and EV charging to ensure compliance with PP1/DP1. See Transportation response for conditions required.

The application includes development to the west of the site where the Key Design Principles show woodland planting to contain development. More detailed analysis of the site has shown this area is lower lying with existing mature trees screening it. This results in development being well screened due to the landform, existing trees and proposed new planting. It is noted that cross sections of the site have been provided of the site that help to demonstrate this. Therefore, the designation requirement of focussing development on lower slopes and the principles of providing containment with woodland planting has still been achieved.

Unfortunately the finalised QA that accompanies this response shows the proposal has scored red against 6 of the 7 design principles and this shows that the proposal fails to comply with PP1. However, the mitigation set out above would result in the proposal achieving green in all categories.

DP2 Housing - Housing Density (c) - Policy DP2 c) states that capacity figures indicated within site designations are indicative only and that proposed capacities will be determined through the QA process against the characteristics of the site, character of the surrounding area, and conformity with all policies and the requirements of good Placemaking as set out in Policies PP1 and DP1. Through the Quality Audit process there has been a reduction in unit numbers from 86 units to 77 units to better reflect the natural features of the site and avoid two storey buildings being located on the highest parts of the site. The level of units is now considered an appropriate density and represents 65 building footprints of which 12 are flats.

Housing Mix and Integration (e) - Policy DP2 (e) requires that proposal must demonstrate tenure integration and meet the following criteria;

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

Through the Quality Audit process changes to the character areas and specific design features have been achieved to ensure the materials/colours used are not attributable to any one tenure and that the character area has a mix of affordable and private housing. However, to further aid tenure blindness cladding on all housing within the development must be vertical.

The affordable housing is located centrally within the site and is in an acceptable location. The housing is within close proximity to the proposed play areas, with some houses directly overlooking this. To comply with DP2 e) the cladding must be altered to vertical

Policy EP5 Open Space - Provision of a pocket park and extensive woodland planting with recreational trails is a key requirement of the designation and Key Design Principles. Through the Quality Audit process the open space was reconfigured so the play area and kickabout were located next to each other with buildings re-orientated to overlook the play space. Multifunctional spaces that will support drainage and habitat creation/protection are proposed. The function of the extensive woodland planting is enhanced by the inclusion of informal footpaths. Further detailed landscaping provision was also sought and has been provided including street trees, additional landscaping within the internal layout and provision of seating.

An assessment against the quality criteria of EP5 has been undertaken which resulted in the proposal scoring over 75% meaning that proposals comply with the quality standard within Policy EP5. Accessibility and quantity standards have also been met in line with Policy EP5.

Policy EP2 Biodiversity - Policy EP2 requires proposals to provide a Biodiversity Plan to demonstrate how the layout will integrate measures to enhance biodiversity and create new habitats by including biodiversity features in the design of the development. The applicant has provided a Biodiversity Plan in conjunction with a detailed landscape plan and shows that a number of measures will be incorporated into the layout to promote and enhance biodiversity. The proposal includes protection of an existing fen area and provision of a wetland area to the north of the site. Hedgehog fencing and gullypot ladders are also to be provided. The proposal has extensive woodland planting that incorporates a variety of species. The layout will also feature a number of hedges as boundary treatments and planting along streets which not only helps to soften the streetscene but also promote biodiversity. Whilst the Landscaping Plan identifies an area of fen habitat to be protected it is unclear how this is to be achieved and if the proposals are sufficient. Further details of the measures to protect and enhance the fen habitat is required. Further detail on how the wetland habitat will be created is also required.

Developer Obligations: Contributions towards a new health centre in Fochabers will be sought. The applicant has expressed a willingness to pay should planning permission be granted.

Transportation: The current Planning Drawings and Road Safety Audit submitted with the application do not take account of the proposals for public transport included within the Transport Assessment. The public Transport Unit (PTU) Manager has raised a possible concern with the on-road bus stops in this location and the perceived speed of some traffic using St Andrews Road and potential danger associated with any vehicles overtaking waiting buses. In order to ensure these concerns are addressed and the public transport infrastructure is provided, the design and road safety considerations need to be reassessed for the frontage of the site on St Andrews Road including the site access and proposed bus stops. The proposals will need to be amended to take account of any issues.

Conditions are recommended to address a shortfall in parking, to secure details of root protection in relation to the road, to provide additional details of electric vehicle charging, to ensure adequate visibility at the access, to ensure a pedestrian connection to the footpath to the east and requiring the submission of a Construction Traffic Management Plan. (CTMP).

Housing Strategy and Policy Manager: No objection subject to conditions to ensure provision of affordable and accessible housing in line with policy.

Moray Flood Risk Management: No objection.

Moray Access Manager: No objection. The cycle path is on the north side of St Andrews Road and the site should be safely linked to this by provision of a safe road crossing point.

Environmental Health: No objection subject to a condition requiring the provision of an acoustic barrier as recommended in the submitted Noise Impact Assessment.

Contaminated Land: No objection.

Archaeology: While no archaeological remains have been found within the proposed development site itself, it occupies an area adjacent to a previously recorded archaeology site (NJ26SE0059, indicating prehistoric activity) with many more sites recorded in the immediate surrounding landscape. Recommends condition requiring Written Scheme of Investigation.

Transport Scotland: No objection subject to conditions relating to roadside landscaping, the proposed acoustic boundary and drainage to the trunk road.

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

SEPA: No objection subject to conditions relating to flood risk, peat management and protection of habitat.

SNH: No objection.

Scottish Gas Networks: No objection.

Innes Community Council: The Community Council raised concerns about road safety and suggest that the 30mph zone should be extended or increased to 40mph. Concern is also expressed that foul drainage provision is at capacity and questioning who is

responsible for maintenance of SuDS. Further concern was expressed about landscaping including the mix chosen, protection measures and future maintenance.

PO response: The Transportation Section have no objection to the proposal, has assessed the application and does not consider the development to necessitate a change to the existing speed limit. Scottish Water have no objection to the proposal and advise that there is capacity in the system. Where appropriate SuDs will be adopted by Scottish Water. A schedule of maintenance for the SuDs scheme (23 November 2020) has now been submitted. The landscaping has been detailed on the submitted landscaping plans and it is recommended that further details will be sought by condition. Further conditions are recommended to ensure adequate protection and maintenance.

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).

[REDACTED]

Issue: A boundary fence between the site and Station Road is required.

Comment (PO): A condition is recommended to address this matter as no details are shown on the plans. It is noted that the contributor's preference is for a 2m high timber boarded fence. The applicant has stated they propose a post and wire fence and note that this will be reinforced by the planting detailed as part of the application. Given the distance between the existing houses and the nearest proposed houses and the level of planting proposed in this area this proposal is considered to be acceptable and subject to the imposition of a condition.

Issue: The public sewer does not have sufficient capacity to accommodate this development.

Comment (PO): Scottish Water has advised that there is sufficient capacity in the public sewer to accommodate the development. It is the developer's responsibility to secure connection to public infrastructure.

Issue: Drainage particularly in relation to the existing burn.

Comment (PO): A Drainage Strategy and Flood Risk Assessment have been submitted in support of the application. These identify existing issues on site and set out measures to ensure the adequate drainage of the site and prevent any increase in the risk of surface water flooding on site or elsewhere.

Issue: Speed bumps should be provided.

Comment (PO): The Transportation Manager is satisfied with the measures proposed within the site.

Issue: Wildlife, flora and fauna should be fully considered.

Comment (PO): Appropriate ecological surveys have been carried out and the recommended mitigation is reflected in the recommended conditions.

Issue: Listed buildings should be protected.

Comment (PO): There are no buildings listed or otherwise on the site.

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 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Principle of the Development (DP2 & Lhanbryde R1)

The application site is covered by the Lhanbryde R1 designation in the Moray Local Development Plan 2020 (MLDP) which designates the site for 65 units and sets out a number of key principles for including that development should be concentrated on the lower ground between the two knolls to the east and west of the site. The original submitted proposal was for 86 units but this was reduced to the current proposal of 77 units in order to better comply with the designation requirements which were the same under the previous policy. Although the revised proposal exceeds the identified site capacity, policy DP2 (c) states that capacity figures are only indicative and the actual capacity will be determined through the Quality Audit (QA) process which will consider the development in the context of the surrounding area and conformity with policy. Some units were removed from the higher eastern part of the site in order to prevent the development being unduly prominent and to better align the development with policy. The development will be well screened by existing and proposed planting which along with the topography will provide adequate containment for the development. The number of units is now considered to be acceptable given the layout and the relationship with the surrounding area. The other more technical elements of the designation text are addressed in more detail in the relevant sections below but have been complied with. The requirements of the designation text and policy DP2 (c) are considered to be met.

Placemaking & Design (PP1, DP1 DP2, Lhanbryde R1)

Policy PP1 requires development of more than 10 units to go through the QA process. PP1 is a primary policy in the MLDP 2020 and has significantly changed from PP3 in the MLDP 2015. The previous QA format had red, amber and green scores but the revised version has only red or green. This proposal was originally assessed under the 2015 plan and the previous QA criteria. A number of changes were made to the scheme including a reduction in the number of units proposed and changes to the layout in order to meet the earlier policy requirements. The previous assessment showed that the layout scored several ambers in a number of categories. Although this was deemed to comply with PP3, the amber categories reflected that the layout only met the minimum policy requirements and that further changes would have to be made to achieve a "green". Nonetheless had the application been determined under the previous policy the application would have been recommended for approval on this basis. The application was still pending on 15 June when the 2020 MLDP became a material consideration and therefore the proposal had to be re-assessed against the new policy.

The 2020 MLDP introduced a stronger emphasis on placemaking and character and more stringent requirements in relation to biodiversity, car parking and landscaping. The

summary table below shows that the initial assessment against the 2020 resulted in a red score in each category. Since that time the applicant has sought to make changes to meet the new policy requirements. A placemaking statement and biodiversity report has been submitted, new character areas and key buildings have been introduced and various changes have been made in relation to finishes, parking and landscaping.

In relation to character and identity it is noted that the same private houses types are proposed across the site with separate designs for the proposed affordable units. These are of a standard suburban design that are acceptable in this setting. The houses will each have different timber cladding features which provide an opportunity to create character and distinctiveness. The proposal has been amended to create three different character areas. Each character area will be distinguished by different cladding colours which have been chosen to reflect the character of the surrounding area. In this case the colours are shades of green, grey and brown. While these changes along with the proposed key buildings and distinctions in planting and layout are welcomed it is noted that not all the improvements referred to in the submitted placemaking and biodiversity statements are detailed on the plans. These matters will have to be dealt with by condition in order to comply with policy. While the new policy makes clear that landscaping is an integral part of the design process it is recommended that this be dealt with by condition given the need to determine the application based on the information provided.

Car parking is dealt with in more detail in the relevant section below but the QA highlights that this is an area where a small part of the layout will not comply with policy. The 2020 MLDP requires 50% of all parking spaces in a street to be provided behind the building line of the unit they serve.

It is also noted in the relevant section below that the requirements for electric vehicle charging have not been met. While this is now expected to be provided with every application it is recommended that it be dealt with by condition in this case in order to bring this application to a conclusion.

Summary Table

Design Principle	Audit Score July 2020	UPDATED NOV 2020	Mitigation Necessary to Score Green	Final Audit Score if Mitigation is Delivered/Secured by Condition
Character Identity &			<ul style="list-style-type: none"> ➤ Cream coloured render provided in Character Area 3 to vary render between Character Areas and ensure they are clearly distinguishable. ➤ Provide details of the feature cladding proposed on Key Buildings to demonstrate that these are significantly distinct from other housing proposed. ➤ Provide details of a stone wall on either side of the entrance to the development. ➤ Updated Landscaping Plan to <ul style="list-style-type: none"> • show variation in street trees between 	

			<p>Characters Areas and reflect the tree types selected within the Placemaking Statement</p> <ul style="list-style-type: none"> • show a different types of shrub planting for each Character Area to reflect the variation in planting proposed within the Placemaking Statement • show the location of the three different hedge types as described within the Placemaking Statement depending on the Character Area • add bench icon key of plan. 	
Healthier, Safer Environments			➤ As above	
Housing Mix			➤ Amend cladding on affordable housing so this is all vertical to ensure development is tenure blind.	
Open Space/Landscaping			<ul style="list-style-type: none"> ➤ As above ➤ Play area to be provided upon the occupation of the 25th unit. ➤ Further details of the play area to be provided including details of the provision of all abilities play equipment. ➤ Provide a specification for informal footpath within the woodland planting. ➤ Provide semi –mature street trees and shrubs 	
Biodiversity			<ul style="list-style-type: none"> ➤ Provide further details on the measures to protect and enhance the fen habitat are required. ➤ Provide a specification detailing how the wetland will be created. 	

Car Parking			➤ Provision of further details for car parking and electric car charging	
Street Structure, Layout, and Detail				

The above table shows that the development still scores red in 6 of the 7 categories however in each area the recommended conditions would enable a green score across all categories. It is acknowledged that this application has been pending consideration and key design decisions were made with a view to compliance with the previous policy which has meant that many of the new requirements have had to be 'retro-fitted'. In this context it is recognised that not all of the current policy requirements can be fully met. In areas where compromises can be made such as parking and the provision of landscaping details these are recommended. In other areas including the matter of electric vehicle charging provision it is considered that the new policy must be adhered to. The changes made and recommended conditions would bring the development more closely in line with policy and it is considered that the proposal is acceptable in placemaking terms subject to the conditions recommended.

Access and Parking (PP1, PP3 & DP1)

One new access to the site is proposed from St Andrews Road to the north of the site. The Transportation Manager has no objection to the access subject to a condition requiring the provision of adequate visibility. The internal road layout is legible and considered to be acceptable. The proposals will ensure safe entry and exit to the site for vehicles and pedestrians. Subject to the recommended conditions the proposals comply with DP1 (ii).

The parking provision as detailed on the submitted plans complies with the Council's parking standards and policy DP1(ii)(e) except that an error is noted in relation to the number of parking spaces provided for plot 12 and 2 additional visitor parking spaces are required. There is sufficient space to accommodate the necessary additional spaces and these matters can be covered by the imposition of a planning condition. It is noted in the placemaking section above that the proposal does not fully meet the requirement of policy DP1(ii)(b) which requires 50% of the parking on each street to be behind the building line of each unit. This relates to the cul de sac formed by plots 67-70 which has all the parking forward of the building line. Elsewhere however changes have been made to the layout to achieve rear and side parking in line with policy and the proposals include provision to break up blocks of parking with planting. The proposal therefore, whilst not fully compliant with policy DP1(ii)(b), is considered acceptable as this deviation is not significant in the context of the overall scheme and would not in itself justify refusal.

Conditions are recommended to ensure that the required parking is provided in a timely manner.

The policy requires the provision of electric vehicle (EV) charging infrastructure for all units and communal parking areas. The details provided to date do not meet the requirements of the policy or the technical guidance. The developer is only required to provide the cabling to a minimum standard and not the charging unit which would be for individual residents or the social housing provider to supply. The applicant is aware of requirements and have expressed concern regarding the costs and infrastructure implications. Notwithstanding the concerns raised the provision of electric vehicle charging cabling to

an agreed standard is a policy requirement and will be sought on all new developments. A suspensive condition is therefore recommended to ensure that the EV charging is provided in a manner that accords with policy and follows technical guidance.

The Transport Assessment submitted in support of the application includes provision for a bus service. It is noted that this is not included in the submitted Road Safety Audit (RSA) and there are concerns about buses stopping in the road in this location. A condition is therefore recommended requiring details of an alternative bus stop and an updated RSA.

Pedestrian access through the site has been provided in the form of a footpath around the site. An additional pedestrian access to the north west is also proposed. A condition is recommended to ensure that a connection is provided from the access to the site to the existing footpath on the south of St Andrews Road that leads to Lhanbryde. In line with the comments from the Access Manager a suitable pedestrian crossing from the site entrance to the cycle path to the north of St Andrews Road will be sought by condition.

It is also recommended that a CTMP is sought by condition to ensure that construction traffic is effectively managed.

The proposals for access and parking are for the most part in accordance with the requirements of policies PP3 and DP1. A utilities plan has been provided in accordance with policy PP3 and is acceptable.

Noise (EP14)

A Noise Impact Assessment (NIA) has been provided which assesses the impact of the adjoining trunk road. The report recommends the provision of an acoustic barrier and details of the barrier have been provided. The proposed barrier is a 2m high timber fence with steel posts. It will be installed along the boundary with the trunk road to the south of the site. Both Environmental Health and Transport Scotland have confirmed that the proposed barrier is acceptable. A condition is recommended to ensure that the barrier is installed prior to any units being occupied. The supporting NIA demonstrates that noise pollution can be appropriately mitigated and the condition will ensure that the development complies with policy EP14.

Drainage and Flood Risk (DP1 & EP12)

Parts of the site are at risk of surface water and fluvial flooding. A Flood Risk Assessment (FRA) has been provided. The applicant has confirmed that the findings of the FRA are not affected by the changes to the proposals. The flood risk areas are to the north of the site and along the length of the existing burn. No built development aside from the access road is proposed in these areas and it is noted that the kickabout pitch has been moved from its original position in the north of the site as it was likely to be at risk from flooding. SEPA advise that the design and layout of the proposal adequately accounts for the findings of the FRA. A condition is recommended requiring additional details of compensatory storage and flood relief culverts for the access road which will be on the functional flood plain. These details will ensure that the development does not increase the risk of flooding on site or elsewhere. Subject to conditions the proposals comply with policies DP1 and EP12.

A detailed Drainage Strategy has been submitted in support of the application. Surface water will be dealt with within the site. A surface water basin is proposed in the north east of the site. Moray Flood Risk Management has no objection to the surface water drainage

proposals. A condition is recommended to ensure that the measures outlined in the Drainage Strategy are implemented in full.

The development will be connected to the public sewer and water supply. Scottish Water has no objection but has highlighted that it is the responsibility of the developer to secure a connection to public utilities. The proposal complies with policy EP12.

Trees and Landscaping (PP1, P1, EP7 &, Lhanbryde R1)

There are a number of mature trees along the northern (roadside) boundary of the site. These form part of the character of the site and mark the entrance to Lhanbryde. The application is supported by an Arboricultural Impact Assessment and Method Statement and Tree Protection Plan. The plan identifies 14 trees (all Crack Willow) that will have to be removed to form the access to the site and achieve the necessary visibility splays. Thirteen of the trees to be removed are C grade (low quality) and one is U (unsuitable for retention). Policy EP7 requires that proposals retain healthy trees and incorporate them within the proposal unless it is technically unfeasible to retain them. In this instances, this tree loss is unavoidable in order to achieve the necessary visibility and ensure that all retained trees remain viable. The retention of the remaining trees along the roadside boundary will help to protect the overall character of the site and the entrance to Lhanbryde. It is noted that some of the remaining trees along the boundary with St Andrews Road will have to be cut back to achieve the required visibility at the access however the tree surveyor advises that the trees affected are likely to tolerate the level of intervention required. The submitted landscaping plan makes clear that new tree planting will significantly exceed the number of trees to be removed. Additional biodiversity enhancements include planting of hedgerows and wildflower areas to provide refuge and forage for a variety of species and connectivity across the site, protection and creation of wetlands and the provision of bat and bird boxes. The protection and enhancement of wetland areas is also proposed. The biodiversity enhancement measures proposed will go some way to compensate for any loss of habitat and biodiversity value along the roadside. All other existing trees on the site will be retained. The application seeks to protect what can be retained, compensate for what is lost while providing overall biodiversity enhancement and notwithstanding the limited tree removal proposed, is considered to accord with policy EP7. It is recommended that conditions are imposed to ensure that the detailed tree protection measures are provided and to prevent any further tree removal. Further conditions are recommended to ensure that tree planting in proximity to the road is suitably controlled and protected to ensure that there is no adverse impact on the public road. Subject to the recommended conditions the proposal will comply with policy EP7.

A detailed landscaping plan has been provided which shows extensive new landscaping. This is concentrated to the east, west and south of the site. It is noted above extensive planting is shown across the site. The new planting is a combination of woodland, hedgerow and wild flower planting to ensure a good biodiversity enhancement. The new planting will provide a strong buffer between the houses and the trunk road. The planting on the higher ground in the east of the site will provide some setting for the development and will provide additional privacy for the residents of the existing houses to the east. The landscaped areas will also provide a quality amenity space for residents. Informal paths are also shown in the south east of the site which will increase accessibility of these areas. The proposed landscaping measures will contribute to a sense of place and will help to integrate the development to its surroundings. The proposals are supported in principle, however as is noted above some of the proposals contained in the placemaking statement intended to provide distinctiveness between character areas are not reflected in

the landscaping plan. Furthermore, the landscaping plans include reference to heavy standard trees when the policy requirement is for semi-mature new trees. It is recommended that these matters are dealt by condition. A further condition is recommended to ensure that the landscaping is timeously carried out and properly maintained. Subject to the recommended condition the proposals comply with policies PP1, DP1 and Lhanbryde R1.

Open Space and Public Access (PP1 & EP5)

Policy EP5 requires new development to provide accessible multifunctional open space of an appropriate quality and quantity. For proposals of between 51 and 200 units such as currently proposed at least 20% open space is required. The total open space proposed on this development extends to 4.25ha which represents 62% of the overall site. This meets the quantitative element of the policy. The open space includes a playpark and kickabout area along with informal paths and benches throughout the site. The position of the playpark and kickabout area have been altered from the originally submitted proposal to move it away from the areas of poor drainage and to ensure good natural surveillance. Indicative details of playpark have been provided and the Lands and Parks Section have confirmed that these are acceptable in principle however in order to ensure high quality provision that takes account of accessibility for all users it is recommended that further details are sought by condition. Good connections through the site are proposed. It is recommended that a detailed specification for the woodland paths is sought by condition. The Access Manager has no objection but has highlighted the need to provide a connection from the site to the cycle path on the northern side of St Andrews Road. Subject to the recommended condition the open space provision is considered to meet the requirements of EP5 and will contribute to the creation of a healthier and safer place in accordance with the requirements of policy PP1.

Affordable and Accessible Housing (DP2)

In line with policy DP2, 19 affordable housing units are to be provided on site. The housing mix has been agreed with the Housing Policy and Strategy Manager and will be provided as follows: 8 x 1 bedroom flats, 6 x 2 bedroom houses, 2 x 3 bedroom houses and 3 x 4 bedroom houses. The affordable housing will be centrally located within the development with private houses immediately to the east, west and south. The playpark and kickabout pitch are immediately to the west of the affordable housing. The units will be finished in a similar style to the private units and the cladding details have been altered to ensure a tenure blind design approach. The applicant has agreed that the finishes of the affordable units will be further altered to show vertical cladding instead of horizontal in order to match the private units. No amended drawings showing this have been provided therefore it is recommended that this matter is dealt with by condition. The housing mix will serve to address housing need in the area. Adequate steps have been taken to integrate the affordable units with the wider development. It is recommended that the affordable housing is controlled by condition to ensure that it is provided on site as proposed and maintained as affordable housing. On this basis the proposal complies with policy DP2.

In order to meet the requirements of policy DP2 10% of the private units provided will be accessible housing. To meet the policy requirements 6 accessible units would be required. A revised accessible housing statement has been submitted which states that 11 units will be accessible. These will consist of eight two bedroom ground floor flats, two 'Croy' type three bedroom bungalows and one 'Cullen' type three bed bungalow. The three bungalows sit on plots 71, 74 and 77. These are on the higher part of the site but the Housing Manager has confirmed that this is acceptable subject to level access to the

houses being provided. The provision of accessible housing will be controlled by condition to ensure that the accessible housing requirements are met in full and the proposals are implemented. Subject to the condition the proposals comply with policy DP2.

Archaeology (EP8)

The site is adjacent to an area of known archaeology (NJ26SE0059 Meikle Coxton Cottages) and there have been a number of other archaeological finds in the surrounding area. A condition is therefore recommended requiring the submission and implementation of a Written Scheme of Investigation (WSI) for the site. The recommended condition will ensure that any archaeology is appropriately recorded in accordance with policy EP8.

Protected Species and Biodiversity (PP1, EP1, EP2 & EP14)

The application is supported by a Badger and Ground Water Dependent Terrestrial Ecosystem (GWDTE) and Wetland Survey which was submitted with the original application and a Biodiversity Statement which was submitted following the adoption of the MLDP 2020 which has more explicit policies in relation to biodiversity.

The survey indicates the presence of badgers on site however no active setts were identified. In line with the recommendations set out with the survey it is recommended that a badger mitigation plan is sought by condition. This will ensure that badgers are protected on site particularly during the construction phase. This will ensure that the development will not adversely impact on the protected species. Subject to the recommended condition the proposal complies with policy EP1.

The GWDTE survey identifies a small area of M9 alkaline fen in the area around the existing burn. The area is small and it is in poor condition. However, habitat of this kind is rare in the north east of Scotland and is listed as an 'Important Habitat for Biodiversity' by the North East Biodiversity Partnership and included on the Scottish Biodiversity List and UK Biodiversity Action Plan. SEPA advise that this should be retained and the water table in the area must be maintained to protect the habitat. The site plan indicates that the burn running through the site will be retained which will protect the habitat. A condition is recommended requiring the submission of a Habitat Protection Plan to ensure that the habitat is protected throughout the construction phase and throughout the lifetime of the development.

The submitted Ground Investigation Report identified peat across the site. The report recommends peat removal in some areas including where adoptable roads are proposed. A condition is recommended requiring the submission of a Peat Management Plan to ensure that areas of deep peat are avoided and any removed peat is properly handled and reused. This will ensure that peat deposits on site are safeguarded as far as possible.

The submitted Biodiversity Report draws on the work already done in relation to species and habitats. It notes that the high quality alkaline fen area will be protected and identifies further areas of wetland to be created in the northern part of the site alongside the public road. A further condition is recommended to seek a Method Statement for the creation and protection of this new wetland area. The Biodiversity Plan also notes that the proposed SuDs areas offer an opportunity for habitat creation and planting of marginal species along the edges. It also notes that significant areas of hedgerow, and woodland are proposed including species that would provide refuge and forage. Planting provided across the site which will also provide connectivity through the site and to more mature

habits nearby. Areas of wildflower, grass, rush and sedge planting area will help to support pollinating insects. Bat and bird boxes are proposed amongst the mature trees along with gully pot ladders and hedgehog fencing. The biodiversity statement is welcomed and does include proposals that will serve to ensure the protection and enhancement of biodiversity across the site. A condition is recommended to ensure that all the biodiversity enhancement and protection measures detailed in the report are shown on a plan and details of the bat and bird boxes are provided. The condition will ensure protection and enhancement of the natural environment in accordance with policy EP2.

Information Communication Technology (ICT) (PP3)

Policy PP3 Infrastructure & Services vii) requires development proposals to incorporate the installation of Information Communication Technology and fibre optic broadband connections (unless justification can be provided to show that ICT is technically unfeasible). The provision of fibre optic IT cabling will be sought by condition.

Gas Pipeline (EP14)

There is a medium pressure gas pipeline to the north of the site. Scottish Gas Networks has confirmed that the works are outside the required safety area for this gas main. An informative is recommended to highlight the presence of this and the need to contact the relevant operator.

Developer Obligations (IMP3)

A developer obligation of £88,494 towards the provision of new healthcare facilities in Fochabers is sought. The applicant has confirmed a willingness to pay this. It is recommended that this is secured by a Section 75 legal agreement.

Conclusion

This proposal is a departure from policy in relation to car parking provision in front of the building line on plots 67-70 however this is not considered significant in the context of the overall scheme and is acceptable. In all other respects, subject to the recommended conditions, the proposal is acceptable in relation to siting, design, layout, biodiversity and landscaping and all technical requirements have been met. It is therefore recommended that planning permission is granted subject to the recommended conditions and conclusion of a section 75 agreement.

REASON(S) FOR DECISION

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

Notwithstanding the deviation from the car parking requirements in Policies PP1 and DP1 and subject to conditions as recommended, the siting, design and servicing of the development are considered acceptable and otherwise accord with planning policy with no unacceptable or significant adverse effect upon the surrounding environment and there are no material considerations that indicate otherwise.

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APPENDIX

POLICY

Moray Local Development Plan 2020

PP1 PLACEMAKING

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

(ii) Healthier, Safer Environments

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

(iii) Housing Mix

- Provide a wide range of well integrated tenures, including a range of house types and plot sizes for different household sizes, incomes and generations and meet the affordable and accessible requirements of policy DP2 Housing.

- All tenures of housing should have equal access to amenities, greenspace and active travel routes.

(iv) Open Spaces/Landscaping

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and Drainage Impact Assessment for New Developments Supplementary Guidance.
- Landscaped areas must provide seasonal variation, (mix of planting and colour) including native planting for pollination and food production.
- Landscaping areas that because of their size, shape or location would not form any useable space or that will not positively contribute to the character of an area will not contribute to the open space requirements of Policy EP4 Open Space.
- Semi-mature tree planting and shrubs must be provided along all routes with the variety of approaches reflecting and accentuating the street hierarchy.
- Public and private space must be clearly defined.
- Play areas (where identified) must be inclusive, providing equipment so the facility is for every child/young person regardless of ability and provided upon completion of 50% of the character area.
- Proposals must provide advance landscaping identified in site designations and meet the quality requirements of policy EP5 Open Space.
- Structural landscaping must incorporate countryside style paths (such as bound or compacted gravel) with waymarkers.
- Maintenance arrangements for all paths, trees, hedging, shrubs, play/sports areas, roundabouts and other open/ green spaces and blue/green corridors must be provided.

v) Biodiversity

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

(vi) Parking

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

(vii) Street Layout and Detail

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

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

PP2 SUSTAINABLE ECONOMIC GROWTH

Development proposals 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) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:
 - i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
 - ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
 - iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
 - iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
 - v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
 - vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
 - vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.

- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.
- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

b) Development proposals will not be supported where they:

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

c) Harbours

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

d) Developer Obligations

Developer obligations will be sought to mitigate any measurable adverse impact of a development proposal on local infrastructure, including education, healthcare,

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

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

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

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

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

DP1 DEVELOPMENT PRINCIPLES

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

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

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

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all

proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".

- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 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. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

(ii) Transportation

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Maximum (50%) parking to the front

of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.

- c) Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.
- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

(iii) Water environment, pollution, contamination

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).
- b) New development should not be located in areas at flood risk or increase vulnerability to flooding (see Policy EP12). Exceptions to this would only be

considered in specific circumstances, e.g. extension to an existing building or change of use to an equal or less vulnerable use. Where this exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets.

- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures.
- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

DP2 HOUSING

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

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

b) Piecemeal/ individual plot development proposals

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

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

c) Housing density

Capacity figures indicated within site designations are indicative only. Proposed capacities will be considered through the Quality Auditing process against the characteristics of the site, character of the surrounding area, conformity with all

policies and the requirements of good Placemaking as set out in Policies PP1 and DP1.

d) Affordable Housing

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

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

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

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

e) Housing Mix and Tenure Integration

Proposals must demonstrate tenure integration and meet the following criteria;

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

f) Accessible Housing

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

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

POLICY GUIDANCE NOTE- AFFORDABLE AND ACCESSIBLE HOUSING

Affordable Housing

Providing affordable housing is a key priority for Moray Council and this is reflected in the Local Outcomes Improvement Plan (LOIP) and the Local Housing Strategy (LHS). The Council's Housing Need and Demand Assessment 2017 highlights the significant requirement for affordable housing in Moray, which is a national issue, resulting from a

number of factors including affordability issues, downturn in the economy and the shortage of public and private sector rented houses.

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

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

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

A number of variables influence affordability of housing, including mortgage deposit requirements, mortgage interest rates, lower quartile house prices, lower quartile private rents, lower quartile full time gross earnings. Changes in these variables will affect the affordability of housing in Moray. The maximum affordable rent and maximum affordable house purchase prices is published on the Council's website at http://www.moray.gov.uk/moray_standard/page_90100.html. The current Local Housing Allowance will be used as a proxy for average private sector rents. Affordable housing should be provided on site and as part of a mixed development of private and affordable units. To meet the need for affordable housing there may be proposals for 100% provision of affordable housing and these will be acceptable as part of a wider mixed community, provided all other Local Development Plan policies are met.

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

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

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

- Social rented accommodation- housing provided by an affordable rent managed by a Registered Social Landlord such as a housing association or another body regulated by the Scottish Housing Regulator, including Moray Council.
- Mid-market rent accommodation- housing with rents set at a level higher than purely social rent, but lower than market rent levels and affordable by households in

housing need. Mid-market rent housing can be provided by the private and social housing sectors.

- Shared equity housing- sales to low income households, administered through a Scottish Government scheme e.g. Low-cost initiative for First Time Buyers (LIFT).

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

Affordable housing requirement figures will be rounded up.

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

Accessible housing

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

Policy DP2 aims to;

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

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

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

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

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

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

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

External requirements

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

Internal requirements

- Hallways- minimum 1200mm wide (HfVNs para 10.2.3 refers)
- Door frames- minimum 926mm wide door leaf, giving a clear width of 870mm (HfVNs para 10.5.7 refers)
- Bathrooms/ wet rooms- 1500mm wheelchair turning circle required (HfVNs para 14.9.2 refers)

Accessible housing requirement figures will be rounded down.

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

EP1 NATURAL HERITAGE DESIGNATIONS

a) European Site designations

Development likely to have a significant effect on a European Site and which is not directly connected with or necessary to the conservation management of that site must be subject to an appropriate assessment of the implications for its conservation objectives. Proposals will only be approved where the appropriate assessment has ascertained that there will be no adverse effect on the integrity of the site.

In exceptional circumstances, proposals that could affect the integrity of a European Site may be approved where:

- i) There are no alternative solutions, and
- ii) There are imperative reasons of over-riding public interest including those of a social or economic nature, and
- iii) Compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

For European Sites hosting a priority habitat or species (as defined in Article 1 of the The Conservation (Natural Habitat & c.) Regulations 1994), prior consultation with the European Commission via Scottish Ministers is required unless the imperative reasons of overriding public interest relate to human health, public safety or beneficial consequences of primary importance to the environment.

b) National designations

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

- i) The objectives of designation and the overall integrity of the area will not be compromised; or
- ii) Any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

c) Local Designations

Development proposals likely to have a significant adverse effect on Local Nature Reserves, wildlife sites or other valuable local habitats will be refused unless it can be demonstrated that:

- i) Public benefits clearly outweigh the nature conservation value of the site, and
- ii) There is a specific locational requirement for the development, and
- iii) Any potential impacts can be satisfactorily mitigated to conserve and enhance the site's residual conservation interest.

d) European Protected Species

European Protected Species are identified in the Habitats Regulations 1994 (as amended in Scotland). Where a European Protected Species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application, to demonstrate how the Regulations will be complied with. The survey should be carried out by a suitably experienced and licensed ecological surveyor.

Proposals that would have an adverse effect on European Protected Species will not be approved unless;

- The need for development is one that is possible for SNH to grant a license for under the Regulations (e.g. to preserve public health or public safety).
- There is no satisfactory alternative to the development.
- The development will not be detrimental to the maintenance of the favourable conservation status of the species.

e) Other protected species

Wild birds and a variety of other animals are protected under domestic legislation, such as the Wildlife and Countryside Act 1981 (as amended in Scotland by the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011), Protection of Badgers Act 1992 and Marine (Scotland) Act 2010. Where a protected species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application to demonstrate how legislation will be complied with. The survey should be carried out by a suitably experienced ecological surveyor, who may also need to be licensed depending on the species being surveyed for.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan demonstrating how impacts will be avoided, mitigated, minimised or compensated for.

EP2 BIODIVERSITY

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

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

Proposals for 4 or more housing units or 1000 m² or more of commercial floorspace must create new or, where appropriate, enhance natural habitats of ecological and amenity value.

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

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

EP5 OPEN SPACE

a) Existing Open Space (ENV's and Amenity Land)

Development which would result in a change of use of a site identified under the ENV designation in settlement statements or amenity land designations in rural groupings to anything other than open space use will be refused. Proposals that would result in a change of use of an ENV4 Sports Area to any other use (including other ENV categories) will be refused. The only exceptions are where the proposal is for essential community infrastructure required to deliver the key objectives of the Council and its Community Planning Partners, excluding housing, or for a site specific opportunity identified within the settlement statement. Where one of these exceptions applies, proposals must:

- Be sited and designed to minimise adverse impacts on the principal function of the space and the key qualities and features identified in the Moray Open Space Strategy Supplementary Guidance.
- Demonstrate that there is a clear excess of the type of ENV and the loss of the open space will not negatively impact upon the quality, accessibility and quantity of open space provision and does not fragment green networks (with reference to the Moray Open Space Strategy Supplementary Guidance, green network mapping and for ENV4 Sports Area in consultation with SportScotland) or replacement open space provision of equivalent function, quality and accessibility is made.

The temporary use of unused or underused land as green infrastructure is encouraged, this will not prevent any future development potential which has been identified from being

realised. Proposals that would result in a change of use of an ENV4 Sports Area to any other use (including other ENV categories) will be refused.

Proposals for allotments or community growing on existing open space will be supported where they do not adversely affect the primary function of the space or the key qualities and features identified in the Moray Open Space Strategy Supplementary Guidance and a locational requirement has been identified in the Council's Food Growing Strategy. Consideration will include related aspects such as access, layout, design and car parking requirements.

Any new/proposed extension to existing cemetery sites requiring an intrusive ground investigation must be undertaken in accordance with SEPA's guidance on assessing the impacts of cemeteries on groundwater before any development occurs at the site.

Areas identified in Settlement Statements as ENV are categorised based on their primary function as set out below. These are defined in the Open Space Strategy Supplementary Guidance.

ENV 1	Public Parks and Gardens
ENV 2	Amenity Greenspace
ENV 3	Playspace for children and teenagers
ENV 4	Sports Areas
ENV 5	Green Corridors
ENV 6	Natural/Semi-Natural Greenspace
ENV 7	Civic Space
ENV 8	Allotments
ENV 9	Cemeteries and proposed extensions
ENV 10	Private Gardens and Grounds
ENV 11	Other Functional Greenspace

b) Green Infrastructure and Open Space in New Development

New development must incorporate accessible multifunctional open space of appropriate quantity and quality to meet the needs of development and must provide green infrastructure to connect to wider green/blue networks. In Elgin, Buckie and Forres green infrastructure must be provided as required in the green network mapping. Blue drainage infrastructure will require to be incorporated within green open space. The blue-green context of the site will require to be considered from the very outset of the design phase to reduce fragmentation and maximize the multi-benefits arising from this infrastructure.

Open space provision in new developments must meet the accessibility, quality and quantity standards set out below and meet the requirements of policy PP1 Placemaking, EP2 Biodiversity, other relevant policies and any site specific requirements within the Settlement Statements. Developers must demonstrate through a Placemaking Statement that they have considered these standards in the design of the open space, this must include submission of a wider analysis plan that details existing open space outwith the site, key community facilities in the area and wider path networks.

i) Accessibility Standard

Everyone will live within a five minute walk of a publicly usable space of at least 0.2ha.

ii) Quality Standard

All new development proposals will be assessed and must achieve a very good quality score of no less than 75%. Quality will be assessed by planning officers at the planning application stage against the five criteria below using the bullet point prompts. Each criterion will be scored on a scale of 0 (poor) to 5 (very good) with an overall score for the whole development expressed as a percentage.

Accessible and well connected

- Allows movement in and between places, consideration to be given to reflecting desire lines, permeable boundaries, and multiple access points
- Accessible entrances in the right places.
- Accessible for all generations and mobility's, including consideration of gradient and path surfaces.
- Provide appropriately surfaced, inclusive, high quality paths.
- Connects with paths, active travel routes and other transport modes including bus routes.
- Offers connecting path network with legible waymarking and signage.

Attractive and Appealing Places

- Attractive with positive image created through character and quality elements.
- Attractive setting for urban areas.
- Quality materials, equipment and furniture.
- Attractive plants and landscape elements that support character, including providing seasonal and sensory variation and food production.
- Welcoming boundaries and entrance areas.
- Adequate bin provision.
- Long term maintenance measures in place.↵

Biodiverse supporting ecological networks (see Policy EP2 Biodiversity)

- Contribute positively to biodiversity through the creation of new natural habitats for ecological and amenity value.
- Large enough to sustain wildlife populations, including green/blue networks and landscaping.
- Offers a diversity of habitats.
- Landscaping and open space form part of wider landscape structure and setting.
- Connects with wider blue/green networks Provide connections to existing green/bue networks and avoids fragmentation of existing habitats.
- Ensure a balance between areas managed positively for biodiversity and areas managed primarily for other activities e.g. play, sport.
- Resource efficient, including ensuring open space has a clear function and is not "left over".

Promotes activity, health and well being

- Provides multifunctional open space for a range of outdoor physical activities reflecting user needs and location.
- Provides diverse play, sport, and recreational facilities for a range of ages and user groups.
- Providing places for social interaction, including supporting furniture to provide seating and resting opportunities.
- Appropriate high quality facilities meeting needs and reflecting the site location and site.

- Carefully sited facilities for a range of ages with consideration to be given to existing facilities, overlooking, and ease of access for users.
- Open space is flexible to accommodate changing needs.

Safe, Welcoming and contributing to Character and Identity

- Safe and welcoming.
- Good levels of natural surveillance.
- Discourage anti-social behaviour.
- Appropriate lighting levels.
- Sense of local identity and place.
- Good routes to wider community facilities e.g connecting to schools, shops, or transport nodes.
- Distinctive and memorable places that support local culture and identity.
- Catering for a range of functions and activities providing a multi-functional space meeting needs.
- Community involvement in management.

b iii) Quantity Standard

Unless otherwise stated in site designations, the following quantity standards will apply.

- Residential sites less than 10 units - landscaping to be determined under the terms of Policy DP1 Development Principles 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 which must include allotments, formal parks and playspaces within residential sites.

In meeting the quantity requirements, only spaces which have a clear multi benefit function will be counted. Structure and boundary landscaping areas must make provision for public access and link into adjacent green corridors. The quantity standard must be met within the designation boundaries. For windfall sites the quantity standard must be new open space provision within the application boundaries.

Open Spaces approved in new developments will be classed as ENV spaces upon granting of consent.

Proposals must also comply with the Council's Open Space Strategy Supplementary Guidance.

EP7 FORESTRY, WOODLANDS AND TREES

a) Moray Forestry and Woodland Strategy

Proposals which support the economic, social and environmental objectives and projects identified in the Moray Forestry and Woodlands Strategy will be supported where they meet the requirements of other relevant Local Development Plan policies. The council will consult Scottish Forestry on proposals which are considered to adversely affect forests and woodland. Development proposals must give consideration to the relationship with existing woodland and trees including shading, leaf/needle cast, branch cast, wind blow, water table impacts and commercial forestry operations.

b) Tree Retention and Survey

Proposals must retain healthy trees and incorporate them within the proposal unless it is technically unfeasible to retain these. Where trees exist on or bordering a development

site, a tree survey, tree protection plan and mitigation plan must be provided with the planning application if the trees or trees bordering the site (or their roots) have the potential to be affected by development and construction activity. Proposals must identify a safeguarding distance to ensure construction works, including access and drainage arrangements, will not damage or interfere with the root systems in the short or longer term. A landscaped buffer may be required where the council considers that this is required to maintain an appropriate long term relationship between proposed development and existing trees and woodland.

Where it is technically unfeasible to retain trees, compensatory planting on a one for one basis must be provided in accordance with (e) below.

c) Control of Woodland Removal

In support of the Scottish Government's Control of Woodland Removal Policy, Woodland removal within native woodlands identified as a feature of sites protected under Policy EP1 or woodland identified as Ancient Woodland will not be supported.

In all other woodlands development which involves permanent woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits (excluding housing) and where removal will not result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the woodland.

Where it is proposed to remove woodland, compensatory planting at least equal to the area to be felled must be provided in accordance with e) below.

d) Tree Preservation Orders and Conservation Areas

The council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as whole, trees that contribute to the distinctiveness of a place 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 must be replaced, unless otherwise agreed by the council.

e) Compensatory Planting

Where trees or woodland are removed in association with development, developers must provide compensatory planting to be agreed with the planning authority either on site, or an alternative site in Moray which is in the applicant's control or through a commuted payment to the planning authority to deliver compensatory planting and recreational greenspace.

GUIDANCE TREES AND DEVELOPMENT

Trees are an important part of Moray's towns and villages and surrounding countryside, adding colour and interest to the townscape and a sense of nature in our built environment. They contribute to the diversity of the countryside, in terms of landscape, wildlife habitat and shelterbelts. Trees also have a key role to play in terms of climate change by helping to absorb carbon dioxide which is one of the main greenhouse gases that cause global warming.

The cumulative loss of woodlands to development can result in significant loss of woodland cover. In compliance with the Scottish Government Control of Woodland

Removal policy, woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance. Where woodland is to be removed then the Council will require compensatory planting to be provided on site, on another site in Moray within the applicant's control or through a commuted payment to the Council towards woodland and greenspace creation and enhancement. Developers proposing compensatory planting are asked to follow the guidance for site assessment and woodland design as laid out in Scottish Forestry's "Woodland Creation, Application Guidance" and its subsequent updates, when preparing their proposal.

The Council requires a Tree Survey and Tree Protection Plan to be submitted by the applicant with any planning application for detailed permission on designated or windfall sites which have trees on them. The survey should include a schedule of trees and/or groups of trees and a plan showing their location, along with the following details;

- Reference number for each tree or group of trees.
- Scientific and common names.
- Height and canopy spread in metres (including consideration of full height and spread).
- Root protection area.
- Crown clearance in metres.
- Trunk diameters in metres (measures at 1.5m above adjacent ground level for single stem trees or immediately above the root flare for multi stemmed trees).
- Age and life expectancy.
- Condition (physiological and structural).
- Management works required.
- Category rating for all trees within the site (U, A, B or C *). This arboricultural assessment will be used to identify which trees are suitable for retention within the proposed development.

*BS5837 provides a cascading quality assessment process for categorisation of trees which tree surveys must follow. An appropriately scaled tree survey plan needs to accompany the schedule. The plan should be annotated with the details of the tree survey, showing the location, both within and adjacent to the site, of existing trees, shrubs and hedgerows. Each numbered tree or groups of trees should show the root protection area and its category U, A, B, C.

Based on the guidance in BS5837, only category U trees are discounted from the Tree Survey and Tree Protection Plan process. Trees in category A and B must be retained, with category C trees retained as far as practicable and appropriate. Trees proposed for removal should be replaced with appropriate planting in a landscape plan which should accompany the application. Trees to be retained will likely be set out in planning conditions, if not already covered by a Tree Preservation Order.

If a tree with habitat value is removed, then measures for habitat reinstatement must be included in the landscape plan. It is noted that in line with part b) of policy EP7 where woodland is removed compensatory planting must be provided regardless of tree categorisation."

A Tree Protection Plan (TPP) must also be submitted with planning applications, comprising a plan and schedule showing;

- Proposed design/ layout of final development, including accesses and services.
- Trees to be retained- with those requiring remedial work indicated.
- Trees to be removed.
- Location (and specification) of protective fencing around those trees to be retained based on the Root Protection Area.

The TPP should show how the tree survey information has informed the design/ layout explaining the reasoning for any removal of trees.

Landscape Scheme

Where appropriate a landscape scheme must be submitted with planning applications, clearly setting out details of what species of trees, shrubs and grass are proposed, where, what standard and when planting will take place. Landscape schemes must aim to deliver multiple benefits in terms of biodiversity, amenity, drainage and recreation as set out in policy.

The scheme should also set out the maintenance plan. Applicants/ developers will be required to replace any trees, shrubs or hedges on the site which die, or are dying, severely damaged or diseased which will be specified in planning conditions.

Tree species native to Scotland are recommended for planting in new development - Alder, Aspen, Birch, Bird Cherry, Blackthorn, Crab Apple, Elm, Gean, Hawthorn, Hazel, Holly, Juniper, Sessile Oak, Rowan, Scots Pine, Whitebeam, Willow.

EP8 HISTORIC ENVIRONMENT

a) Scheduled Monuments and Unscheduled Archaeological Sites of Potential National Importance.

Where a proposed development potentially has a direct impact on a Scheduled Monument, Scheduled Monument Consent (SMC) is required, in addition to any other necessary consents. Historic Environment Scotland manage these consents.

Development proposals will be refused where they adversely affect the integrity of the setting of Scheduled Monuments and unscheduled archaeological sites of potential national importance unless the developer proves that any significant adverse effects are clearly outweighed by exceptional circumstances, including 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;

- Local public benefits clearly outweigh the archaeological value of the site, and
- Consideration has been given to alternative sites for the development and preservation in situ is not possible.
- Where possible 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.

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

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

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

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

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

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

c) Water Environment

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

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

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

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

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

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

EP13 FOUL DRAINAGE

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

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

All development within or close to settlements (as above) of less than 2,000 population will require to connect to public sewerage except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area.

Where a compelling case is made, a private system may be acceptable provided it does not pose or add a risk of detrimental effects, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area.

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

EP14 POLLUTION, CONTAMINATION & HAZARDS

a) Pollution

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

b) Contamination

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

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

c) Hazardous sites

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

R1 West of St Andrews Road 6.8ha 65 units

- Proposals must comply with the Key Design Principles shown in Figure 1.1.
- One access and an emergency access from St Andrews Road required. The primary route through the site must provide a continuous loop.

- Development must be concentrated within the dip between the rounded knolls and on the lower slopes.
- A Pocket Park must be provided.
- Transport Assessment required.
- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- Phase 1 Habitat Survey required.
- Archaeological evaluation required.
- Development proposals may require to take into account the preferred option for the A96 dualling route which may impact on this site.