



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
19 DECEMBER 2023**

**SUBJECT: PLANNING POLICY GUIDANCE – MORAY LOCAL
DEVELOPMENT PLAN**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 This report asks Committee to approve the stance on the National Planning Framework 4 (NPF4) policy 8 Green Belts and the updated planning policy guidance on NPF4 policy 17 Rural Homes to support the delivery of the Moray Local Development Plan.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the review and preparation of Local Development Plans.

2. RECOMMENDATION

2.1 It is recommended that the Committee:

- (i) **agree that NPF4 policy 8 Green Belts is not applicable within the Moray Local Development Plan boundary for the reasons set out in this report;**
- (ii) **approve the updated planning policy guidance for policy 17 Rural Homes as set out in Appendix 1 and agrees that this be used as a material consideration in the development management process; and,**
- (iii) **agree that the policy stance on NPF4 policy 8 and the updated planning policy guidance on policy 17 Rural Homes is used to inform the development of the new Local Development Plan.**

3. BACKGROUND

- 3.1 NPF4 was published and became operational on 1 February 2023. A report on NPF4 was considered and agreed at the meeting of this Committee on 14 March 2023 (para 10 of the minute refers). It has become evident through the operation of NPF4 that further clarification is necessary on the application of policy 8 Green Belts within the Moray Local Development Plan boundary. This has ramifications for interpretation of NPF4 policies that reference the green belt, such as policy 17 Rural Housing.

4. PROPOSED APPROACH

NPF4 Policy 8 Green Belts

- 4.1 NPF4 policy 8 Green Belts sets out that Local Development Plans should consider using green belts to support their spatial strategy as a settlement management tool to restrict development around towns and cities, and cites the types of development that will be supported within them. Whilst there is no definition of green belt in NPF4 or its predecessor, Scottish Planning Policy (SPP) green belts have generally been designated around larger cities. Moray has operated a Countryside Around Towns (CAT) policy through a number of successive LDP's. This long-established CAT policy is considered more appropriate than a greenbelt policy given the scale of the towns in Moray.
- 4.2 The Moray Local Development Plan 2020 (LDP) policy EP4 Countryside Around Towns (CAT) seeks to prevent development sprawl into the rural area around towns where there is the highest development pressures (Buckie, Elgin, Forres, Keith and Lossiemouth). This is similar to NPF4 policy 8 however the LDP policy EP4 is more restrictive in terms of the types of development that will be permitted in the CAT which reflects the local context and protects the special character of the CAT from inappropriate development.
- 4.3 NPF4 policy 8 is specific to Green Belts whilst LDP policy EP4 is specific to CAT's. Through the operation of the policies and being tested and challenged through legal opinions the designations cannot be considered to be the same as the underlying concepts are not synonymous or interchangeable despite their similarities. Given that there are no green belt designations within the LDP and as NPF4 policy 8 applies to green belts only this policy cannot be applied to CAT designations, and as such, it cannot be applied within the Moray Local Development Plan boundary.
- 4.4 The CAT designation is an integral and important part of the spatial strategy for Moray. It is considered to be an appropriate approach to development within these rural areas that reflects the local context. Given that NPF4 policy 8 cannot currently be applied within Moray then it is considered that development proposals within CAT's will only be acceptable where they meet the criteria of LDP policy EP4. In the absence of a green belt it is considered that the CAT policy prevails.

- 4.5 Since the publication of NPF4 there has been increasing pressure for renewable energy developments in the CAT areas, some of which are of a significant scale. NPF4 policy 8 allows for renewable energy developments where a number of criteria are met. As set out above, NPF4 policy 8 is not considered to apply in Moray and therefore, LDP policy EP4 prevails. Whilst the LDP is supportive of renewable energy developments in appropriate locations that comply with the LDP spatial strategy, these types of development are not supported in the CAT areas as they undermine their purpose to protect the special characteristics and prevent sprawl into the countryside.

NPF4 Policy 17 Rural Housing

- 4.6 Planning policy guidance to aid the delivery and interpretation of NPF4 policy 17 Rural Housing in the local context was considered and agreed at a meeting of this Committee on 30 May 2023 (para 12 of the Minute refers). Given that it has become evident through the operation of NPF4 that policy 8 is not considered applicable within the LDP boundary, the Committee are asked to approve the updated planning policy guidance on policy 17 Rural Homes set out in Appendix 1. This means that the CAT areas will be classed as sensitive in terms of LDP policy DP4 Rural Housing and development will only be supported where it meets the criteria of policy EP4 for example, a replacement or extension of an existing building.

Moray Local Development Plan 2027

- 4.7 Work is currently underway on the new Local Development Plan with the Evidence Report scheduled to be presented to a meeting of Moray Council in April 2024. The timeframe for the production of the new Local Development Plan is the subject of a separate report on the Development Plan Scheme (DPS) which is being presented to the meeting of this Committee. As part of the work on the new Local Development Plan a review of the CAT areas will be undertaken and where there is justification in having local policies for CAT's and/or Green Belts these will be included within the Proposed Plan which will be formally consulted upon.

5. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The Development Plan plays an important role in delivering the Corporate Plan and 10 year Plan in terms of supporting economic growth, providing land for business and housing, safeguarding our environment and plays an important prevention role in terms of health and well-being. The policy stance on NPF4 policy 8 and guidance on policy 17 aims to support these key aims.

(b) Policy and Legal

The MLDP2020 and NPF4 taken together form the statutory Development Plan for Moray. NPF4 policy 8 is not applicable within Moray as there are no green belt designations and, therefore LDP policy EP4 CAT will prevail in the determination of planning applications as this is a key element of Moray's spatial strategy.

(c) Financial implications

None.

(d) Risk Implications

The policy stance on NPF4 policy 8 and guidance on policy 17 Rural Homes provides a consistent approach to the implementation of the policies within NPF4. There is a risk that without these the spatial strategy of the Moray LDP and the rural characteristics of CAT's will be undermined.

(e) Staffing Implications

Ensuring that NPF4 is delivered in the Moray context has staffing implications for the Strategic Planning and Development and Development Management sections, and Legal Services.

(f) Property

None.

(g) Equalities/Socio Economic Impact

No Equality Impact Assessment is required for this report.

(h) Climate Change and Biodiversity Impacts

National Planning Framework (NPF) 4 and Moray Local Development Plan (MLDP) policies also seek to ensure that development proposals reduce carbon emissions and enhance biodiversity. The policy stance on NPF4 policy 8 and guidance on policy 17 aims to ensure a more appropriate and sustainable pattern of development in rural areas, directing development to areas which support the spatial strategy in the local development plan.

(i) Consultations

The Depute Chief Executive (Economy, Environment and Finance), the Chief Financial Officer, the Head of Economic Growth and Development, the Development Management and Building Standards Manager, the Legal Services Manager, the Principal Climate Change Officer, the Senior Engineer (Transportation), the Equal Opportunities Officer and Lindsey Robinson, Committee Services Officer have been consulted and comments received have been incorporated into the report.

6. CONCLUSION

- 6.1 Since NPF4 became operational in February 2023 it has become evident that NPF4 policy 8 Green Belts and LDP policy EP4 Countryside Around Towns cannot be considered to be the same. Given there are no Green Belt designations within the LDP, NPF4 policy 8 cannot be applied in**

Moray. Therefore, the LDP policy EP4 CAT will prevail in the determination of planning applications.

- 6.2 The CAT areas are an important part of the spatial strategy for Moray. Development proposals must meet the criteria of LDP policy EP4 to be acceptable in a CAT area.**
- 6.3 Planning policy guidance on NPF4 policy 17 Rural Homes has been updated to reflect the position on NPF4 policy 8.**

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Background Papers:

Ref: