



REPORT TO: SPECIAL MEETING OF PLANNING AND REGULATORY SERVICES COMMITTEE ON 5 DECEMBER 2018

SUBJECT: MORAY LOCAL DEVELOPMENT PLAN 2020- PROPOSED PLAN

BY: CORPORATE DIRECTOR (ECONOMIC DEVELOPMENT, PLANNING AND INFRASTRUCTURE)

1. REASON FOR REPORT

- 1.1 This report asks the Committee to consider the content of the Proposed Moray Local Development Plan (LDP) 2020 and to agree to issue the Proposed Plan for consultation.
- 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 Strategic and Local Plans.

2. RECOMMENDATION

2.1 It is recommended that the Committee;

- i) considers and agrees the content of the Proposed Moray Local Development Plan 2020, representing the "settled view" of the Council,
- ii) delegates authority to the Head of Development Services to make minor text changes and complete the remaining graphics for the Proposed Plan in consultation with the Chair and Depute Chair,
- iii) delegates authority to the Head of Development Services to include the "A96 Dualling Hardmuir to Fochabers- Preferred option" in the appropriate plans and settlement statements,
- iv) agrees to issue the Proposed Plan for a 10 week period of consultation,
- v) agrees that a report on objections arising from the consultation be reported back to a future meeting of this Committee, and
- vi) agrees that the Proposed Moray Local Development Plan 2020 be treated as a material consideration for development management purposes as of 1 February 2019.

3. BACKGROUND

- 3.1 The review of the Moray LDP 2015 has now reached the third of the five stages of preparing a LDP, which is the “Proposed Plan” stage. The Proposed Plan should represent the “settled view” of the Council in terms of vision, strategy, policies and site designations.
- 3.2 The Proposed Plan follows on from the Main Issues Report (MIR) which was consulted on during the first quarter of 2018. Representations to the MIR were considered at a special meeting of the Planning & Regulatory Services Committee on 25 September 2018 (para 3 of the minute refers) which agreed that the Proposed Plan be progressed on the basis of decisions taken for housing and employment sites and that the Proposed Plan be considered at a special meeting of this Committee on 5 December 2018.
- 3.3 The decisions taken on 25 September 2018 along with further engagement on draft policies and settlement designations with statutory consultees and the outcomes of the Strategic Environmental Assessment and Habitats Regulation Appraisal have informed the Proposed Plan.

4. PROPOSALS

- 4.1 The Proposed Plan, when approved, will represent the “settled view” of the Council and are set out in the following appendices;
- Appendix 1- Volume 1- Vision, Spatial Strategy, Housing, Infrastructure and Employments Land Requirements, Policies and Parking Standards.
 - Appendix 2- Volume 2- Settlement Statements.
 - Appendix 3- Volume 3- Rural Groupings
 - Appendix 4- Volume 4- Delivery Programme/ Action Plan
 - Appendix 5- Volume 5- Supplementary Guidance
- 4.2 In addition to the above volumes, a number of assessment reports have been prepared in accordance with statutory requirements and these will also be made available for consultation and reference;
- Strategic Environmental Assessment
 - Habitat Regulation Appraisal
 - Strategic Flood Risk Assessment
 - Equalities Impact Assessment
- 4.3 Copies of these supporting assessments have been made available on the CMIS committee management system. Minor amendments are required to the Strategic Flood Risk Assessment following advice from SEPA, relating to Archiestown, Craigellachie, Newmill, Portknockie and Rothiemay where there are no new sites proposed and flood risk is identified on existing sites being carried forward into the Proposed Plan.

4.4 As part of the Proposed Plan, the Council is required to publish a Schedule of Council owned land which is identified for development, for the purposes of transparency. The schedule is currently being prepared and will also be made publicly available during the consultation period.

4.5 Some of the key aspects and ambitions of the Proposed Plan to tackle the issues outlined in the Main Issues Report include;

- Placemaking- a more detailed policy is embedded in the Plan and will be supported by a revised Quality Audit (2) which will be presented to a future meeting of this Committee, which recognises the social, health and well-being, economic and environmental benefits of good placemaking.
- The Placemaking policy is supported by a new policy on Biodiversity and a more detailed policy on Open Space provision, with the emphasis upon achieving good quality, multi-benefit open space.
- Employment land- a number of large scale new employment land sites have been designated, including sites at Waterford and Easter Newforres, Forres, West Mosstodloch and Burnside of Birnie, Elgin to meet demand from existing businesses to expand or relocate, new business start-ups and new businesses seeking to locate in Moray.
- Affordable Housing- the new policy requires a contribution towards affordable housing from all housing proposals and aims to achieve better tenure integration.
- Taking an Infrastructure First Approach- the Proposed Plan has been informed by detailed discussions with NHS Grampian, Transportation, Housing, Scottish Water and Transport Scotland.
- Ageing population- the Placemaking policy reflects the outcome of the “Mood, Mobility and Place” research project undertaken by a research team from the University of Edinburgh, Heriott Watt University, Kings College London and the University of York and aspires to ensure spaces are planned accordingly to meet the needs of the elderly and support health and mental well-being. The Accessible Housing policy requires 10% of private sector units in proposals of 10 or more houses to be provided as accessible in single storey (bungalow) form.
- Special Landscape Areas (SLA’s) - the Proposed Plan includes a policy and designations for the new SLA’s which are subject to a separate report to this Committee.
- Equalities- the Proposed Plan includes a number of policy requirements to address equalities issues, including policies on affordable and accessible housing, promoting better designed development and open spaces to support health and well-being, requirements that play areas are inclusive, that ParentAble Moray and the Moray Disability Forum will be consulted on all Masterplans, details of translation services and an action in the

Action/ Delivery Programme requiring a site search for a Gypsy/ Traveller site. Further information is included within the Equalities section at 5g).

- Focus on Delivery- the Proposed Plan is supported by an initial Action/ Delivery which will be monitored, updated and added to annually. The Plan also includes two delivery (DEL) policies to take a more proactive approach to monitoring development sites and taking action where sites show no sign of progressing. Following adoption of the Plan, further detail, including funding and delivery mechanisms will be included which will be influenced by a number of factors including the new planning legislation currently being progressed through parliamentary procedures and the Moray Growth Deal.
- 4.6 Once agreed, the Proposed Plan will be issued for a 10 week period for consultation, which is a more formal “objection” process, running from 7 January to 15 March 2019. Neighbour notification, social media, statutory adverts and press releases will be used to inform people of the proposals. A series of drop in exhibitions will be held in Aberlour, Buckie, Forres, Elgin and Keith and copies of the Plan will be made available online, at libraries and Council Access Points.
- 4.7 All objections received will be reported back to Committee in a series of topic or area based “Schedule 4” reports and any unresolved objections will be referred to an Examination, where a Reporter from the Directorate of Planning and Environmental Appeals will consider the objections. The Examination process can take between 6 and 9 months and the Council will be required to respond to further information requests. The Reporter may convene a number of “hearings” before publishing the Examination Report. The findings of the Reporter are largely binding upon the Council, with challenges only acceptable in situations where it would seem that an unreasonable conclusion has been reached based upon the evidence before the Examination.
- 4.8 Once the Examination Report is received and considered by the Council, any changes required are published as modifications and there will be a one month period for further challenge, following which the Plan can be formally adopted by the Council as the 5 year statutory Development Plan for Moray.
- 4.9 The preferred route for the A96 dualling between Hardmuir and Fochabers was published on the 4th December 2018. The preferred option will impact upon a number of site designations in the Plan and a verbal update will be provided to Members highlighting these impacts. Delegated authority is requested for the preferred option to be reflected in the relevant plans and settlement statements.
- 4.10 The Elgin traffic model has now been updated and forecasting runs of the model will be undertaken taking into account the preferred route of the A96 dualling. In Forres work continues on the identification of transport infrastructure, in particular the Active Travel study funded by Sustrans.

- 4.11 Further guidance on operating the Proposed Plan as a material consideration will be provided to the January 2019 meeting of this Committee as the weight to be attached to the new policies and site designations will vary as the Plan proceeds through Examination towards adoption. There are considerable administration procedures to be carried out to support introduction of the Proposed Plan as a material consideration.
- 4.12 Delegated authority is requested to complete some consistency and outstanding graphic related work prior to the Plan being published for consultation, relating to images, covers and cross referencing. The Plan will be printed in high res and the online mapping available during the consultation will allow members of the public to zoom in to access further detail. The approved Local Development Plan will have online story mapping, which is currently being developed.

5. SUMMARY OF IMPLICATIONS

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

The LDP is a vital aspect of supporting and facilitating the Community Planning Partnerships' priorities for a growing, diverse and sustainable economy, building a better future for our children and young people and empowering and connecting communities.

(b) Policy and Legal

The preparation of the LDP is a statutory requirement as well as the supporting Strategic Environmental Assessment and Habitats Regulation Assessment.

Scotland has a plan led system and all decisions on planning matters should comply with the provisions of the Development Plan unless material considerations suggest otherwise.

(c) Financial implications

Publishing the Proposed Plan, neighbour notification and consultations has an associated cost which will be met from the existing annual Local Development Plan budget of £10,000.

The cost for examination of the 2015 LDP was £50,763. The next Examination will result in a budget pressure in 2019/20.

(d) Risk Implications

If the LDP is not replaced within 5 years, this will be identified as a "red" outstanding action in the annual Planning Performance Framework and there will be a reputational risk. There is also a risk that there will be a shortage of effective land for housing and employment uses with an adverse impact upon the local economy and delivery of community planning partners' objectives.

There is a risk that if the Committee decides to make significant changes after consultation; then it may be obliged to re-consult on these, thus delaying the timetable. The Proposed Plan should therefore represent the “settled view” of the Council and any minor changes or amendments can be highlighted to the Reporter through the schedule 4 papers submitted for Examination.

(e) Staffing Implications

Preparing and consulting on the Proposed Plan requires considerable staff time on top of all other duties performed by Development Plans. The Proposed Plan has also involved significant staff time from other Council services, particularly Transportation. Statutory consultees have also provided considerable support and input to the Proposed Plan, particularly Scottish Natural Heritage.

(f) Property

Statutory procedures require that the Council produces a schedule of all Council owned property that is affected by proposals in the Plan. This is currently being prepared and will be published as part of the Proposed Plan.

(g) Equalities/Socio Economic Impact

An Equalities Impact Assessment (EIA) has been completed for the Proposed Plan. The EIA concluded that the Plan creates opportunities for advancing equality of opportunity by;

- Giving all individuals, groups and organisations an opportunity to influence the content and policy of the Local Development Plan.
- Including a primary policy on Placemaking, which aims to support development that is safe, welcoming and inclusive and supports health and wellbeing of residents.
- Including a primary policy on Sustainable Economic Growth that aims to ensure that development is planned and co-ordinated with infrastructure (including education, health, transport, sports and recreation and access facilities).
- Including a requirement for all housing developments to contribute towards the provision of affordable housing, which will increase delivery of affordable homes in Moray.
- Including a requirement for developments to provide a mix of house types, tenures and sizes and for tenure demonstration to be achieved, including requirements to ensure that architectural styles are tenure blind and affordable and private housing share catchment areas, play areas, bus stops and other community facilities and that housing provision meets the needs of the local population in terms of age and/ or disability.
- Including a requirement that 10% of the private sector units in developments of 10 or more units to be provided to wheelchair accessible standard.

- Including a policy to consider proposals for Gypsy/ Traveller sites (halting or permanent) and to safeguard sites used by Showpeople. The Action/ Delivery Programme includes an action to undertake a search for a Gypsy/ Traveller halting site(s).
- Including text in the Plan regarding translation services.
- Including a requirement in Policy PP1 Placemaking that ParentAble Moray and the Moray Disability Forum are consulted on Masterplans.

(h) Consultations

The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, the Legal Services Manager (Property & Contracts), the Equal Opportunities Officer, Senior Engineer Transport Development, Paul Connor (Principal Accountant), the Educational Resources Manager, the Housing Strategy and Development Manager, the Consultancy Manager, the Development Management Manager and Lissa Rowan (Committee Services Officer) have been consulted and their comments incorporated into the report.

6. CONCLUSION

- 6.1 Members are asked to approve the Proposed Moray Local Development Plan 2020 for consultation. The Proposed Plan should represent the Council's settled view and will be made available for a 10 week public consultation period. All responses will be reported back to a future meeting of this Committee and any unresolved representations will be referred to the Scottish Government with a request for an Examination process.**

Author of Report: Gary Templeton, Principal Planning Officer

Background Papers:

Ref: