

20/00197/APP
24th February 2020

Erection of whisky storage sheds at Viewfield Farm
Craigellachie Aberlour Moray
for Caley Casks

Comments:

- The application is for a site with an area of 2 or more hectares.
- Advertised for neighbour notification purposes – notification not possible because no premises are situated on land to which notification can be sent.
- One representation has been received.

Procedure:

- None.

Recommendation **Grant Planning Permission - Subject To The Following:**

Conditions/Reasons

1. No development shall commence until three passing places have been constructed on the U58H to the Moray Council's standards and specifications, at the locations detailed on approved drawing A/190165/901 REV 2 (except for those works associated with the provision of the passing places).

Reason: To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the public road.

2. No development shall commence until the widening/improvement works at the junction of the U58H and the A95 has been provided to the Moray Council's standards and specifications, in accordance approved drawing A/190165/901 REV 2 (except for those works associated with the provision of the junction improvement works).

Reason: To ensure acceptable development in the interests of road safety.

3. Unless otherwise agreed in writing with the Council, as Planning Authority, in consultation with the Environmental Health Manager, deliveries and activities associated with the proposed storage use shall only be permitted between the hours of 0800 - 1630 Monday to Thursday and 0800 - 1230 on a Friday.

Reason: In order that activity associated with the use is undertaken during reasonable working hours, in the interests of the amenity of the surrounding area.

4. The rating level of noise associated with the use hereby granted shall not exceed the background sound level by more than 5 dB(A) at the nearest noise sensitive dwelling.

Any measurement and assessment to demonstrate compliance with the rating level shall be undertaken in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.

Reason: In order that any noise emissions from the activity hereby granted shall be within acceptable levels.

5. The operations on site shall be carried out in accordance with the method statement/phasing information dated 19th May 2020 from Ken Mathieson Architects hereby approved.

Reason: In order to ensure the development is carried out in accordance with the approved phasing and method details, in the interests of the amenity of neighbouring properties.

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (or any order revoking and re-enacting that order) the approval hereby granted only relates to the use of the two proposed buildings as Whisky Cask Storage and for no other use or purpose without the prior approval of the Council, as Planning Authority.

Reason: In order to retain Local Authority control over the use of the site and to ensure that consideration can be given to the effects and impact of uses other than that approved herewith.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any order revoking and re-enacting that order) no development specified in Article 3, Schedule 1, Part 3, Class 13 shall be carried out without the approval of the Council, as Planning Authority.

Reason: In order to retain control over the use of the site and to ensure that consideration can be given to the effects and impact of uses other than that approved herewith.

8. Unless otherwise agreed in writing, no development shall commence until details of a landscaping scheme have been submitted to, and approved in writing by, the Planning Authority. This shall be closely based on the Landscape/ Biodiversity Enhancement Plan drawing number 2415 1-P07 A approved as part of this application and include the following information:-

- i. Details of landscaping strips to be provided along the northern, eastern and southern boundary adjacent to the new buildings;
- ii. Details of all soft landscaping and planting works, including plans and

schedules showing the location, species and size of each individual tree, shrub and wild flower area and planting densities. (For avoidance of doubt this shall only be native species trees, shrubs and wild flowers, and trees must be at least 1.5m in height); and

- iii. Details of the design, including materials, of any proposed retaining walls.

The landscaping works shall be carried out in accordance with the approved scheme. All planting and seeding as may be comprised in the approved details shall be carried out in the first planting and seeding season following the completion of development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In order to ensure an acceptable level of planting in the interests of the biodiversity, amenity and appearance of the surrounding countryside.

9. The surface water drainage arrangements for the development shall be provided and maintained in accordance with the approved Drainage Impact Assessment A/0190165 prepared by Cameron and Ross Consulting Engineers (Rev 2 dated October 2020), the Drainage Proposals Plan drawing number 190165-920 Rev 2 and Drainage Details Plan drawing number 190165-921, unless otherwise agreed by the Council, as Planning Authority. These shall be installed and operational prior to the first use of the building hereby approved.

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

10. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding details of an external lighting scheme for the development (if proposed or required). The lighting scheme shall:

- a) Be designed to minimise the use of external lighting within and around the boundaries of the site, and the effects of light spills and glare upon the surrounding area beyond the site boundary;
- b) provide details of all required/proposed external lighting arrangements, whether free-standing or affixed to buildings/structures or similar during both the construction and operation of the development; and
- c) include the location and design specifications (including both candela and lux rating information) for all lighting to be installed and the time- periods for operation together with specifications for all mitigation measures to be introduced and designed to minimise the impact of lighting within and beyond the site boundary (for example, light hoods and louvres, orientation and angle of downward inclination of lamps, self diming lights, etc.)

Thereafter, the external lighting arrangements shall be implemented in accordance with the approved details and no further external lighting shall be provided, installed or used throughout the lifetime of the development except where otherwise agreed in writing with the Council, as Planning Authority.

Reason: Details of the matters specified are lacking from the applicant's submission and to ensure an acceptable form of development in particular to minimise the potential for light pollution disturbance upon the visual amenity of the surrounding area and nearby residential properties.

11. That all tree protection measures on the development site shall be implemented in accordance with those detailed in the submitted Tree Survey Report (and enclosed Arboricultural Method Statement) prepared by Astell Associates dated 22 October 2020, and Tree Protection and Management Plan drawing number VFC-2010-TP, unless otherwise agreed in writing with this Council as Planning Authority. No trees shall be removed without the prior written consent of the Council, as Planning Authority.

Reason: In order to protect trees within the site.

Reason(s) for Decision

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

The erection of buildings for Whisky Storage is considered acceptable in this location and would not have an adverse impact on the surrounding area. Subject to the upgrading of the vehicular access to the site from the A95 trunk road, provision of passing places and surface water drainage, sufficient infrastructure can be provided to serve the development. The proposal complies with the provisions of the development plan and there are no material considerations that indicate otherwise.

List of Informatives:

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

A 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 TRANSPORTATION MANAGER, has commented that:-

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

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads

(Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

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

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

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

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

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

Scottish Environmental Protection Agency (SEPA), has commented that:-

A Controlled Activities Regulations (CAR) construction site licence may be required for management of surface water run-off from a construction site as the site area is more than 4 hectares. SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) provides details. The site design may be affected by pollution prevention requirements and hence it is strongly encouraged that the applicant engages in pre-CAR application discussions with a member of the regulatory services team at the local SEPA office.

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: 01343 540884.

SCOTTISH WATER, has commented that:-

See consultation response dated 2 March 2020.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
1-P08 A	Fence details
VFC-2010-TP	Tree protection and management

VFC-2010-AA		Tree survey plan
901	2	Road proposal
2415 1-P01		Proposed floor plans
2415 1-P03	D	Overall floor plans elevations site and location plan
2415 1-P06	B	Proposed site sections
		Location plan
1-P07	A	Landscaping/Bio diversity enhancement plan
190165-921	1	Drainage details
2415 1-P02	D	Proposed elevations
2415 1-P04	E	Existing and proposed overall site plan
2415 1-P05	E	Proposed site plan - Units 4 and 5
190165-920	2	Drainage proposal



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
20/00197/APP

Site Address:
Viewfield Farm
Craigellachie

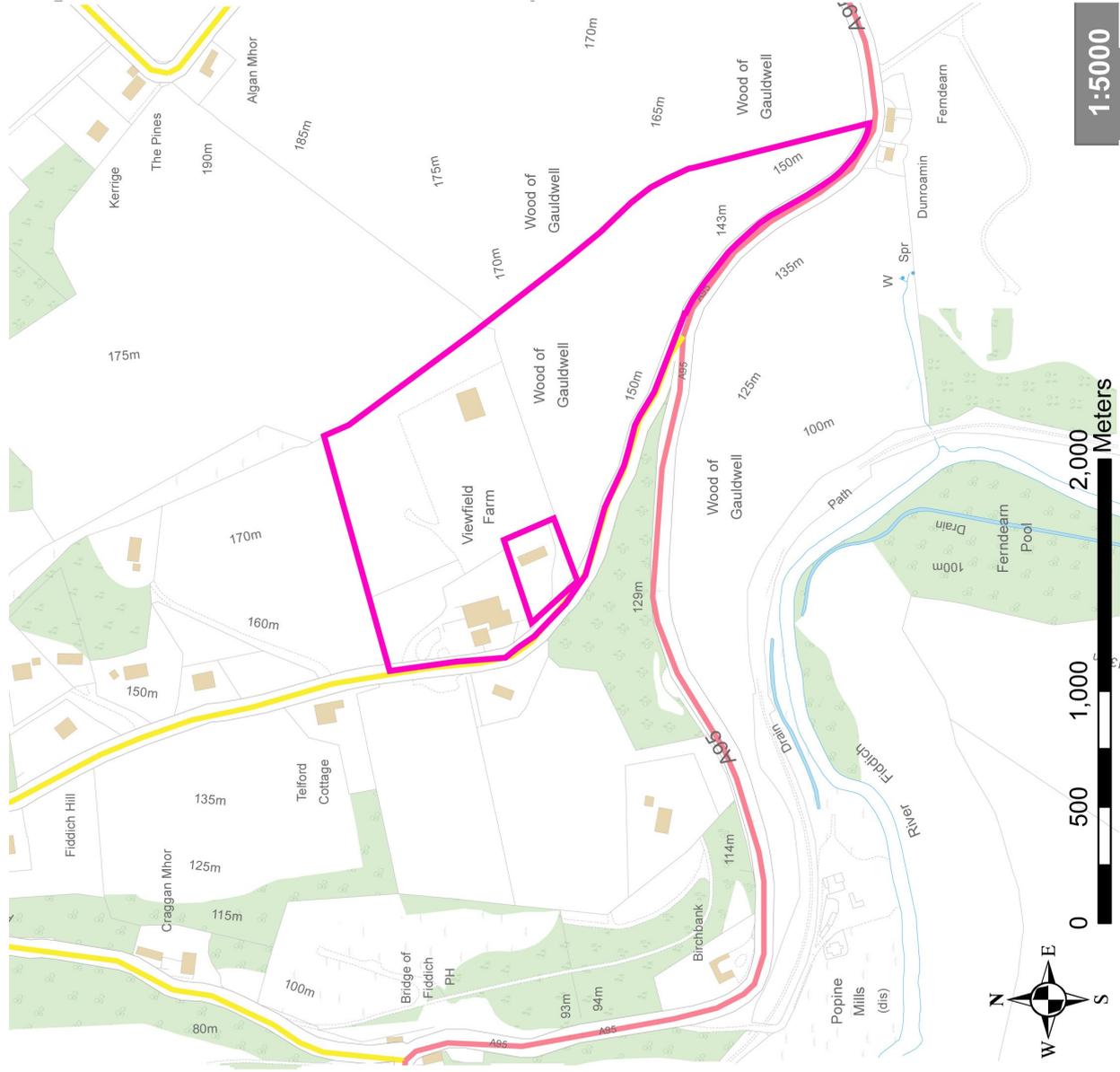
Applicant Name:
Caley Casks

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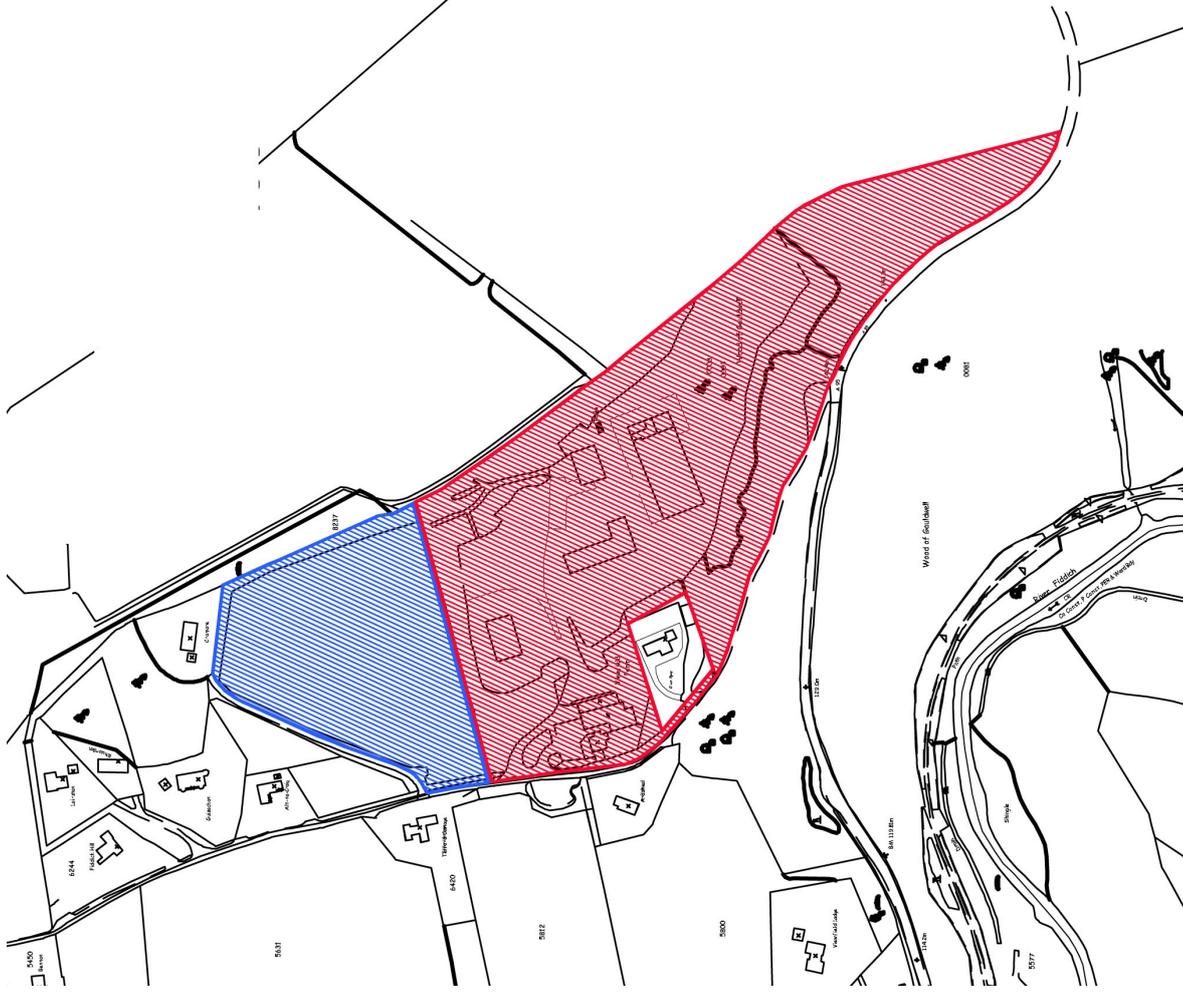
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Location Plan



Site Location



Scale 1:5000

Site plan

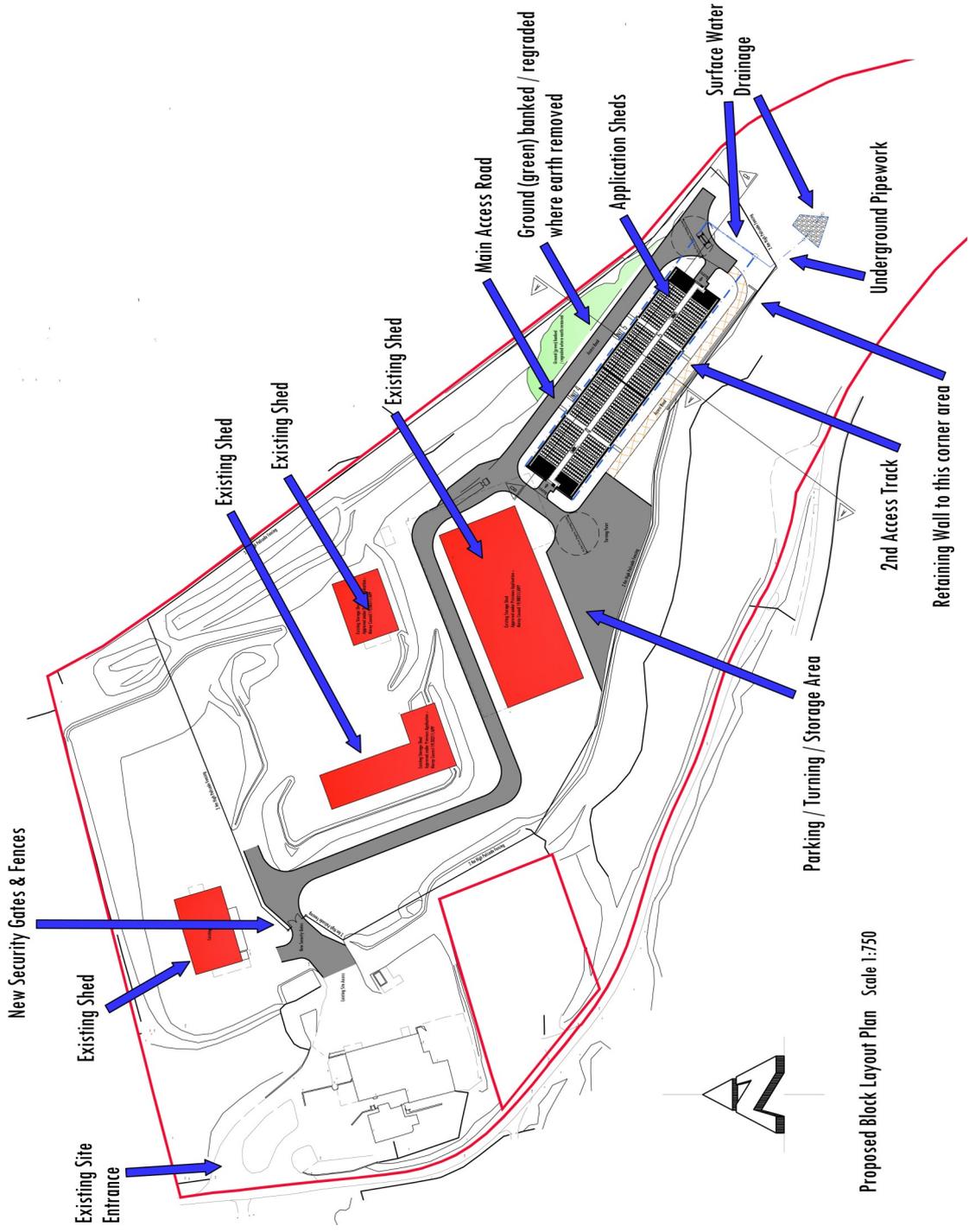


Photo location plan

20/00197/APP - Photograph positions



PROHIBITED FOR THE USE WITH PLANNING APPLICATIONS

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Photo 1



Photo 2



Photo 3

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

- Planning permission is sought for the erection of 2 attached whisky storage sheds (numbered as units 4 and 5 on the site plan).
- The sheds would each have footprints of 981sqm (combined 1962 sqm), hold 1662 barrels (each) and would have a ridge height of 6m.
- Proposed external materials include profiled metal sheeting in green on the roof and southeast, southwest and northwest elevations. The northwest elevation would be clad with reclaimed stone.
- Existing access arrangements to the site will be utilised and a parking/turning area (surfaced in blinded hardcore) is proposed at the entrance to the west of the new sheds. Associated works include the re-grading of an earth embankment within the eastern part of the site, erection of 2.4m high palisade fencing and a retaining wall.
- No external storage of casks is proposed.
- Proposed surface water drainage arrangements comprise below ground drainage pipework around the sheds and an associated soakaway on lower ground to the southeast.
- Supporting documents include a Drainage Impact Assessment (revised), Noise Impact Assessment, Tree Survey, and information regarding locational justification and phasing.

THE SITE

- The application site, set above the A95 Trunk Road, is located to the west of Craigellachie and covers a total area of 7.775 ha.
- The proposed sheds would be located on a terraced hard standing area within the southeastern part of the site, part of which currently contains spoil earth heaps. The proposed soakaway would be located within in adjacent area of partially cleared woodland within the southeastern corner of the site.
- There are currently 4 sheds within the site, 3 of these sheds (units 1, 2, and 3) were granted planning permission (19/00211/APP) in October 2019 for a change of use from agriculture to storage for whisky casks. (Note: The applicant has confirmed an intention to demolish units 2 and 3 as they are not fit for the purpose for the long term storage of whisky casks. The whisky casks currently within these units will be moved to units 4 and 5 once they are complete).
- Unit 1 is currently being altered to secure it for the storage of casks.
- The site is surrounded by agricultural land and dispersed housing, and mature trees to the south.
- The dwelling of 'Glen Spey' sits within the red line boundary as submitted within the western part of the site (but is excluded from the site area).
- The site is within The Spey Valley Special Landscape Area (SLA) as identified in the Moray Local Development Plan 2020.

- The partially cleared woodland within the southern part of site is listed on the National Forest Inventory and Ancient Woodland Inventory.

HISTORY

19/00211/APP - Change of use of three agricultural buildings as secure storage for whisky casks (Use Class 6) granted permission at a Planning and Regulatory Services Committee on 9th October 2019.

12/00873/APP – Erection of grain store and general purpose shed granted permission under delegated powers on 13 July 2012. (Building 3 on the submitted plans.)

10/00376/APP – Erect agricultural building granted permission under delegated powers on 15 April 2010. (Building 1 on the submitted plans.)

09/02257/AGR – Erection of agricultural building under prior notification accepted under delegated powers on 21 January 2010. (Building 2 on the submitted plans.)

POLICY - SEE APPENDIX

ADVERTISEMENTS

- Advertised for neighbour notification purposes.

CONSULTATIONS

Contaminated Land – No objections.

Scottish Water – No objections. It is noted that the development proposals may impact on existing Scottish Water assets and the applicant should identify any potential conflicts.

Moray Flood Risk Management – Following submission of a revised drainage impact assessment, no objections.

Transportation Manager - No objection subject to conditions and informatives being attached to the consent. The conditions relate to 3 passing places being constructed on the public road (U58H) and the reinforcement/strengthening of the edge of the public road (U58H) where it meets the unadopted vehicle overrun area.

Environmental Health Manager – Following submission of a Noise Impact Assessment and phasing plan/method statement, no objections subject to conditions limiting the operating hours of the deliveries and activities associated with the use being carried out between 0800 – 1630 Monday to Thursday and 0800 – 1230 on a Friday, and limitations of noise.

Transport Scotland – No objections.

SEPA – No objections. Informatives are attached to the consent regarding the possible need to a Construction Site Licence.

Developer Obligations – None sought.

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).

Issue: Concerns raised regarding the potential impact of the development on flora and fauna, especially in relation to impact on hedgehogs and moles. Hedges and landscaping should be provided where possible to encourage butterflies and moths.

Comment (PO): There will be minimal impacts on flora and fauna given the area to be developed currently forms part of a yard and is used to store earth. A landscape plan has been submitted with the application which details locations of proposed new planting on the site to enhance biodiversity. Implementation of this plan together with further species details etc. shall be covered by planning condition.

Issue: Any work relative to Listed Building/Conservation Areas must be strictly carried out to the required standard.

Comment (PO): The proposal will not affect any listed buildings or conservation areas.

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:

Siting/Character and Design (PP2, DP1, DP5 and EP3)

Policy PP2 Sustainable Economic Growth supports proposals which deliver sustainable economic growth where the natural and built environment is safeguarded, there is clear locational need and any potential impacts can be satisfactorily mitigated.

Policy DP1 Development Principles, sets out detailed criteria to ensure development proposals satisfy siting, design and servicing requirements. This also requires submission of supporting information to inform assessment where required.

Policy EP3 Special Landscape Areas and Landscape Character (The Spey Valley) aims to protect landscapes from inappropriate development. Development proposals within SLA's are only permitted where they do not prejudice the special qualities of the designated area set out in the Moray Local Designation Review.

Policy DP5 Business and Industry states proposals for new business development and extensions to existing businesses in rural locations including tourism and distillery operations will be supported where there is a locational need and is of a high standard of design appropriate to the rural environment.

The proposed whisky storage sheds located within The Spey Valley SLA are in keeping with the adjacent shed (currently being altered) in terms of their scale, proportions and design. The development positioned on an existing terrace alongside other buildings will be largely shielded from view from the surrounding area including from the public road (A95 or access road) due to the topography in this location and screening provided by nearby mature coniferous trees. The external materials of green cladding on the roof and walls (including reclaimed stone) to the building coupled with its relative modest height of 6 meters will allow the proposal to integrate sensitively into the landscape when viewed against the backdrop of the coniferous trees and landform/agricultural field above it.

Overall, the development will be viewed in the context of the existing buildings on the site and would not have an adverse impact on the special qualities of the landscape in this location.

Proposed green security/palisade fencing to be installed around the site perimeter would also be acceptable in design terms and appropriate in this rural location.

The use of this site as Class 6 (Storage and Distribution) has already been established through the granting of planning permission (19/00211/APP) in October 2019 for the change of use 3 buildings (units 1, 2 and 3) from agricultural to whisky cask storage. The current proposal is an extension to this existing business which supports distillery operations in the region.

The agent has also provided information detailing a locational justification for the proposal in order to satisfy policies PP2 and DP5. This states that the proposal site is well placed within the Speyside Whisky Region, there are approx. 60 distilleries within a 50 mile radius and that there is a current shortage of storage facilities within the region, and given these factors it is considered that there is sufficient justification for the proposal in this location.

In light of the above, the proposal is considered to satisfy the requirements of policies PP2, DP1, DP5 and EP3 in relation to siting, landscape character and design.

A condition is recommended to limit the scope of the operation to that proposed, as any alternative use within use class 6 (storage and distribution) may have a negative impact on the surrounding area and the infrastructure serving it. A further condition is also recommended to prevent the change of use of the building(s) to use classes 4 (business) and 5 (general industrial), which permitted development rights allow.

Pollution (Noise) (EP14)

EP14 seeks to control pollution (air, water, soil, light and noise) by ensuring submission of detailed assessments with applications.

A Noise Impact Assessment (NIA) was provided at the request of the Council's Environmental Health Manager, in order that consideration could be given to the impact of the proposed use upon a nearby dwelling (Glen Spey). The proposal is also accompanied by a method statement which sets out phasing and operational information; this confirms that one building will be filled with barrels at a time (Building 2, 1, 3, 4 then 5), and that a maximum of 3 HGV lorry movements would visit the relevant building per day (5 days per week). The NIA found that the impact of the proposed development upon the amenity of neighbouring residents would be low, with noise levels at the

property (inside and out) being found to be within acceptable levels. On this basis the proposal would not result in an unacceptable disturbance to residential amenity.

The Environmental Health Manager has assessed this information and has raised no objection to the grant of permission subject to conditions controlling operating hours, noise levels and ensuring the development is carried out in accordance with the submitted method statement.

A further condition shall be attached requiring submission and approval of an external lighting scheme for the site to minimise light pollution disturbance during the lifetime of the development.

Subject to the compliance with above conditions the proposal would accord with policy EP14.

Biodiversity (EP2)

Policy EP2 requires development proposals to, where possible, retain, protect and enhance all biological interest and provide for their appropriate management. This also states that proposals for 1000 sqm or more of commercial floorspace must create new or where appropriate enhance natural habitats of ecological value.

The area where the new sheds are to be sited is currently a hardstanding area and scrub (containing a series of spoil earth heaps) with bunds surrounding it. As such it has no notable biodiversity value, however the biodiversity of the site can be enhanced with landscaping areas along the northern, eastern, and southern boundary of the proposed buildings along the site boundary. In order to meet policy EP2, a landscape and biodiversity plan has been submitted with the application which details locations of proposed new planting (tree, shrub and wildflower) on the site to enhance biodiversity. A condition shall be attached to the consent requiring submission/approval of further details including planting specifications, numbers, species mix, sizes, spacing and maintenance of the landscaping and thereafter implementation. Subject to compliance with this condition and implementation of these measures policy EP2 is met.

Forestry, Woodland and Trees (EP7)

Policy EP7 details that 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.

The proposed surface water drainage arrangements will involve excavation of a soakaway and pipework within the south eastern lower part of the site where there are currently a number of beech trees, and has therefore necessitated submission of a tree survey/tree protection plan to show any potential impacts and the need for mitigation/protection measures. Original site plans showed the soakaway located further to the east, but these have been amended to re-position it 30m to the northwest to sit closer to the building.

The submitted tree survey supported by a tree root protection plan and an arboricultural method statement identifies that no trees require to be felled to accommodate the soakaway and pipework and that this infrastructure has been positioned to be outwith the root protection areas of the trees. The arboricultural method statement sets out the basis for works within proximity of the trees and tree protection measures to be adopted i.e. installation of tree protection fencing, employment of an Arboricultural Consultant etc. The survey also confirms that no trees require to be felled to accommodate the sheds. Adherence to the plan and method statement shall be covered by condition, and on this basis policy EP7 is met in terms of mitigation of tree impacts.

Access and Parking (DP1 and PP3)

Policy DP1 requires that proposals must provide a safe entry and exit from the development and conform with the Council's current policy on Parking Standards. Policy PP3 requires development to be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services.

The previous consent 19/00211/APP on the site was granted subject to transportation conditions relating to the provision of 3 new passing places on the U58H Viewfield Road, and carriageway widening/ improvements at the junction of the U58H and the A95 to accommodate overrunning of larger vehicles associated with the development. It is noted that the location of the passing places, and extent of improvements to the junction have been agreed (Roads Construction Consent RCC- 594 relates). These works have yet to be carried out.

Given the casks from units 2 and 3 are to be moved into units 4 and 5 when they are complete there would be no increase in traffic to the site as a result of these units.

The Transportation Section has been consulted and has raised no objection to the grant of permission subject to conditions and informatives. These require the construction of 3 passing places and the widening/improvement works at the junction of the U58H and the A95 to the Moray Council's standards and specifications, as per approved drawing A/190165/901 REV2, prior to works commencing.

Transport Scotland were also consulted on the proposal and have raised no objections.

In terms of access and parking, subject to the conditions as recommended, the proposal complies with policy DP1 and PP3.

Drainage and Flooding (DP1, PP3 and EP12)

Policies DP1 Development Principles, PP3 Infrastructure and Services and EP12 Management and Enhancement of the Water Environment set out detailed criteria to ensure proposals meet siting, design and servicing requirements including provision of SUDS. This includes requirements for surface water from new development to be dealt with in a sustainable manner that has a neutral effect on the risk of flooding or which reduces the risk of flooding.

A Drainage Impact Assessment (revised) has been submitted with the application which details the proposals for surface drainage arrangements for the proposed development. The roof water run-off from the building would be drained to an attenuation area below the yard that would comprise a network of drainage pipes, manholes and a hydro brake, with an outfall to a soakaway area (gravel filled) to be constructed within the south

eastern lower corner of the site. The soakaway and drainage would be suitably sized to accommodate a 1 in 200 year event plus 35% climate change and be designed to improve the level of treatment and reduction in run-off compared to the pre-development situation. The yard area is currently free draining ground and will remain as such.

Moray Flood Risk Management and SEPA have assessed this information, are content with its findings and have raised no objections to the proposal.

A condition shall be attached requiring the proposal to adhere with the Drainage Impact Assessment and associated plans.

Conclusion

Approval is recommended subject to conditions.

REASON(S) FOR DECISION

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

The erection of buildings for whisky storage in this location is considered acceptable and would not have an adverse impact on the surrounding area. Subject to the upgrading of the vehicular access to the site from the A95 trunk road, sufficient infrastructure can be provided to serve the development. The proposal therefore complies with the provisions of the development plan and there are no material considerations that indicate otherwise.

Author/Contact

Emma Mitchell

Ext: 01343 563326

Officer:

Planning Officer

Beverly Smith

Development Management & Building Standards Manager

APPENDIX

POLICY

Moray Local Development Plan 2020

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 out with 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, paviers, 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.

DP5 BUSINESS & INDUSTRY

- a) Development of employment land is supported to deliver the aims of the Moray Economic Strategy. A hierarchical approach will be taken when assessing proposals for business and industrial uses. New and existing employment designations are set out in Settlement Statements and their description identifies where these fall within the policy hierarchy.

Proposals must comply with Policy DP1, site development requirements within town and village statements, and all other relevant policies within the Plan. Office development that will attract significant numbers of people must comply with Policy DP7 Retail/Town Centres.

Efficient energy and waste innovations should be considered and integrated within developments wherever possible.

b) Business Parks

Business parks will be kept predominantly for 'high-end' businesses such as those related to life sciences and high technology uses. These are defined as Class 4 (business) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. This applies to new proposals as well as redevelopment within established Business Parks.

Proposals for the development of new business parks must adhere to the key design principles set out in town statements or Development Frameworks adopted by the Council.

c) Industrial Estates

Industrial Estates will be primarily reserved for uses defined by Classes 4 (business), 5 (general) and 6 (storage and distribution) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. This applies to new proposals as well as redevelopment within established Industrial Estates. Industrial Estates could be suitable sites for waste management facilities.

d) Existing Business Areas

Long established business uses will be protected from non-conforming uses (e.g. housing). The introduction or expansion of non-business uses (e.g. retail) will not be permitted, except where the total redevelopment of the site is proposed.

e) Other Uses

Class 2 (business and financial), 3 (food and drink), 11 (assembly and leisure) and activities which do not fall within a specific use class (*sui generis*), including waste management facilities will be considered in relation to their suitability to the business or industrial area concerned, their compatibility with neighbouring uses and the supply of serviced employment land. Retail uses will not be permitted unless they are considered ancillary to the principal use (e.g. manufacture, wholesale). For this purpose, 'ancillary' is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area up to a total of 1,000 sq metres (gross) or where a sequential approach in accordance with town centre first principles has identified no other suitable sites and the proposal is in accordance with all other relevant policies and site requirements are met.

f) Areas of Mixed Use

Proposals for a mix of uses where site specific opportunities are identified within Industrial Estate designations in the Settlement Statement, will be considered favourably where evidence is provided to the authority's satisfaction that the proposed mix will enable the servicing of employment land and will not compromise the supply of effective employment land. A Development Framework that shows the layout of the whole site, range of uses, landscaping, open space and site specific design requirements must be provided. The minimum levels of industrial use specified within designations must be achieved on the rest of the site.

g) Rural Businesses and Farm Diversification

Proposals for new business development and extensions to existing businesses in rural locations including tourism and distillery operations will be supported where there is a locational need for the site and the proposal is in accordance with all other relevant policies.

A high standard of design appropriate to the rural environment will be required and proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business premises will be encouraged.

Outright retail activities will be considered against policy DP7, and impacts on established shopping areas, but ancillary retailing (e.g. farm shop) will generally be acceptable.

Farm diversification proposals and business proposals that will support the economic viability of the farm business are supported where they meet the requirements of all other relevant Local Development Plan policies.

h) Inward Investment Sites

The proposals map identifies a proposed inward investment site at Dallachy which is safeguarded for a single user business proposal seeking a large (up to 40ha), rural site. Additional inward investment sites may be identified during the lifetime of the Plan.

Proposals must comply with Policy DP1 and other relevant policies.

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.

EP3 SPECIAL LANDSCAPE AREAS AND LANDSCAPE CHARACTER

i) Special Landscape Areas (SLA's)

Development proposals within SLA's will only be permitted where they do not prejudice the special qualities of the designated area set out in the Moray Local Landscape Designation Review, adopt the highest standards of design in accordance with Policy DP1 and other relevant policies, minimises adverse impacts on the landscape and visual qualities the area is important for, and are for one of the following uses;

- a) In rural areas (outwith defined settlement and rural grouping boundaries);
 - i) Where the proposal involves an appropriate extension or change of use to existing buildings, or
 - ii) For uses directly related to distilling, agriculture, forestry and fishing which have a clear locational need and demonstrate that there is no alternative location, or
 - iii) For nationally significant infrastructure developments identified in the National Planning Framework,

- b) In urban areas (within defined settlement, rural grouping boundaries and LONG designations);
 - i) Where proposals conform with the requirements of the settlement statements, Policies PP1, DP1 and DP3 as appropriate and all other policy requirements, and
 - ii) Proposals reflect the traditional settlement character in terms of siting and design.

- c) The Coastal (Culbin to Burghead, Burghead to Lossiemouth, Lossiemouth to Portgordon, Portgordon to Cullen Coast), Cluny Hill, Spynie, Quarrywood and Pluscarden SLA's are classed as "sensitive" in terms of Policy DP4 and no new housing in the open countryside will be permitted within these SLA's.

Proposals for new housing within other SLA's not specified in the preceding para will be considered against the criteria set out above and the criteria of Policy DP4.

- d) Where a proposal is covered by both a SLA and CAT or ENV policy/designation, the CAT policy or ENV policy/designation will take precedence.
 - ii) Landscape Character

New developments must be designed to reflect the landscape characteristics identified in the Landscape Character Assessment of the area in which they are proposed.

Proposals for new roads and hill tracks associated with rural development must ensure that their alignment and use minimises visual impact, avoids sensitive natural heritage and historic environment features, including areas protected for nature conservation, carbon rich soils and protected species, avoids adverse impacts upon the local hydrology and takes account of recreational use of the track and links to the wider network.

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.

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)
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.

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.