

20/00278/APP
25th March 2020

Application for planning permission for 48 residential units all with associated infrastructure and landscaping occupying the Hopeman R1 designation at Forsyth Street, Hopeman, Moray for Tulloch Of Cummingston Ltd

Comments:

- Application is for 5 to 49 dwellings which is not in accordance with the development plan, and is being recommended for approval.
- Advertised for neighbour notification purposes - notification not possible because no premises situated on land to which notification can be sent and as a departure to the development plan.
- 5 representations received from 4 parties.

Procedure:

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

Recommendation **Grant Planning Permission - Subject to the Following:-**

Conditions/Reasons

1. No development shall commence until details of the affordable housing specification for the site have been submitted to and approved by the Council, as Planning Authority in consultation with the Head of Housing and Property Service. This shall include detailed arrangements for the long-term delivery and provision of the affordable housing accommodation on the site, together with evidence confirming the identity of the organisation (or other similar agency) responsible for the provision and management of all affordable housing provided on the site. Thereafter the development shall be implemented in accordance with the approved details and maintained on this basis for the lifetime of the development, unless otherwise agreed with the Council, as Planning Authority in consultation with the Head of Housing and Property Services.

Reason: To ensure all of the residential units approved on site are affordable and managed accordingly.

2. No development shall commence until a site plan identifying the plot numbers of the accessible residential units (minimum 3) has been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the accommodation

as identified shall, at all times, remain as accessible housing and remain capable for adaptation for accessible housing needs unless otherwise agreed with the Council, as Planning Authority.

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

3. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 – 1900 hours, Monday to Friday and 0800 – 1300 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken out with the permitted/stated hours of working.

Reason: In order to ensure that construction does not detrimentally impact upon neighbouring residential amenity.

4. The development hereby approved shall be implemented in accordance with the approved Landscape and Biodiversity Plan drawing number FR/PL/05 dated August 2021 and Landscape Specification and Maintenance Schedule Version 1.3, dated August 2021, which form part of this application. All trees, hedging/shrubs and SUDs/Swale basin planting (in both public spaces and private front gardens) shall be retained. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council, as Planning Authority gives written consent to any variation of this planning condition.

Reason: To ensure that the approved landscaping works, equipped play area and seating are implemented and properly maintained for the lifetime of the development, in a manner which will not adversely affect the development or amenity and character of the area.

5. No development shall commence until the following information has been submitted to and approved in writing by the Council, as Planning Authority. This shall be closely based upon the approved landscape and biodiversity plan and Placemaking Statement accompanying this application:
 - a) Details of the public artwork (sandstone features sourced from Clashach Quarry) including size of the arrangement, maintenance arrangements and timescales for delivery;
 - b) Elevation drawings of all boundary walls, stone dykes and retaining walls (scale 1:50);
 - c) Details of all seating, benches and litter bins;
 - d) Phasing plan including timescales for provision of all landscaping works across the site and the equipped play area and seating, with the play area to be installed upon completion of 50% of the development, i.e. the 24th

- residential unit.
- e) Specification of bird boxes and timescales for their provision;
 - f) Elevation drawing and plan showing 1.8m high timber screen fencing to be installed along the northern half of the eastern boundary of plot 1 (scale 1:50).

Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure that the approved landscaping works, equipped play area and public art are timeously carried out as these details are currently lacking from the application.

6. All fencing and walls as shown on the approved Landscape and Biodiversity Plan drawing number FR/PL/05 dated August 2021 shall be erected prior to occupation of the respective residential unit to which it serves, and thereafter retained for the lifetime of the development. This shall include the fencing to divide the parking areas of plots 24 and 26 which have front and rear access.

Reason: To protect the privacy of adjoining occupiers and in respect of plots 24 and 26 to ensure provision of an acceptable parking layout in accordance with policy guidance in relation to parking and Placemaking.

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

Reason: To ensure the residential units hereby approved are served by appropriate high speed internet connections.

8. That all foul and surface water drainage and associated maintenance arrangements for the development shall be in accordance with the approved Drainage Assessment and Flood Statement prepared by GMSurveys, Revision C and associated revised drainage drawings submitted in support of this application. No residential unit shall be occupied until it is connected to the SUDS scheme as detailed within the approved Drainage Assessment and drawings, unless otherwise agreed with the Council, as Planning Authority.

Reason: To ensure an acceptable form of development is provided in accordance with the submitted drainage information and drawings, and to provide for adequate protection of the water environment from surface water run-off during the lifetime of the development and to ensure no increase in groundwater levels in the locality of the site.

9. No development shall commence on site until a Site Specific Waste Management Plan (SWMP) has been submitted and approved by the Council, as Planning Authority in consultation with SEPA. The SWMP shall set out how demolition and

construction waste associated with the application site shall be minimised, recovered, stored, reused and disposed of, the management of waste on site must be in accordance with the approved SWMP. This should include a drawing showing the waste storage locations on the construction site.

Reason: In order to improve materials resource efficiency and ensure the appropriate management and disposal of waste.

10. Prior to the commencement of any works, a Construction Environmental Management Plan incorporating a site specific pollution prevention plan shall be submitted to and approved in writing by the Council, as Planning Authority including a site specific pollution plan; this shall be based on the submitted Construction Environmental Management Document (CEMD) and include site specific mitigation measures to address dust, artificial light, vibration and noise impacts during construction (the latter of which shall be in accordance condition 3 above) and ecological management; and thereafter all work shall be carried out in accordance with the approved plan.

Reason: In order to prevent potential pollution of the environment and minimise impacts from construction works on the environment.

11. The ecological mitigation measures outlined within the submitted Extended Phase 1 Habitat Survey (Section 5 refers) prepared by Northern Ecological Services for this application shall be fully implemented by the developer, unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To ensure that the development does not have an adverse impact on protected species or habitat and to minimise disturbance to nature conservation interests.

12. No development shall commence until detailed specifications of materials of the external finishes of the houses, apartments and all street surfaces within each of the identified character areas of the development (as indicated in the Placemaking Statement, Character Area plan FR/PL/04 and associated plans accompanying this application) have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter all works shall be carried in accordance with these approved details.

Reason: In order to ensure that the development has variation in street detailing through use of different materials and surfacing and reflects distinctiveness between each character area.

13. Notwithstanding the details submitted for the boundary walls (Drawing FR/PL/05), which are not accepted, no development shall commence until revised details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority which show any boundary walls, fences or other features set back behind the site access visibility splays onto the B9040 (Drawing FR/PL/08). Thereafter the development shall be completed in accordance with the approved details and the visibility splays shall be maintained clear of any obstructions over 0.26m in height measured from the nearest edge of

the carriageway.

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

14. Notwithstanding the details submitted for the proposed cycle parking (Placemaking Statement) which are not accepted, no flats shall be completed until details of secure covered (i.e. enclosed with panelling, weather protected) horizontally mounted cycle parking at a rate of 1 space per flat, have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The proposed cycle parking shall be provided prior to the completion of the associated flat and thereafter shall be maintained and available for use for that purpose unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason: To ensure acceptable infrastructure for cycle parking to serve the flats is provided and maintained in the interests of sustainable transport.

15. Notwithstanding the details submitted for planting within the road verge, which are not accepted, no trees shall be planted within the road verge until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority for root containment of any tree within 5 metres of any prospective public road within the development. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure acceptable infrastructure is provided to protect the public road through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

16. Notwithstanding the Construction Traffic Management Plan (CTMP) submitted, which is not accepted, no part of the development shall commence construction until a CTMP has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The CTMP shall demonstrate:
- Confirmation that unless otherwise agreed in writing by the Roads Authority, no construction traffic travelling between the site and the A96 or A941 shall travel via the B9012 or the U51E (Roseisle-Cummingston).
 - Confirmation that no construction traffic shall travel via Cooper Street.
 - Condition surveys for Manse Road, Cooper Street and the B9040 Forsyth St (between Harbour St and the U51E (Roseisle-Cummingston)).

Reason: To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

17. No house or flat within the development shall be completed until the following works have been completed and opened to the public:
- a) The site access onto the B9040 and any roads between the site access and the house or flat required to provide access.
 - b) The westbound bus stop has been relocated in accordance with the approved details including provision of the dropped kerb crossing of the B9040.

Reason: To ensure acceptable infrastructure is provided to serve the completed house or flat in the interests of road safety.

18. Parking provision for houses and flats shall be provided at the following rates:
- 1 Bedroom = 1 space
 - 2 -3 Bedrooms = 2 spaces
 - 4 or more bedrooms = 3 spaces

Parking shall be provided prior to the completion of each house or flat which it is associated with and thereafter retained and available for that purpose unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

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

19. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway, measured from the level of the public carriageway, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason: To enable drivers of vehicles leaving driveways to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users.

20. Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam.

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

21. No residential unit shall be completed until the EV charging infrastructure associated with it has been provided in accordance with the approved drawing EV Charging Layout FR/LP/11 and associated details. This infrastructure shall be connected to the national grid via the proposed sub-station prior to completion of the 13th residential unit (or sooner if practicable), unless otherwise agreed by the Council, as Planning Authority.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport.

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

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

Reason(s) for Decision

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

The application represents an acceptable departure from policy EP6 Settlement Boundaries on the basis that a 6m strip of land is required to ensure compliance with PP1 Placemaking, R1 Manse Road Key Designation Principles and the designation text for the site that requires a substantial landscaped buffer to define this edge of Hopeman. In all other respects the proposal accords with the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

List of Informatives:

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

This development is subject to a S.75 legal agreement in regard to arrangements for payment of developer obligations to address the impact of the development upon healthcare facilities to be payable in instalments.

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see: www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Before commencing development, the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations, and provide a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations. Advice on this matter can be obtained from the Moray Council web site or by emailing transport.develop@moray.gov.uk

Construction Consent shall include a CCTV survey of all existing roads drainage to be adopted and core samples to determine the construction depths and materials of the existing road.

The requirement for any Road Safety Audit may be determined through the Roads Construction Consent process or subsequent to the road construction prior to any road adoption.

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority. Guidance on Electric Vehicle (EV) Charging requirements can be found at: <http://www.moray.gov.uk/downloads/file134860.pdf>

Planning consent does not carry with it the right to carry out works within the public road boundary and the applicant is obliged to contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

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

Private Roads - A responsible party, constituting the road manager, must be nominated for any private road and this information included within the National Gazetteer through the Scottish Road Works Register (SRWR).

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

The applicant shall ensure that their operations do not adversely affect any Public Utilities, which should be contacted prior to commencement of operations. The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

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

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

SCOTTISH WATER has commented that:

See attached Scottish Water consultations dated 2 April 2020 and 6 September 2021.

The SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:

See attached consultation responses dated 9 April 2020 and 8 September 2021.

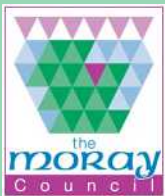
LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
	Milltown 3 - elevations and floor plans
	Milltown 3 - elevations and floor plans
	Millfield 3 - elevations and floor plans
	Millfield 3 - elevations and floor plans
	Keam - elevations and floor plans
	Dunbar - elevations and floor plans
	Covesea - elevations and floor plans
	Covesea - elevations and floor plans
	Birnie 2 - elevations and floor plans
	Location plan
	Balormie - elevations and floor plans
	Balormie - elevations and floor plans
	Birnie C - elevations and floor plans
	Birnie C - elevations and floor plans
	Blervie C - elevations and floor plans
	Blervie C - elevations and floor plans
	Clashach - elevations and floor plans
	Duffus - elevations and floor plans
	Duffus - elevations and floor plans
	Cameron & Cooper - elevations and floor plans
	Cameron & Cooper - elevations and floor plans
	Placemaking Statement
	Drainage Assessment & Flood Statement
	Landscape Specifications & Maintenance
FR_PL_11	EV charging layout
FR_PL_12	Traffic calming measures
FR_PL_13	Road and footpath adoption plan
FR_PL_16	Roads long sections

FR_PL_01	Master plan
FR_PL_05	Landscape and biodiversity plan
FR_PL_09	Public transport links
FR_PL_15	Site sections
FR_PL_03	Site drainage
	Firth View Apartments - elevations and floor plans
A	Moy E Type - Accessible
A	Moy E Type - RHS Accessible
A	Moy Type - Accessible
A	Moy Type - RHS Accessible
	Birnie - elevations and floor plans
FR_PL_10	Cycle/pedestrian paths & links
FR_PL_06	Parking plan
	Sections
FR_PL_02	Site drainage and levels
FR_PL_04	Character areas
FR_PL_07	Utilities plan
FR_PL_08	Junction visibility splay

Additional Information to be issued with decision:

Scottish Water Consultations dated 2 April 2020 and 6 September 2021.
SEPA consultations dated 9 April 2020 and 8 September 2021.

Placemaking Statement, August 2021
Drainage Assessment and Flood Statement prepared by GMSurveys, Revision C
Landscape Specification and Maintenance Schedule, August 2021



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

20/00278/APP

Site Address:

Hopeman R1 and Long

Forsyth Street

Hopeman

Applicant Name:

Tulloch of Cummingston

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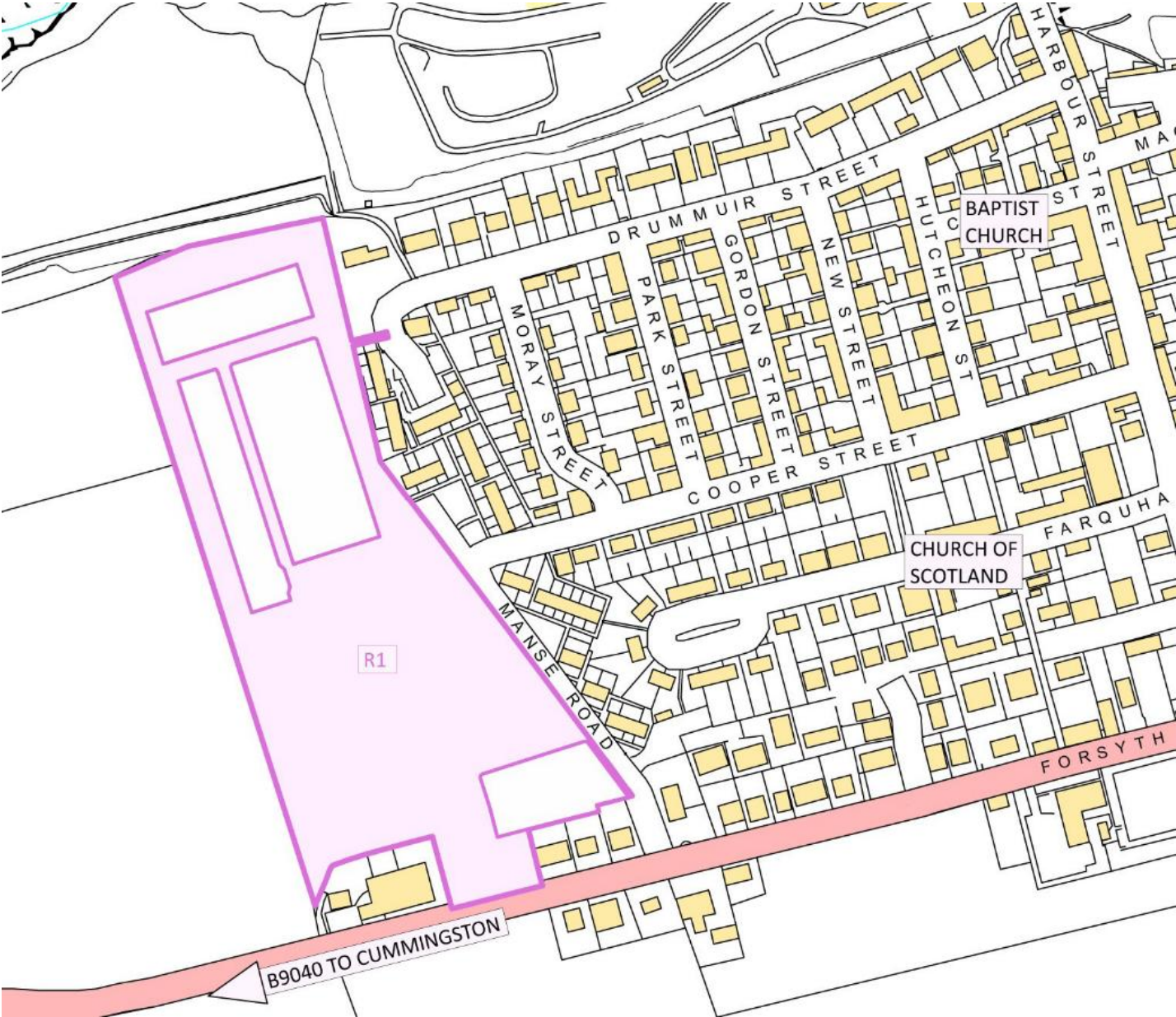
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Location Plan



Site Location



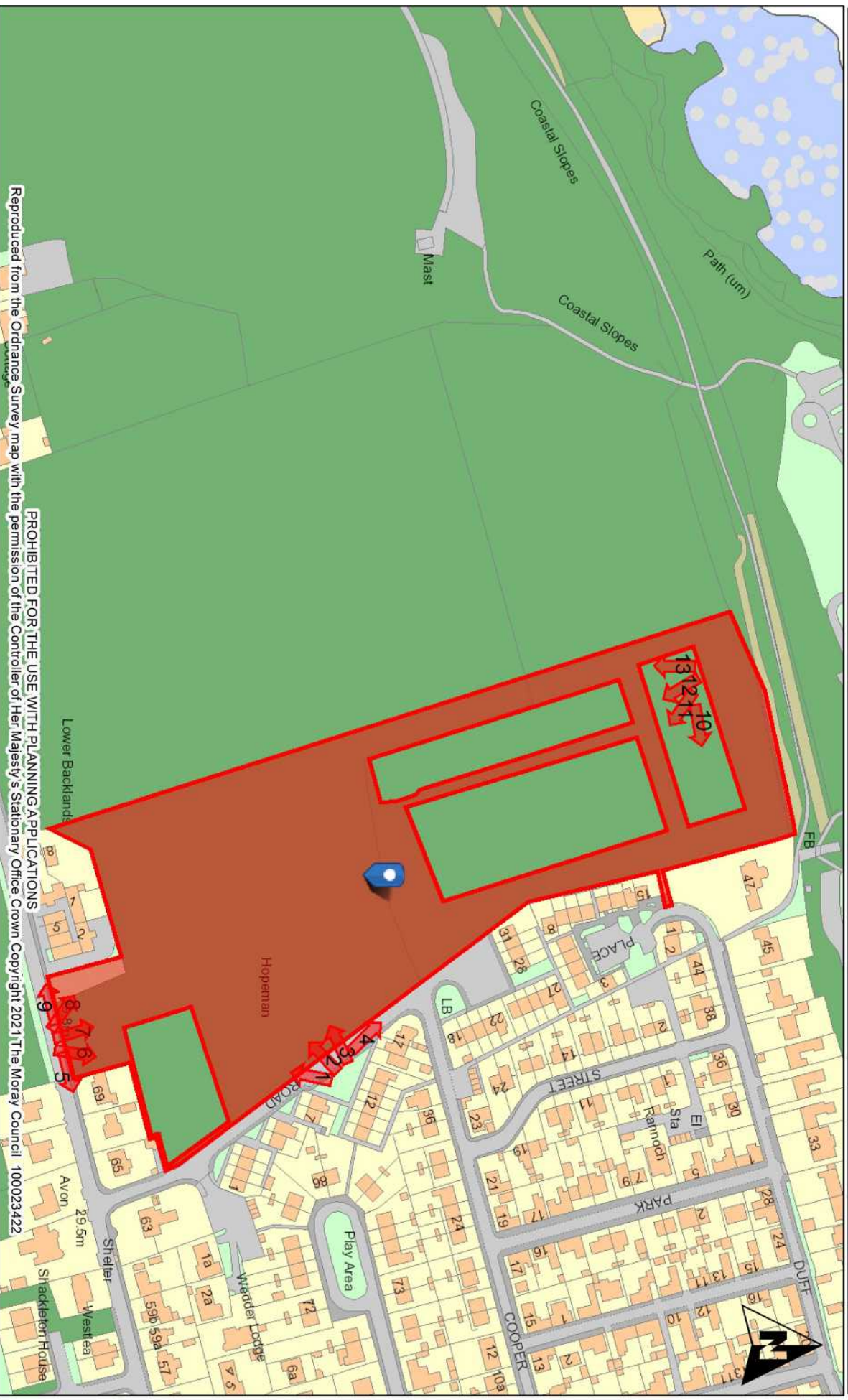
Site plan



Landscape & Bio-diversity plan



Photograph Positions



Map Description: Arrows point in direction photograph was taken.

Scale: 1:2,500 @ A4



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



PLANNING APPLICATION: 20/00278/APP

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

THE PROPOSAL

- This application seeks planning permission for a residential development of 48 residential units with associated roads and landscaping on land at site R1 Manse Road, Hopeman.
- The proposed masterplan/layout for the site follows a grid plan pattern and consists of two areas of development; the first area is located within the southern part of the site and contains the proposed 48 residential units, roads/footpath/cycleway infrastructure, SuDS drainage, landscaping, open spaces and an equipped play area; the second area, located within the northern part contains a loop road/footpath and drainage infrastructure. This would serve a further 26 potential future plots based on an indicative layout which do not form part of this application. An area of land within the south-eastern corner of the site is identified as a potential site for a future nursing home/retirement housing, which does not form part of this application.
- The site would be served by three vehicular accesses, with two onto Manse Road to the east and a third onto the B9040 to the south. Footpath and cycle path connections are proposed to the east and south.
- 36 residential units would be private (including 6 accessible bungalows) and 12 affordable.
- The residential units would be a mix of detached and semi-detached single, 1 ½ and 2 storey houses (providing 2, 3, 4 or 5 bedrooms) and apartments (1, 2 or 3 bedrooms), with material finishes of buff and white/off-white roughcast render, timber cladding and slate and grey roof tiles. The units would each have parking, gardens, hedge boundary planting, fencing or low walls; a number of the units are also identified with the option of having a possible sun lounge.
- The site has 3 identified character areas, which are distinguished by use of different materials, colour palette and detailing to the buildings, road surfacing and landscaping.
- The units would connect to the public water supply and foul drainage network. Surface water drainage would comprise a combination of infiltration trenches and swales located adjacent to the development roads, road drainage, two SuDS infiltration basins, and private on-plot soakaways. This would include a swale and infiltration beneath the full extent of the western boundary as potential flood mitigation.
- Detailed landscape plans and associated landscape specification/maintenance schedule for the site set out species, size, spacing and maintenance details for new planting within the open spaces, streets (including avenue trees), native planting shelter belt along the western boundary and gardens.
- The application is supported by an updated Placemaking Statement, Design Statement (incorporating Design and Access Statement, Planning Statement, Road Safety Audit Response Report, Pre-Application Consultation Report, Sustainability Statement, Planning Policies and Design Checklist), Updated Drainage Assessment

and Flood Statement, Transport Assessment, Road Safety Audit, Street Engineering Review, Construction Traffic Management Plan, Programme of Archaeological Works, Extended Phase 1 Habitat Survey, Landfill Gas Assessment and Site Investigation Report.

THE SITE

- The site extends to approximately 3.8 hectares and forms the Hopeman R1 Manse Road residential designation (indicative capacity 75 units) as identified in the adopted Moray Local Development Plan 2020. An additional area along its western boundary (approx. 6 metres wide) lies outwith settlement boundary.
- The site lies within the Burghead to Lossiemouth Coastal Special Landscape Area.
- It currently comprises cleared ground, grassland and gorse, and was formerly arable farmland. Site levels drop from south to north towards the sea.
- Housing lies to the east and south, the coastal path/gorse/Hopeman caravan site to the north and farmland to the west.
- The SEPA flood map indicates that localised parts of the southern and north areas of the site are at risk (medium) from surface water flooding.
- Archaeological interests are present on the site and the surrounding area.

HISTORY

19/00943/PEMAJ – Preliminary enquiry for proposed housing development of 76 units and nursing/retirement home, comprising 49 units on Hopeman R1 and 27 units in LONG site – response issued November 2019.

19/00783/PAN - Proposal of Application Notice (PAN) for proposed Housing development of 75 units and nursing/retirement home at R1 and LONG Site, Hopeman. Following consideration of the PAN, the Council's Planning & Regulatory Services Committee on 20 August 2019 Members agreed that the following matter should be drawn to the applicant/agent's attention and taken into account in the development of the application;

- Concern was raised in relation to the proposed number of houses to be built which is more than what was originally identified.

A public consultation event was subsequently held on 20 September 2019. The PAC report accompanying the current application outlines the extent of the applicants' engagement with the local community in accordance with the Proposal of Application Notice (PAN) (19/00783/PAN) and responses. Whilst useful as background, this is not a statutory requirement for this current application as the proposal is for less than 50 residential units and therefore not a major development.

The application has been screened under the EIA Regulations and is not considered to be an EIA development.

POLICY - SEE APPENDIX

ADVERTISEMENTS

Advertised as a departure from the MLDP 2020 and for neighbour notification purposes.

CONSULTATIONS

Strategic Planning and Development – Key design issues are addressed in detail within the Quality Audit carried out in relation to this application, this confirms that the proposal satisfies the criteria and principles set out on PP1 Placemaking and associated provisions of the plan, including PP3, DP1, DP2, EP2 and EP5 subject to conditions where appropriate (see observations section and QA summary table).

Notes that the proposal departs from Policy EP6 Settlement Boundaries as the western boundary of the site exceeds approximately 6 metres beyond the Hopeman settlement boundary. However this is considered an acceptable departure on the basis that additional land is needed to ensure compliance with PP1 Placemaking, R1 Manse Road Development Brief and the designation text for the site that requires a substantial landscaped buffer to define this edge of Hopeman. The proposal meets the remaining relevant policy requirements of the Moray Local Development Plan 2020 and should be recommended for approval subject to applying conditions.

Environmental Health Manager – No objection subject to conditions regarding construction working hours, a Construction Environmental Management Plan to include site specific mitigation measures to address dust, artificial light, vibration and noise impacts during construction, and sub-station details.

Contaminated Land – No objection. The development site is located 200 metres east of a former landfill that has previously caused problems associated with gas migration into the surrounding area. Specialist reports commissioned by the Council have identified that gas migration occurs mainly to the west of the landfill and appears primarily associated with a geological fault. Investigations have shown no evidence of significant gas migration in an easterly direction. The applicants' desk study has shown that the development site is not located in proximity to the geological fault and, given the distance from the gas source, it is concluded that no gas protection measures are required in this development.

Transportation Manager – No objection subject to conditions regarding provision of a Construction Traffic Management Plan, provision of visibility splays, car parking, cycle storage, tree root containment, access provision and relocation of the westbound bus stop on the B9040 opposite the site frontage

Archaeological Service – A Programme of Archaeological works including a final data structure report has been submitted with the application. Notes, and is content with the report findings and on this basis has raised no objection to the application.

Planning and Development Obligations - A developer obligations assessment has been carried out to consider the impact of the development upon local infrastructure; this confirms that obligations are required towards healthcare facilities. The applicants have confirmed that they are agreeable to the contributions which will be secured through a S.75 legal agreement.

Environmental Protection Manager – No objection, informative comments regarding maintenance obligations of Developer for landscape areas, play area and SuDS, and BS specifications for play equipment, safety surfacing and free space.

Building Standards - A Building Warrant will be required.

Housing Strategy and Property Manager - No objection subject to conditions requiring submission/approval of delivery arrangements for affordable housing (12 units) to be agreed with Housing and Property Services, and provision of minimum 3 accessible housing units (including site plan defining their location and that they remain accessible in perpetuity).

Moray Flood Risk Management – No objection.

Moray Access Manager – No objection.

Hopeman Community Association - No response at time of writing report.

Scottish and Southern Energy – No response at time of writing report.

Scottish Gas - No response at time of writing report.

Scottish Environment Protection Agency – No objection subject to condition requiring approval of a Site Specific Waste Management Plan to address waste management, including potentially hazardous or special waste resulting from the proximity of the old landfill site, or an assessment to show that there will be no such waste. Notes that the proposal includes environmental enhancement measures, and also highlights the requirement for a Controlled Activities Regulations (CAR) Construction Site Licence for management of surface water run-off from the construction site, to be issued under SEPA's own regulatory regime.

NatureScot – Notes the findings of the submitted ecology survey which found minimal impacts (with no protected species observed) and that these are still likely to be representative given the lapse in time since the survey was done, as little has changed on site.

Scottish Water – No objection. Advisory comments confirming sufficient capacity currently within water treatment works (water and foul), further investigations may be required once a formal application is submitted to Scottish Water

ParentAble Moray – Comments provided in relation to original plans seeking addition of all abilities/inclusive play equipment, no comment received regarding revised proposals.

OBJECTIONS-REPRESENTATIONS

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

[REDACTED]



5 representations have been received from 4 parties.

Issue: Overdevelopment of site, house on plot 1 is larger than existing houses along Forsyth Street, it is a huge property with a tower and will dominate the area and is not in keeping with neighbouring properties, original plans showed green spaces either side of exit onto Forsyth Street. Site is too big and will impact the village. Some of the houses are out of keeping with surrounding properties including height.

Comments (PO): The house on plot 1 is a 1 ½ storey type and is not considered to be overly dominant for this location. The proposed development providing a variety of single and two storey house types and apartments represents an appropriate form of development on this designated site which satisfies the designation requirements, and is acceptable in terms of layout, spacing and design. Developer obligations have been identified and sought towards healthcare facilities and sports and recreation in order to mitigate the impact of the development.

Issue: Access and road safety concerns, development will access onto Forsyth Street opposite a bus stop and where traffic speeds are high, development should be reduced in size and exit road onto Forsyth closed off with all traffic sent onto Manse Road, increased traffic from development will lead to accidents unless traffic calming/management measures are put in place, road safety impacts are heightened by the lack of footpath on south side of Forsyth Street close to the site access. Addition of 48 dwellings and associated cars will put strain on traffic issues in the village.

Comments (PO): The proposed development on this designated housing site incorporating roads and cycleway/footpath infrastructure, accords with site designation requirements and is acceptable in principle. The scale of the development in this location is appropriate and in line with the designation. Proposed vehicular accesses onto the surrounding road network, including onto Forsyth Street with associated visibility splays are acceptable; the proposals also include relocation of the bus stop to a new location to the west of the proposed access agreed with the Transportation Section.

The application has been supported by a Transport Assessment and Street Engineering Review which demonstrate that with provision of the proposed roads/footway and cycleway infrastructure transport demands associated with the proposed development can readily be accommodated without any adverse impact on road safety. The Transportation Section has assessed this information and is content with its findings.

The Transportation Section considers that the proposed layout is compliant with transport policy/road safety standards and has raised no objection subject to conditions requiring the provision of satisfactory transport infrastructure to Moray Council adoptable standards.

Issue: Concerns regarding impacts on wildlife and nesting birds from development activities in the area.

Comments (PO): A Phase 1 Habitat Survey (Extended) incorporating protected species surveys has been submitted with the application; this includes recommendations for mitigation measures to minimise impacts on nesting and breeding birds, and reptiles which shall be addressed by planning condition.

Issue: The area is at risk of flooding and neighbouring properties were affected a couple of years ago.

Comments (PO): The applicants have submitted a drainage impact assessment and flood statement which addresses the issue of surface water from the site and flooding. This provides analysis of surface flows in the area and concludes that the proposed development will not impact current flow paths to adjacent houses. The development has a fully designed SuDS, which will control all surface water within the site by attenuating surface water and draining at a controlled rate from the site to ensure that post development flows are no greater than pre-development flows. The Flood Risk Management Section has reviewed and is content with this information and has raised no objection to the proposal.

Issue: Queries whether proposal includes affordable housing.

Comments (PO): The application includes an appropriate level of affordable housing required to meet policy and this provision will be addressed by condition.

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 issues are considered below:

Principle of Residential Development (Hopeman R1, DP2, DP1, PP1, PP2 and PP3)

The application site forms part of the Hopeman R1 Manse Road designation which is identified for residential development in the Moray Local Development Plan 2020, with an indicative capacity of 76 residential units.

MLDP 2020 Policy DP2 Housing a) requires proposals on designated sites to be supported by a design statement and supporting information regarding the comprehensive layout and development of the whole site, addressing infrastructure, access for pedestrians, cyclists, public transport and service vehicles, landscaping, drainage, affordable and accessible housing and other matters identified by the Council, as well as to comply with policy PP1 Placemaking, DP1 Development Principles, site development (designation) requirements and relevant MLDP 2020 policies. The required design statement and supporting information have been submitted with the application to inform consideration.

Primary Policy PP1 Placemaking contains a number of design criteria which all residential development must meet, with significant emphasis on placemaking, biodiversity and promoting health and well-being through good urban design.

Policy DP1: Development Principles sets out the need for the scale, density and character of development to be appropriate to the surrounding area.

Site development requirements for R1 include compliance with key design principles shown in Figure 1.1 of the designation within the settlement plan for Hopeman. These seek provision of a layout which reflects the traditional grid pattern of the village, the creation of a gateway onto the development from the B9040 Forsyth Street, key frontage development along Manse Road and Forsyth Street and a new mature woodland

boundary along the western edge. Further identified requirements include the provision of a central amenity open space/play area, houses fronting onto the B9040 to replicate traditional architectural detail/materials of Hopeman, vehicular connections onto the B9040 and Manse Road, two further connections into land to the west mirroring the traditional grid pattern of adjacent streets, a pedestrian footpath running from the B9040 to the Moray Coastal Path and submission of supporting information including Transport, Flood Risk, Drainage Impact and Landfill gas Assessments and a Phase 1 Habitat Survey.

The submitted masterplan setting out the comprehensive layout for the whole site (including both the detailed and indicative elements, along with roads infrastructure, drainage, access, landscaping etc.) and supporting submissions provide sufficient information to enable assessment against policy DP2 and the designation requirements. In terms of the indicative capacity figure of 75 units for the site, as the current application is for 48 units only, and remaining developable area set aside for the potential 26 plots and nursing home/retirement housing is indicative only and does not form part of this application, it is acknowledged that the capacity figure could be exceeded if the nursing home does not come forward and is replaced by housing. Notwithstanding this, policy DP2 states that such figures are indicative only and proposed capacities will be considered through the Quality Audit process against the characteristics of the site, character of the surrounding area and conformity with all policies and the requirements of good Placemaking as set out in policies PP1 and DP1.

The findings of the Quality Audit process carried out for this application summarised below confirm that the proposal would represent an acceptable form of development for this location which satisfies the principles of good placemaking, and would provide acceptable housing with private gardens and satisfactory levels of public open space/landscaping. It would also meet servicing requirements, include appropriate sustainable urban drainage, avoid adverse effects on environmental interests and include provision of appropriate levels of affordable and accessible housing provision.

The proposal would bring investment to the Hopeman area through construction of new homes in a sustainable location that makes efficient use of land and infrastructure, supported by PP2 Sustainable Economic Growth. The application is supported by a Utilities Plan and complies with the requirements of PP3 Infrastructure and Services.

Settlement Boundaries (EP6)

The proposal is contrary to Policy EP6 Settlement Boundaries as the western boundary of the site extends approximately 6m beyond the Hopeman settlement boundary. Whilst a departure, all of the proposed houses will be sited within the settlement boundary, with only the proposed new woodland planting and swale being located outwith the settlement boundary. This additional land is required to ensure all the requirements of PP1 Placemaking, EP5 Open Space, the R1 Manse Road Key Design Principles and the requirements of the R1 Manse Road designation text can be met, notably, the delivery of 20% open space, a traditional grid layout, parking to the side and rear behind the building line and provision of a 15m wide landscape buffer to create a new landscaped edge to Hopeman. This wider landscape strip will also serve to create a definitive boundary to Hopeman.

Based on the above justification, the 6m minor expansion into the open countryside adjacent to Hopeman is considered an acceptable departure from EP6. It will not erode the distinction between the village edge and open countryside or create coalescence between Cummingston and Hopeman.

Special Landscape Areas and Landscape Character (EP3)

The site is within the Burghead to Lossiemouth Special Landscape Area (SLA) where the Council seeks to encourage the highest standards of design. The proposal has been subject to a quality audit in which it scored all greens evidencing the high quality design. Despite the site extending slightly into open countryside around Hopeman, as set out above, this is not considered to have an adverse impact on the Burghead to Lossiemouth SLA.

Placemaking, Siting and Design (PP1, DP1, DP2, R1, EP2 and EP5)

Policy PP1 Placemaking sets out that sufficient information must be provided to allow the Council to carry out a Quality Audit (QA) of the proposal. As noted in the Strategic Planning and Development Team's response this Audit process has been undertaken and the application has been subject of a number of meetings and correspondence. Initial issues were identified and during consideration of the proposals revisions made to address the changes sought. The QA assessed the proposal against the 7 fundamental placemaking principles of Policy PP1. In order to comply with PP1 and deliver a distinctive place with all the associated health and environmental benefits proposals require to achieve "green" ratings and this has been achieved in all cases as set out in the table below.

This shows the series of issues identified with the first QA which led to "red" ratings. These were addressed through the submission of revised plans leading to "green" ratings subject to the mitigation set out in the table. This mitigation relates to points of detail which can be addressed by planning conditions, with the revised submission satisfactorily demonstrating that the development delivers on all the placemaking principles.

QA Category	Score	Mitigation	Score	Conditions/Mitigation
Character and Identity		Provide greater differentiation between character areas. Provide key buildings at the flats including turrets and plot 29. Replace grey pavements in character area with buff colour. Provide tree planting along Backlands Brae Provide clarification on public art features and how they reflect the local area.		Differentiation has been achieved through different materials, landscaping and road surfacing materials and use of stone walls. Turrets have been added to the principal elevation of the flats and a glazed corner feature on Plot 29. Buff coloured pavements have been incorporated. Where there is sufficient space trees are being provided in the front gardens of plots along Backlands Brae. A condition will be applied seeking details of the scale, number, arrangement and timescales for installation of the proposed sandstone

				features.
Healthier, Safer Environments		Switch plots to provide a frontage onto Sutherland Street.		The size of the different plots and topography has meant it is not possible.
Housing Mix		Confirm driveways will be suitable for users of all mobility. Remove tapered heads on the staircases of accessible plots.		Additional details on gradients of driveways have been provided. Homes do not include any tapered stairs.
Open Spaces and Landscaping		Additional shrubs and planting must be provided. The girth of proposed trees must be 18-20 cm The swale in the central area of open space must be planted. The proposed play equipment and area must cater for people of all mobilities. Hedging must be provided in front and between all plots to define public and private space. Clarification as to why green verges cannot be planted.		Additional planting has been provided and will deliver seasonal variation. All trees 18-20cm girth. Landscaping details for swales have been provided. Details of accessible play equipment and seating have been provided. Hedging has been added along the frontage of plots. Trees and shrub planting is proposed within two plots where this is not feasible. Trees have been set within gardens to avoid the service strip as there are utilities underground in this location. A condition must be applied to ensure retention of all trees, hedging and landscape planting on the site, in both in public spaces and private gardens.
Biodiversity		Biodiversity plan to show the location of the hedgehog highways. Provide swift boxes. Introduce a roadside swale along Firth Rise.		An acceptable biodiversity plan has been provided including swift boxes. A condition must be applied so details of the type of bird box, proposals for attaching boxes to trees and timescales. A swale has been provided

				within the woodland edge of the site running the length of the site as opposed to Firth Rise.
Parking		<p>Avoid a 3 car stacked arrangement.</p> <p>The communal parking arrangements must be revised to ensure that spaces are broken up.</p> <p>0.5m must be left between any landscaping and parking space.</p> <p>Provide secure cycle storage facilities.</p> <p>EV details need to show 5m isochrones from charger location.</p> <p>Provision also does not meet the requirement for 1 cycle storage space per flat.</p>		<p>Parking arrangements have been amended. A condition must be applied to ensure a wall is provided to address this issue.</p> <p>Where feasible all communal parking has been broken up at an interval of every 4 spaces and incorporated 0.5m gaps.</p> <p>Details of secure cycle storage have been provided and EV details are acceptable.</p> <p>A condition must be applied requiring panelling on the doors and sides of the cycle storage.</p>
Street Structure		Provide different coloured pavements for Backlands Brae.		Buff pavements are now specified on the character areas plan and a condition must be applied to ensure delivery.
Street Layout		Visibility splays currently do not meet the requirements.		A condition must be applied to ensure that the stone walls adjacent to the main access are set back and removed from the visibility splay.
Street Detail		<p>Additional drainage information is required.</p> <p>A different colour of pavement is sought for Backlands Brae</p>		<p>Additional drainage information provided.</p> <p>Buff pavements are now specified on the character areas plan and a condition must be applied to ensure delivery.</p>

1) Character and Identity

The site has 3 identified character areas, and these have been differentiated through the use of different materials, colour palette and detailing such as style of doors and use of stone walls in individual character areas. In addition the layout comprises different road surfacing materials and different coloured hedging in each character area. Key buildings have been provided, within the first plot at the entrance of the site incorporating a turret feature and slate roof reflecting a feature of the village. This feature has also been replicated on the principal elevation of the flats. Public art is incorporated into the development in the form of sandstone features from the local quarry positioned within two areas of open space on the site to provide landmarks. A condition shall be imposed covering submission/approval of details on the scale, number and arrangement of the proposed sandstone features.

In line with PP1 the applicants have submitted suggested street naming to reflect and enhance local associations within the area.

2) Healthier, Safer Environments

The layout has been designed in a grid like pattern which allows for buildings to have public fronts and private backs which in turn provides good natural surveillance on streets. The location of the open space containing the play area is well overlooked which will in turn create safe space for residents to use. The streets have been designed to reduce vehicle speeds creating a safe neighbourhood.

Seating areas are provided on the open spaces of the development to encourage people of all ages and mobilities to interact, participate in activity and rest and reflect. This also provides opportunities for social interaction between residents.

3) Housing Mix

The housing mix is acceptable and satisfies the requirement of policy DP2.

The affordable requirements for the site have been met, with the affordable units centrally located within the development ensuring good access to all travel routes and the central area of open space/play area.

DP2 section d) requires proposals to demonstrate tenure integration. This requirement is met as there is no architectural distinction in the external specifications and standard of finishes, between the tenures.

In terms of accessible housing, 6 private bungalows are to be provided across the site.

4) Open Space/Landscaping

The proposals are supported by detailed landscaping plans including landscape specifications and maintenance schedules. The girths specified within the landscaping proposals were originally 8-10cm and 12-14cm, and have now been amended to 18-20cm to deliver the semi mature tree planting required. A centrally located playspace has been provided within the development with associated planting and hedging. In line with the designation, a new wooded edge to Hopeman will also be created comprising a mixture of silver birch, rowan, sessile oak, wild cherry and hawthorn. Planting proposals have sought to deliver seasonal variation with the introduction of bulb planting including crocuses and daffodils, spring blossom and autumn berries.

The applicants have confirmed that the play area will be installed and able to be used upon completion 50% of completion of this first phase of development, i.e. following completion of 24 of the 48 homes. This provision and timescale shall be addressed by a planning condition.

EP5 requires open space within new developments to meet standards for quantity, quality and accessibility to ensure the delivery of multifunctional open space. The development exceeds the minimum 20% open space requirement for developments of this scale.

In terms of the quality element of open space provision, as part of the QA process the open space is assessed and must achieve a very good quality score of no less than 75%. The proposals were assessed against the criteria and exceeded the 75% very good score based on the centrally located play space, incorporation of landscaped swales, detailed landscaping plans that create attractive open spaces, biodiversity enhancement, provision of two seating areas and proposals for public art. The central open space also has good natural surveillance and is well connected with a network of paths.

5) Biodiversity

Detailed landscaping plans have been submitted and have been annotated with proposals for biodiversity enhancement across the site that include native species landscaping in the form of new woodland planting, street trees and shrubs, wildflower planting, landscaped SuDS, provision of a swale within the play area, hedgehog highways and bird boxes. These measures are considered appropriate to the site and meet the terms and intention of policy EP2 Biodiversity which is to enhance biodiversity.

6) Car Parking

The layout and arrangement of parking meets the requirement for a minimum of 50% to be to the side and rear behind the building line, and a plan demonstrating this has been provided. To address the impact of those parking spaces in front of the building line, different varieties of hedging, street trees and low boundary walls has been used.

Within the communal parking courts hedging has been used to break up every 4th space. Limited space in the interior courtyard (units 39-48) accessed via the pend means hedging to mitigate parked cars cannot be provided here. Landscaping is provided at either end of the row of 9 spaces, and this is considered acceptable as there are limited views into this area and accordingly limited impact on the streetscene.

7) Street Structure, Layout and Detail

The layout has a permeable layout that will encourage walking and cycling. A street hierarchy has been introduced through the use of contrasting surface materials on the different level of roads which will add to the character of the site and aid navigation. The inclusion of raised tables, speed humps and roads narrowing at points along the home zone streets should assist in reducing vehicles speeds.

PP1 states that design principles for street layouts must be informed by a Street Engineering Review (SER) and align with Roads Construction Consent. An

acceptable Street Engineering Review which sets out the design principles of the layout has been provided.

Overall, the proposed revised layout represents a high standard of design on this designated housing site in Hopeman which incorporates the principles of good placemaking set out in PP1 of the MLDP 2020, achieving scores of green under each of the design principles outlined in the Quality Audit. Subject to conditions addressing the above requirements (where required), the proposals would accord with the provisions of PP1, DP1, DP2, R1, EP2 and EP5.

Amenity (privacy and light) (DP1)

Policy DP1: Development Principles requires proposals to have regard to the amenity of neighbouring properties and to avoid adverse amenity impacts in terms of privacy, daylight or overbearing effects.

The proposals include a range of dwelling types across the site which include detached and semi-detached single, 1 ½ and 2 storey houses, and apartments. Along the southern boundary this comprises 4 bungalows and a 1 ½ storey house, and on the eastern boundary 3 bungalows and a 2 storey (split level) house.

The proposed layout would provide sufficient separation between the proposed houses along the southern and eastern boundaries (which are mainly bungalows as noted above) and existing adjacent houses to the south and east on the opposite side of Manse Road, to maintain acceptable amenity levels (i.e. privacy and light) in accordance with policy DP1. This coupled with the orientation of the site relative to adjacent properties, ground level differences and provision of intervening 1.8m fencing would further serve to safeguard amenity. A condition shall be attached requiring provision of this fencing.

Overall the proposed layout and design would relate satisfactorily to the surrounding area and neighbouring properties, and would reflect the character and pattern of other existing nearby housing developments, complying with policy DP1.

Transportation, Access and Parking (Hopeman R1, PP1, PP3, DP1 and DP2)

Policies PP3 Infrastructure and Services and DP1 Development Principles (ii) Transportation require development to be planned and co-ordinated with infrastructure to ensure places function properly, and proposals are adequately served by infrastructure and services. Policy PP1 Placemaking and DP2 Housing require proposals on designated sites to be supported by Placemaking and a design statement addressing roads infrastructure, access for pedestrians, cyclists, public transport and service vehicles.

The Hopeman R1 designation contains a number of requirements; these include provision of vehicular connections onto the B9040 and Manse Road, two further connections into land to the west mirroring the traditional grid pattern of adjacent streets, a pedestrian footpath running from the B9040 to the Moray Coastal Path and submission of supporting information including Transport Assessment.

The application is supported by the required Placemaking and Design Statements, a Transport Assessment, Road Safety Audit, Utilities Plan and engineering drawings. The proposed layout incorporating three vehicular accesses (with future connections to the west), and internal roads and cycleway/footpath infrastructure would provide safe and suitable access, a defined street hierarchy and good connectivity to existing footpath/cycleway networks in accordance with the site designation and policy

requirements. Appropriate levels of parking along with preparatory works (ducting and cabling) to enable charging points to be installed by the future occupants (curtilage) are also proposed.

The layout and supporting information has been assessed by the Transportation Section and is considered acceptable. Conditions addressing (amongst other matters) the provision of a Construction Traffic Management Plan, provision of visibility splays, car parking, cycle storage, tree root containment, access provision and relocation of the westbound bus stop on the B9040 opposite the site frontage. With compliance with these conditions the proposals meet the transport related requirements of the designation, and policies PP1, PP3, DP1 and DP2.

Information Communication Technology (ICT) (PP3)

Policy PP3 Infrastructure & Services requires installation of Information Communication Technology and fibre optic broadband connections (unless justification can be provided to show that ICT is technically unfeasible here). The submitted Utilities plan confirms that fibre optic cabling will be installed to all units, the provision of which will be covered by planning condition.

Drainage, Water Supply and Flood risk (Forres R1, PP3, DP1 and EP12)

Policies PP3 Infrastructure and Services and DP1 Development Principles (iii) Water Environment, Pollution, Contamination require development to be planned and co-ordinated with infrastructure to ensure places function properly, and proposals are adequately served by infrastructure and services in terms of foul and surface water drainage and water supply. Policy EP12 Management and Enhancement of the Water Environment requires surface water from development to be dealt with in a sustainable manner (SuDS) that has a neutral effect on the risk of flooding or which reduces the risk of flooding, including temporary/construction phase SuDS. The R1 designation requires submission of Flood Risk and Drainage Assessments to support any application.

A Drainage Impact Assessment (DIA) and Flood Statement have been submitted with the application which details the proposals for foul and surface water (SuDS) drainage on the site, including drainage measures during construction and flood mitigation.

Foul water from the development will drain via a new gravity foul sewer constructed within the access roads that would then connect to the public foul drainage network.

Surface water drainage arrangements would consist of a combination of infiltration trenches and swales located adjacent to the development roads, road drainage, two SuDS infiltration basins, and private on-plot soakaways. These would also include a swale and infiltration beneath along the full extent of the western boundary as potential flood mitigation. These together would form part of the fully designed SuDS scheme for the site, which will control all surface water within the site by attenuating surface water and draining at a controlled rate from the site. Due to this, the surface water draining from the site will be equal to or less than before the development is constructed.

These arrangements and accompanying Drainage Assessment have been assessed by the Moray Flood Risk Management Section and confirmed as acceptable. A condition requiring adherence to the submitted drainage details and assessment shall be imposed.

The houses would connect to the public water supply. Scottish Water has raised no objection in relation to the connection to the public water or foul drainage and has provided advisory comments regarding detailed connection arrangements.

On the basis of the above, the proposals accord with policies PP1, DP1 and EP12 in relation to drainage and water.

Affordable Housing (DP2)

In line with policy DP2 Housing, the submitted plans include provision of 12 affordable housing units which represent a 25% contribution to affordable housing. The mix meets the current need for affordable housing as identified in the Local Housing Strategy and is acceptable to the Housing Strategy and Development Manager. It is also considered to be tenure neutral as the affordable homes have the same external material finishes to other homes elsewhere on the site, and are surrounded by private housing which delivers tenure integration. A condition requiring arrangements for delivery to be agreed shall be attached, as recommended by the Housing Strategy and Development Manager.

Accessible Housing (DP2)

In terms of accessible housing, 6 private bungalows are to be provided across the site. A condition requiring submission/approval of a detailed plan defining the location of the accessible plots on the layout which are to remain accessible in perpetuity shall be attached as recommended by the Housing Strategy and Development Manager.

Impact on Cultural Heritage (EP8)

Policy EP8 seeks to safeguard archaeological sites and the recording/researching of features as part of the planning process. The application is accompanied by a report which summarises the findings of a programme of archaeological works carried out on the site; this comprised an evaluation, metal detecting survey and watching brief, and a programme of post-excavation work undertaken on the resulting samples and artefacts. The Aberdeenshire Archaeology Service has reviewed and is content with this information, and on this basis policy EP8 is met.

Natural Environment (Hopeman R1, EP1, PP1 and DP1)

The site is not subject to any international, national or local environmental designations. The R1 designation identifies the requirement for Phase 1 Habitat Survey.

The submitted Phase 1 Habitat Survey (Extended) contains analysis and survey findings of habitat and species on the site. This concludes that the habitats on the site derived from past arable use and currently partly gorse have low botanical diversity, and surveys found no evidence of protected species on the site. In order to minimise adverse impacts on nesting birds or reptiles which may be present within the gorse land within the north part of the site the report recommends mitigation measures (site clearance works in this area to take place outside the bird nesting season and consultation with an ecologist); these shall be covered by condition.

Subject to the condition as recommended, impacts on nature conservation interests will be mitigated in accordance with the designation and R1, EP1, PP1 and DP1.

Pollution Control (DP1, EP14 and R1)

Policies DP1 Development Principles and Policy EP14 Pollution, Contamination and Hazards seek to ensure that new developments do not create pollution which may adversely affect the environment or local amenity. The R1 designation identifies the

requirement for a Landfill Gas Assessment.

In terms of impacts on air, water, soil and light, to ensure the above policy requirements are met a condition requiring submission/approval of a construction environment management plan including a site specific pollution prevention plan during the construction phase is recommended. Information has been submitted in this regard but this contains mainly generic information hence the need for the condition. In addition, SEPA has identified the requirement for a Controlled Activities Regulations (CAR) Construction Site Licence for management of surface water run-off from the construction site, to be issued under its own regulatory regime.

In terms of waste management, given the site's proximity to an old landfill site to the west, SEPA has requested imposition of a condition requiring approval of a site specific Waste Management Plan to address waste management, including potentially hazardous or special waste, or an assessment to show that there will be no such waste; this shall be attached to the consent.

To ensure that noise impacts from construction activities are suitably addressed, a condition controlling construction working hours shall be imposed as recommended by the Environmental Health Section.

In order to meet the designation requirement for a Landfill Gas Assessment, the application is supported by a Phase 1 Desktop Study and Geo-environmental Assessment. This concludes that the development site is sufficiently distant from the landfill site to the west to be of concern in terms of gas migration and that no gas protection measures are required in this development. The Contaminated Land Section has reviewed and is content with this information, and has raised no objection to the proposal.

The proposal includes a small sub-station within the open space along the eastern site boundary; approval of details of this infrastructure shall be covered by condition.

On the basis of the above the proposal is considered to comply with policy requirements in terms of pollution control.

Developer Obligations (PP3)

The development has been the subject of a developer obligations assessment in accordance with policy PP3 Infrastructure and Services and supplementary planning guidance which has identified the need for contributions towards healthcare facilities. The applicants have agreed to the level of developer obligations which will require to be secured via a S.75 legal agreement prior to the issue of the planning consent.

Conclusion and Recommendation

The proposal is considered an acceptable departure from EP6 Settlement Boundaries on the basis that an additional strip of 6m land is required to ensure compliance with PP1 Placemaking, R1 Manse Road Key Development Principles and the designation text for the site that requires a substantial landscaped buffer to define this edge of Hopeman.

The site layout and density is appropriate for the location. It can be adequately serviced and will not adversely impact the surrounding area in terms of amenity or environmental impact. The proposal is considered to meet the remaining relevant policy requirements of the Moray Local Development Plan 2020 and is recommended for approval subject to

planning conditions to deliver the elements highlighted with the observations section above and associated Quality Audit, and completion of S.75 legal agreement.

REASON(S) FOR DECISION

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

The application represents an acceptable departure from policy EP6 Settlement Boundaries on the basis that additional 6m strip of land is required to ensure compliance with PP1 Placemaking, R1 Manse Road Key Design Principles and the designation text for the site that requires a substantial landscaped buffer to define this edge of Hopeman. In all other respects the proposal accords with the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

Author/Contact

Richard Smith

Ext: 01343 563266

Officer:

Principal Planning Officer

Beverly Smith

Development Management & Building Standards Manager

APPENDIX

POLICY

Proposed Moray Local Development Plan 2020

R1 Manse Road 4.6ha 75 units

- Proposals must comply with Key Design Principles set out in Development Brief and Figure 1.1.
- Central amenity open space and play area must be provided.
- Houses fronting onto the B9040 must replicate the traditional architectural detail and materials of Hopeman.
- Transport Assessment required.
- Vehicular connection between the B9040 and Manse Road must be provided.
- West-east connection into Cooper Street required.
- Two vehicle connections into land to the west of site mirroring traditional grid pattern at Cooper Street and Duff Street must be provided.
- Pedestrian footpath running from the B9040 to the Moray Coastal Path required.
- Phase 1 Habitat Survey required.
- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- Lanfill gas assessment required.

PP1 PLACEMAKING

- a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
- b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include sufficient information for the council to carry out a Quality Audit. Where considered appropriate by the council, taking account of the nature and scale of the proposed development and of the site circumstances, this shall include a landscaping plan, a topographical survey, slope analysis, site sections, 3D visualisations, a Street Engineering Review and a Biodiversity Plan. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.
- c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles:
 - (i) **Character and Identity**
 - Create places that are distinctive to prevent homogenous 'anywhere' development;
 - Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable;

- Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of open spaces and streets within a cohesive design strategy for the whole development;
- Distinctiveness must be reinforced along main thoroughfares, open spaces and places where people may congregate such as shopping/service centres;
- Retain, incorporate and/or respond to relevant elements of the landscape such as topography and planted features, natural and historic environment, and propose street naming (in residential developments of 20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations;

(ii) Healthier, Safer Environments

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

(iii) Housing Mix

- Provide a wide range of well integrated tenures, including a range of house types and plot sizes for different household sizes, incomes and generations and meet the affordable and accessible requirements of policy DP2 Housing.
- All tenures of housing should have equal access to amenities, greenspace and active travel routes.

(iv) Open Spaces/Landscaping

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

v) Biodiversity

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

flooding issues and enhance biodiversity from the outset of the development.

- Developments must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.

(vi) Parking

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

(vii) Street Layout and Detail

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

- (d) Future masterplans will be prepared through collaborative working and in partnership between the developer and the council for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. Masterplans that are not prepared collaboratively and in partnership with the council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan. 111

- (e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

PP2 SUSTAINABLE ECONOMIC GROWTH

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

PP3 INFRASTRUCTURE & SERVICES

Development must be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services.

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

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

b) Development proposals will not be supported where they:

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

c) Harbours

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

d) Developer Obligations

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

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

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

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

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

DP1 DEVELOPMENT PRINCIPLES

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

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

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

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

(ii) Transportation

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Maximum (50%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.
- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.

- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

(iii) Water environment, pollution, contamination

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).
- b) New development should not be located in areas at flood risk or increase vulnerability to flooding (see Policy EP12). Exceptions to this would only be considered in specific circumstances, e.g. extension to an existing building or change of use to an equal or less vulnerable use. Where this exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets.
- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures.
- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

DP2 HOUSING

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

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

b) Piecemeal/ individual plot development proposals

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

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

c) Housing density

Capacity figures indicated within site designations are indicative only. Proposed capacities will be considered through the Quality Auditing process against the characteristics of the site, character of the surrounding area, conformity with all policies and the requirements of good Placemaking as set out in Policies PP1 and DP1.

d) Affordable Housing

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

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

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

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

e) Housing Mix and Tenure Integration

Proposals must demonstrate tenure integration and meet the following criteria;

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

f) Accessible Housing

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

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

POLICY GUIDANCE NOTE- AFFORDABLE AND ACCESSIBLE HOUSING

Affordable Housing

Providing affordable housing is a key priority for Moray Council and this is reflected in the Local Outcomes Improvement Plan (LOIP) and the Local Housing Strategy (LHS). The Council's Housing Need and Demand Assessment 2017 highlights the significant requirement for affordable housing in Moray, which is a national issue, resulting from a number of factors including affordability issues, downturn in the economy and the shortage of public and private sector rented houses.

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

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

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

A number of variables influence affordability of housing, including mortgage deposit requirements, mortgage interest rates, lower quartile house prices, lower quartile private rents, lower quartile full time gross earnings. Changes in these variables will affect the affordability of housing in Moray. The maximum affordable rent and maximum affordable house purchase prices is published on the Council's website at

http://www.moray.gov.uk/moray_standard/page_90100.html. The current Local Housing Allowance will be used as a proxy for average private sector rents.

Affordable housing should be provided on site and as part of a mixed development of private and affordable units. To meet the need for affordable housing there may be proposals for 100% provision of affordable housing and these will be acceptable as part of a wider mixed community, provided all other Local Development Plan policies are met.

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

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

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

- Social rented accommodation- housing provided by an affordable rent managed by a Registered Social Landlord such as a housing association or another body regulated by the Scottish Housing Regulator, including Moray Council.
- Mid-market rent accommodation- housing with rents set at a level higher than purely social rent, but lower than market rent levels and affordable by households in housing need. Mid-market rent housing can be provided by the private and social housing sectors.
- Shared equity housing- sales to low income households, administered through a Scottish Government scheme e.g. Low-cost initiative for First Time Buyers (LIFT).

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

Affordable housing requirement figures will be rounded up.

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

Accessible housing

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

Policy DP2 aims to;

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

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

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

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

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

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

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

External requirements

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

Internal requirements

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

Accessible housing requirement figures will be rounded down.

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

EP1 NATURAL HERITAGE DESIGNATIONS

a) European Site designations

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

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

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

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

b) National designations

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

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

c) Local Designations

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

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

d) European Protected Species

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

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

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

e) Other protected species

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

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

EP2 BIODIVERSITY

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

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

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

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

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

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.

EP5 OPEN SPACE

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

Development which would result in a change of use of a site identified under the ENV designation in settlement statements or amenity land designations in rural groupings to anything other than open space use will be refused. Proposals that would result in a change of use of an ENV4 Sports Area to any other use (including other ENV categories) will be refused. The only exceptions are where the proposal is for essential community infrastructure required to deliver the key objectives of the

Council and its Community Planning Partners, excluding housing, or for a site specific opportunity identified within the settlement statement. Where one of these exceptions applies, proposals must:

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

The temporary use of unused or underused land as green infrastructure is encouraged, this will not prevent any future development potential which has been identified from being realised. Proposals that would result in a change of use of an ENV4 Sports Area to any other use (including other ENV categories) will be refused.

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

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

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

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

b) Green Infrastructure and Open Space in New Development

New development must incorporate accessible multifunctional open space of appropriate quantity and quality to meet the needs of development and must provide

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

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

i) Accessibility Standard

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

ii) Quality Standard

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

Accessible and well connected

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

Attractive and Appealing Places

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

Biodiverse supporting ecological networks (see Policy EP2 Biodiversity)

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

Promotes activity, health and well being

- Provides multifunctional open space for a range of outdoor physical activities reflecting user needs and location.
- Provides diverse play, sport, and recreational facilities for a range of ages and user groups.
- Providing places for social interaction, including supporting furniture to provide seating and resting opportunities.
- Appropriate high quality facilities meeting needs and reflecting the site location and site.
- Carefully sited facilities for a range of ages with consideration to be given to existing facilities, overlooking, and ease of access for users.
- Open space is flexible to accommodate changing needs.

Safe, Welcoming and contributing to Character and Identity

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

iii) Quantity Standard

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

- Residential sites less than 10 units - landscaping to be determined under the terms of Policy DP1 Development Principles to integrate the new development.
- Residential sites 10-50 units and new industrial sites- minimum 15% open space
- Residential sites 51-200 units- minimum 20% open space

- Residential sites 201 units and above and Business Parks- minimum 30% open space which must include allotments, formal parks and playspaces within residential sites.

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

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

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

EP6 SETTLEMENT BOUNDARIES

Settlement boundaries are drawn around each of the towns, villages and rural groupings representing the limit to which these settlements can expand during the Local Development Plan period.

Development proposals immediately outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term development site which is being released under the terms of Policy DP3.

EP8 HISTORIC ENVIRONMENT

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

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

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

b) Local Designations

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

- Local public benefits clearly outweigh the archaeological value of the site, and
- Consideration has been given to alternative sites for the development and preservation in situ is not possible.
- Where possible any adverse effects can be satisfactorily mitigated at the developer's expense.

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

EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT

a) Flooding

New development will not be supported if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. For development at or near coastal locations, this includes consideration of future flooding that may be caused by sea level rise and/or coastal change eroding existing natural defences in the medium and long term.

Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of Scottish Planning Policy and to the satisfaction of Scottish Environment Protection Agency and the Council is provided by the applicant.

There are different levels of flood risk assessment dependent on the nature of the flood risk. The level of assessment should be discussed with the Council prior to submitting a planning application.

Level 1 - a flood statement with basic information with regard to flood risk.

Level 2 - full flood risk assessment providing details of flood risk from all sources, results of hydrological and hydraulic studies and any appropriate proposed mitigation.

Assessments must demonstrate that the development is not at risk of flooding and would not increase the probability of flooding elsewhere. Level 2 flood risk assessments must be signed off by a competent professional. The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required.

Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater. Proposed development in coastal areas must consider the impact of tidal events and wave action when assessing potential flood risk.

The following limitations on development will also be applied to take account of the degree of flooding as defined in Scottish Planning Policy;

- a) In areas of little to no risk (less than 0.1%), there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.
- c) Areas of medium to high risk (0.5% or above) may be suitable for:

- Residential, institutional, commercial and industrial development within built up areas provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan.
- Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow.
- Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
- Employment related accommodation e.g. caretakers or operational staff.

Areas within these risk categories will generally not be suitable for the following uses and where an alternative/lower risk location is not available;

- Civil infrastructure and most vulnerable uses.
- Additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons e.g. for navigation and water based recreation, agriculture, transport or utilities infrastructure (which should be designed to be operational during floods and not impede water flows).
- New caravan and camping sites

Where development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water resistant materials and construction must be used where appropriate. Land raising and elevated buildings on structures such as stilts are unlikely to be acceptable.

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

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

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

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

Specific arrangements must be made to avoid the issue of permanent SUDS features becoming silted-up with run-off. Care must be taken to avoid the spreading and/or introduction of invasive non-native species during the construction of all SUDS features. On completion of SUDS construction the developer must submit a

comprehensive Operation and Maintenance Manual. The ongoing maintenance of SUDS for all new development will be undertaken through a factoring agreement, the details of which must be supplied to the Planning Authority.

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

c) Water Environment

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

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

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

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

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

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

EP13 FOUL DRAINAGE

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

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

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

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

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

EP14 POLLUTION, CONTAMINATION & HAZARDS

a) Pollution

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

b) Contamination

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

- i) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment; and

ii) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/ or treatment of any hazardous material.

c) Hazardous sites

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