

19/01026/APP

19th September 2019

Construction of circular kiln building associated service building malt storage silos and conveyor gantries at The Maltings 20 March Road East Buckie Moray for Boormalt

Comments:

- A SITE VISIT HAS BEEN CARRIED OUT
- The application has a gross floorspace where the combined buildings/structures exceeds 2000sqm.
- The proposal has been advertised as a Schedule 3 Development.
- No objections/representations received.

Procedure:

None

Recommendation: Grant Planning permission Subject To The Following:-

Conditions/Reasons

1. No development shall commence until a site-specific Construction Method Statement (CMS) has been submitted to and approved by the Council as Planning Authority. The CMS shall address all pollution prevention and environmental management issues related to the development and:
 - a) identify all risks and incorporate all detailed pollution prevention measures, site management and mitigation measures for all elements potentially capable of giving rise to pollution during all phases of the development;
 - b) consider and identify measures which shall include (but not be limited to):
 - i. the location and design of all temporary site construction SUDs arrangements to protect the water environment including measures to mitigate and guard against run-off from the site including run-off containing soil or sediment or other contaminants;
 - ii. on-site storage arrangements for pollutants
 - iii. timing of works, to include arrangements for heavy construction works to avoid periods of high rainfall;
 - iv. waste, to identify all waste streams and construction practices to

- minimise use of raw materials and maximise use of secondary aggregates and recycled or renewable materials; reduction, re-use and recycling where appropriate of waste material generated by the proposal and identify whether materials will likely be imported on or off the site; and:
- v. environmental management to identify mechanisms to control and make all construction staff aware of environmental issues including details of emergency procedures, pollution response plans and provision of spillage kits.

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

Reason - In order to minimise the impacts of the development works upon the environment.

2. The surface water drainage arrangements shall be carried out in accordance with the revised drainage scheme as submitted to Moray Council on 3 February 2020 and as shown on the drainage layout plan, drawing reference "GC22079-00-005".

Reason: In order to avoid any ambiguity regarding the revised onsite drainage arrangements.

3. No works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include as a minimum the following information:
 - a) duration of works;
 - b) construction programme;
 - c) number of vehicle movements (i.e. materials, plant, staff, components);
 - d) schedule for delivery of materials and plant;
 - e) full details of temporary arrangements to safeguard pedestrian movements during the construction period;
 - f) full details of any temporary construction access;
 - g) full details of any temporary closures or diversions;
 - h) measures to be put in place to prevent material being deposited on the public road;
 - i) traffic management measures to be put in place during works including any specific instructions to drivers;

Details of the transport of any excavated soils and materials including proposed routes to and from the site, together with mitigation works to be agreed with the Roads Authority if required.

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

Authority in consultation with the Roads Authority.

Reason: To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.

4. Noise emissions from the malting kilning plant and associated conveyor shall not exceed an equivalent continuous A-weighted sound pressure level (L_{Aeq}) of 61.5 dB, as measured externally at 1 metre from the malting kiln plant structure, and 67.9 dB as measured at 1 metre from the malting kiln conveyor. The measurement time period during any daytime (0700 to 2300 hours) shall be 1 hour and during any night-time period shall be 15 minutes.

Reason : In the interest of residential amenity to protect local residents from industrial noise

5. Unless otherwise agreed by the Planning Authority, in consultation with the Environmental Health Manager the proposed lighting for the development shall be installed and maintained in accordance with the details provided in the Artificial Lighting Impact Assessment supporting document by DIALUX, dated 10th July 2019 and titled Boormalt, 20 March Road, Buckie AB56 4BY New Circular Kiln and Malt Storage Silos, Artificial Lighting Impact Assessment.

Reason: In the interest of residential amenity to protect local residents from artificial light.

Reason(s) for Decision

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

The proposal accords with the provisions of the Moray local Development Plan 2015, Buckie1 designation under the Emerging 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:-

A Building Warrant will not be required.

THE TRANSPORTATION MANAGER, has commented that:-

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

No details of abnormal load requirements have been identified at this stage. If any requirement is identified, further detailed assessment will be required to demonstrate that the delivery of abnormal loads can be accommodated and that all necessary mitigation or temporary works required are deliverable.

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations

which have to be carried out at the expense of the developer.
No building materials/scaffolding/builder's skip shall obstruct the public road
(including footpaths) without permission from the Roads Authority.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version	Title/Description
GC22079-00-003		Location plan
0458-PFD-002		Process flow diagram for kiln
GC22079-00-004	A	Elevations
GC22079-00-006	A	Site plan



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

19/01026/APP

Site Address:

The Maltings

20 March Road East Buckie

Applicant Name:

Boormalt

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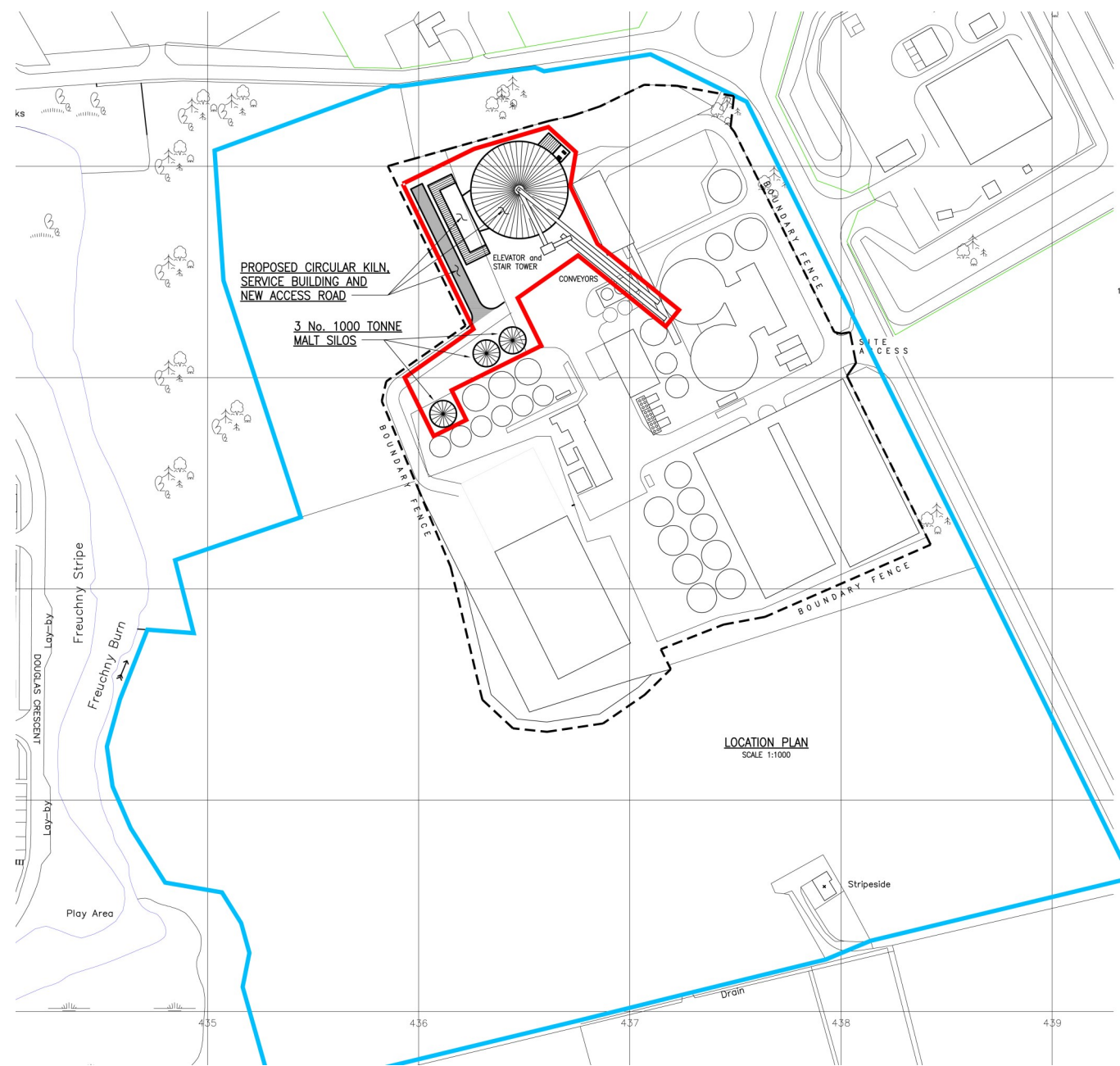
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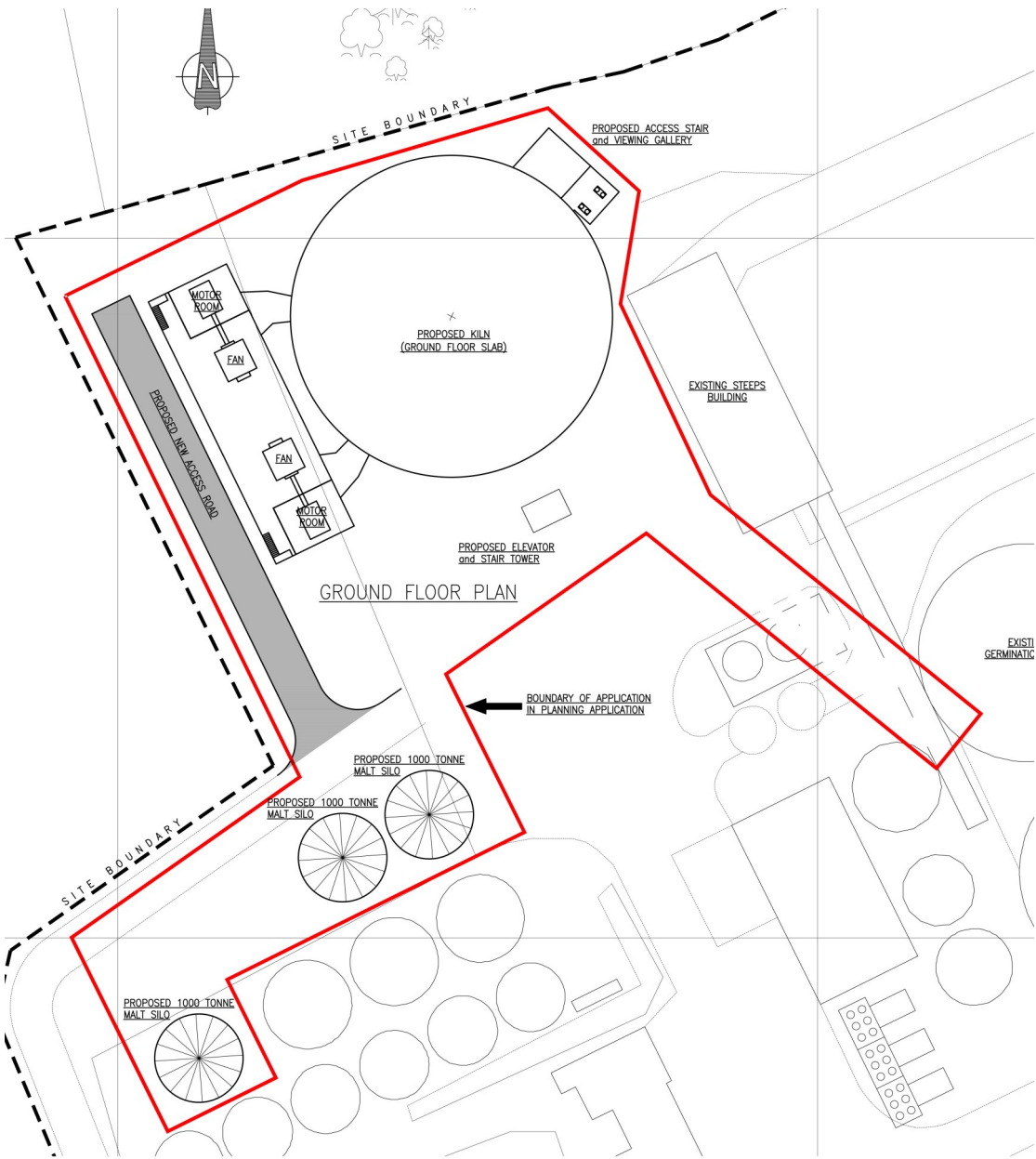
Location Plan



Site Location



Site plan







PLANNING APPLICATION: 19/01026/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

- Planning permission is sought for the construction of circular kiln structure associated service building malt storage silos and conveyor gantries at The Maltings, 20 March Road East, Buckie.
- The proposed extension will include additional production plant, associated service building and an extension to an existing internal service access. The development is needed to help increase production at this existing Maltings site. The development will specifically comprise:
 - 1No. 46m diameter circular single-deck kilning vessel, approximately 12m high to roof level, with access gantries and elevator heads above this height. The vessel will have a goosewing grey metal clad external finish;
 - A rectangular metal clad (goosewing grey) service building for the kiln vessel, approximately 41.7m x 12.4m and 20m in height;
 - An elevator and stair tower approximately 6m x 4m and 22m high with an associated open conveyor gantry at 15m above ground level;
 - 3 No. 1000 tonnes malted barley silos, 12.7 in diameter and 22m high to the silo roof. The silo access walkways will project approximately 3m above this existing level as per the existing silo access walkways;
 - Associated conveyors, elevators, pipebridges and gantries to have a galvanised steel finish;
 - Extension to the existing internal service access road.
- In terms of the industrial process enabled by the development: The new kiln will take germinated barley (also known as green malt), directly from the existing germination vessels. These vessels are currently used for germination and kilning but will become dedicated to germination only. High quality malted barley is the main feedstock, along with water, for malt whisky production at distilleries throughout Scotland. The existing gas-fired kiln heaters, which were installed within the last few years, will be removed from the existing production building and installed within the new dedicated kiln building.
- No foul drainage is proposed within the development as there are no new toilet facilities within the proposed service building (existing facilities in the main staff accommodation building will be used).
- Surface water run-off from the new kiln service building will be drained by conventional down pipes to a sub-surface drainage system (filter strip) with attenuation storage provided by a dry basin and thereafter tying into the existing drainage system at a controlled rate which discharges to the Freuchny Burn.
- Roof runoff from the Service Building will be treated by the adjacent filter trench then and attenuated by the dry basin before outfalling to Freuchny Burn via the existing drainage system at a controlled rate.
- The kiln and storage silos roof run off will be accommodated by an eaves drop system before infiltrating to the soil via permeable hardcore (this is the same system used by the existing silos).

- The proposal will enable an increase in production at this existing Maltings site; increasing production from approximately 58,000 tonnes of malted barley per year to 88,000 tonnes per year.
- The application is supported by the following assessments: Design and Access Statement, Drainage Impact Assessment, Ecological Impact Assessment, Noise Impact Assessment (as amended) and an Artificial Lighting Assessment.
- Six non-native trees to be removed from within the proposed site.

THE SITE

- The site area extends to 7400.00 sqm.
- The development site falls largely within the existing boundary of The Buckie Maltings.
- The site is located at the north-west corner of The Maltings with much of the site laid under hardstanding and areas grass.
- There is a stand of 6 non-native coniferous trees (Cypress) with a small patch of dense scrub (located to the west of the existing hardstanding).
- Both the existing Maltings and the proposed application site/adjoining field are located within the Buckie, 14 Maltings designation, an "Existing Business Area" as defined within the Moray Local Development Plan (MDLP) 2015.
- There are established mature trees that extend around the north and western boundaries of the adjoining field around the Maltings.
- "Cunningholes" is the closest residential property to the site and is approximately 50m to the north of the site located beyond the existing mature trees.
- Beyond the existing Maltings and joining field, the surrounding land uses include: The wider industrial; commercial and sewage works at March Road which are located to the north and east of the Maltings.
- Burn of Freuchny ENV Green Corridor Designation is located to the west of the field which surrounds the Maltings site.
- The Burn of Freuchny is located approximately 150m to the west of the site (beyond the area of mature trees). The residential properties at Douglas Crescent are located approximately 190m to the west of site.

HISTORY

For the site:

19/00685/SCN - Environmental Impact Screening Opinion on the erection of a circular malting kiln, service building and 3 No. 1000 tone malt storage silos as issued on 14 July 2019. Adopted where the proposal is a "Schedule 2 Development" but not considered to result in significant environmental effects, therefore the proposal is not an EIA Development.

18/01621/PE – Preliminary Enquiry for the erection of a circular malting kiln, service building and 3nr 1000 tone malt storage silos. The response provides detailed comments and details policy requirements to assist and inform the submission of any future planning application for this development. This enquiry was focussed upon the location of the current planning application.

16/01261/APP - Erection of a single storey grain storage building with hard standing area and 6 no grain storage silos – approved subject to conditions by the Planning and Regulatory Services Committee on 1 November 2016.

09/00250/FUL - Planning permission granted for the erection of a workshop building and boundary fence - approved 28 April 2009 subject to conditions.

07/01899/FUL - Planning permission granted for the erection of a new steeples building and drier complex - approved 19 December 2007 subject to conditions.

POLICY - SEE APPENDIX

ADVERTISEMENT

The application has been advertised as a Schedule 3 Development.

CONSULTATIONS

Building Standards – Response confirms that a Building Warrant is not required.

Contaminated Land – No objection.

Environmental Health – No objection subject to conditions relating to noise and artificial lighting.

Developer Obligations – Response confirms that no obligation is sought for this development.

Planning and Development – No objection. The designation text for this site states that the land around the Maltings has in the past been reserved for expansion purposes. The application for the expansion of the Maltings to accommodate the kiln and silos is an acceptable use on this site.

Moray Flood Risk Management – No objection

Transportation – No objection subject to conditions requiring a Construction Traffic Management Plan and advisory informatives.

Scottish Water – No objection with standard advice provided for the applicant.

OBJECTIONS-REPRESENTATIONS

None.

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 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

Further consideration of the weight to be attached to the Proposed Plan was considered and agreed at the Planning and Regulatory Services Committee on 29th January 2019, with the Committee agreeing that between June/ August 2019 and adoption of the new LDP in mid-2020, the weight to be given to matters set out in the Proposed Plan will vary;

- Where matters set out in the Proposed Plan are subject to unresolved objections which will be considered through Examination, then those matters will continue to be given minimal weight as a material consideration in the development management process.
- Where matters set out in the Proposed Plan are not subject to unresolved objections, they will be given greater weight as a material consideration in the development management process.

The weight to be given will be considered on a case by case basis and will be agreed by the Development Management Manager and Development Plans Principal Planning Officer.

In this case the proposal is subject to a designated site which will not be subject to the Examination process and therefore will be given greater weight.

The planning main issues are considered below:-

Primary Policies (PP1, PP2 and PP3)

This proposal requires assessment against primary policies PP1, PP2 and PP3 of the MLDP. These policies reflect the objectives of Scottish Planning Policy and the Moray Council with regard to sustainable economic growth, climate change and placemaking, and contain the necessary criteria for assessing planning applications.

PP1 Sustainable Economic Growth

The proposal is supported by PP1 Sustainable Economic Growth as the proposal will enable an increase in production at this existing Maltings site. From the applicant's Supporting Statement the development will secure the long-term future of The Maltings and will consolidate the high-quality long-term employment created in the Moray area. The installation and operation of the new plant will also provide additional local employment in the engineering and construction sectors, greater security for local farmers, and shorter distances for the movement of raw materials and finished product to key customers in the whisky distilling and brewing sectors.

PP2 Climate Change

The proposal is supported by Policy PP2 Climate Change because the development is part of an existing established Malting business: Boortmalt Buckie supply a number of Speyside distilleries. The strategic location of the Maltings relative to suppliers and customers whose current and projected demand for malt is greatest, means that if the proposed expansion did not take place then the additional demand would most likely be met by malt transported over long distances from elsewhere in the UK or continental Europe. It is also noted that as part of this development the proposal will increase the grain storage capacity on site, thus reducing the amount of grain stored at third party locations elsewhere and reduce the distance and number of trips required to transport grain to/from the site, this will also help to increase the sustainability of the existing Maltings.

PP3 Placemaking

In so far as is relevant, the proposal is considered acceptable in terms of Policy PP3 Place-making principles. The proposed development is an extension of an existing Maltings business within this existing industrial urban setting. The proposal is in scale and character with the existing Maltings operations and the wider industrial/commercial uses located around March Road.

Location and siting of the proposed development (Buckie I4, ED4, EP8 and IMP1)

The site is located within the Buckie, I4 Maltings designation as defined in the MLDP 2015. This designation, coupled with the related Policy ED4 'Existing Business Areas', is supportive of business expansion at this location subject to technical and environmental considerations, and compatibility with the surrounding uses.

In this instance, the proposed development for the expansion of the Maltings premises and operations will involve a somewhat modest extension to the Maltings relative to the size and scale of the existing Maltings site which is industrial in character comprising of existing large scale industrial plant, storage sheds and silos, gantries and workshop buildings. The development site which falls largely within the existing boundary of the existing Maltings site is located at the north west corner of the Maltings making use of a large area of vacant ground within the Maltings site and affording the opportunity to site the proposed silos next to an existing row of silos. The siting of the development at this location is driven by process requirements, minimising material transfer distances and making the best use of existing land within the Maltings site. The siting of the development at this location will give the appearance of squaring off the existing Maltings site. It is also noted that the existing mature trees along the north and west of the field adjoining the Maltings site will help to provide an element of screening for the development to help and offset some of the overall visual impact of the development. In terms of the overall siting of the proposal, the development will take place within an existing industrial area within an urban setting and will conform to the existing character of the existing Maltings site and the surrounding industrial area. The proposal would not appear incongruous with its industrial surroundings.

In terms of technical and environmental considerations, the Buckie I4 designation requires consideration to be given to the noise impacts of any new development. Following consideration of a Noise Impact Assessment, conditions are recommended to ensure that

the development remains acceptable in relation to the noise impacts associated with the operation of the development (see further details below).

The designation also requires a buffer zone to be provided around the Burn of Freuchny. In this instance, the Burn is located some 150m from the closest point of the application site boundary (i.e. the south west corner of the application site) as such there is sufficient separation distance between the site and the Burn when considered in relation to the 6m separation requirement identified in Policy EP6.

Having considered these points, the proposed location and siting of the development is considered acceptable in relation to the Buckie I4 Maltings Designation and the identified planning policies.

Design and Layout (Buckie I4, ED4, EP8 and IMP1)

Given the industrial nature of the site and the development, the design and layout of the proposal is driven by the operational need for the development within the context of the existing Maltings which is located within a designated industrial site under the terms of the MLDP 2015.

Whilst it is recognised that the proposed buildings and structures are large industrial buildings (i.e. the kiln service building approx. 20m in height) and related high level features such as the proposed conveyer (approx. 15m above ground) and elevator/stair tower (approx. 22m high) with the proposed silos to be some 22m above ground, these buildings and structures features will be seen in the context of this existing large industrial site which accommodates building and structure heights in excess of 25m (e.g. existing workhouse building is approximately 26m in height). As such the proposed features are considered to be in scale and character to the existing site and will have a design and appearance (including material finishes) which are appropriate to the existing site. The development is of a scale, form, design and appearance which will integrate into the existing Maltings and the wider industrial setting of the area.

The proposed extension to the internal service road, which will be located at ground level on the north-west boundary of the site and tying into the existing road is an acceptable and functional feature which will readily assimilate into the development and the wider Maltings site.

On this basis, the proposed design and layout of the development is functional in its appearance but it will reflect the industrial nature of the existing site making best use of existing land within the Maltings. The development will meet the operational needs of the maltings and will enable a significant increase in production at this existing business increasing production from approximately 58,000 tonnes of malted barley per year to 88,000 tonnes per year to meet the growing demand for malt barley.

Impact on Amenity (Buckie I4, EP8, EP12 and IMP1)

As required by the Buckie I4 Designation, a Noise Impact Assessment (NIA) has been submitted. During the assessment process the NIA was amended to take account of the noise sensitive receptor at Cunningholes and the additional seasonal noise contribution from barley dryers during harvest time. The key conclusion from the NIA confirms that the introduction of the new malting kiln plant to the existing site, with or without the seasonal operation of barley dryers, is not expected to give rise to a significant adverse effect on

noise levels at the site. The updated NIA has been accepted by the Environmental Health Section subject to a condition limiting noise levels.

The application has also been supported by a Lighting Impact Assessment which confirms that the lighting will be motion sensitive and will be positioned to face into the plant and away from the boundary. The Lighting Impact Assessment has been accepted by Environmental Health and the Environmental Health Section has recommended a condition requiring the proposed lighting for the development to be installed and maintained in accordance with the lighting impact assessment.

Subject to the conditions as recommended by Environmental Health the proposal is acceptable to the policies identified.

Water and Drainage (EP6, EP5 and IMP1)

Scottish Water has raised no objection to the proposal. No foul drainage is proposed within the development.

Surface water run-off from the new kiln service building will be drained by conventional down pipes to a sub-surface drainage system (filter strip) with attenuation storage provided by a dry basin and thereafter tying into the existing drainage system at a controlled rate which discharges to the Freuchny Burn.

Roof runoff from the Service Building will be treated by the adjacent filter trench then and attenuated by the dry basin before outfalling to Freuchny Burn via the existing drainage system at a controlled rate.

The kiln and storage silos roof run off will be accommodated by an eaves drop system before infiltrating to the soil via permeable hardcore (this is the same system used by the existing silos).

Following assessment of the proposal (including the amended Drainage Impact Assessment and related revised drainage design) Moray Flood Risk Management has not objected to the proposal in drainage terms and the proposal complies with the relevant policy provisions.

Woodland and Protected Species (E3, E4 and IMP1)

The application has been supported by an Ecological Impact Assessment which concludes that the development site is entirely man made and is of very low wildlife and biodiversity interest. The Ecological Survey does identify the replacing the existing stand of 6 non-native Cypress trees on a like-for-like basis using native trees of local provenance only. However, given the small number of trees involved (below the policy threshold for which compensatory planting would be required) and the existing established woodland around the site the replacement of this small number of non native trees is not considered necessary. The recommendation for a Construction Method Statement should be applied by condition.

Access and Parking (T2 and T5)

Policy T2 requires the provision of suitable and safe road access from the public highway to serve new development. Policy T5 requires the provision of adequate parking provision

to service development. The application has been supported by a Transport Statement which has demonstrated that the proposed increase in production will only result in a very modest increase in HGV traffic and that there will be no operational detriment to the existing road network. Following consideration, the Transportation Manager has raised no objection to the proposal subject to a condition requiring a Construction Traffic Management Plan in order to manage traffic during the construction works at the site. Subject to compliance with condition the proposal is acceptable in relation to Policies T2 and T5.

Developer Obligations (IMP3)

Policy IMP3 seeks contributions from developers where development would have a measureable adverse or negative impact on existing infrastructure, community facilities or amenity. In this instance, as the development will not have a detrimental impact on local infrastructure, no developer obligation requirements have been identified or sought.

Conclusion

On the basis of the point highlighted above, the proposal is acceptable and satisfies the relevant policies as identified in the MLDP 2015. It is also noted that the proposal is in accordance with the Buckie I4 designation under the Emerging Moray Local Development Plan 2020.

REASON(S) FOR DECISION

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

The proposal accords with the provisions of the Moray Local Development Plan 2015, Buckie I4 designation under the Emerging Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

**Author/Contact
Officer:**

Shona Strachan
Planning Officer

Ext: 01343 563303

**Beverly Smith
Development Management & Building Standards Manager**

APPENDIX

POLICY

Adopted Moray Local Development Plan 2015

I4 Maltings Existing Business Area

- The undeveloped area around the maltings has in the past been reserved for expansion purposes, and as such, there may be scope for alternative business activities to be introduced.
- Proposals must be compatible with the operations of the maltings.
- Impact of noise from the maltings must be considered.
- Potential noise impact on new housing areas to the west of the site must be considered.
- As the site is within close proximity to a sewage treatment works and local maltings, the developer should consult with the local maltings and Scottish Water in case this impacts upon their operations due to perceived pollution.
- Drainage Impact Assessment (DIA) required.

Moray Local Development Plan 2015 - Material Consideration

Primary Policy PP1: Sustainable Economic Growth

The Local Development Plan identifies employment land designations to support requirements identified in the Moray Economic Strategy. Development proposals which support the Strategy and will contribute towards the delivery of sustainable economic growth and the transition of Moray towards a low carbon economy will be supported where the quality of the natural and built environment is safeguarded and the relevant policies and site requirements are met.

Primary Policy PP2: Climate Change

In order to contribute to reducing greenhouse gas emissions, developments of 10 or more houses and buildings in excess of 500 sq m should address the following:

- Be in sustainable locations that make efficient use of land and infrastructure
- Optimise accessibility to active travel options and public transport
- Create quality open spaces, landscaped areas and green wedges that are well connected
- Utilise sustainable construction techniques and materials and encourage energy efficiency through the orientation and design of buildings

- Where practical, install low and zero carbon generating technologies
- Prevent further development that would be at risk of flooding or coastal erosion
- Where practical, meet heat and energy requirements through decentralised and local renewable or low carbon sources of heat and power
- Minimise disturbance to carbon rich soils and, in cases where it is agreed that trees can be felled, to incorporate compensatory tree planting.

Proposals must be supported by a Sustainability Statement that sets out how the above objectives have been addressed within the development. This policy is supported by supplementary guidance on climate change.

Primary Policy PP3: Placemaking

All residential and commercial (business, industrial and retail) developments must incorporate the key principles of Designing Streets, Creating Places and the Council's supplementary guidance on Urban Design.

Developments should;

- create places with character, identity and a sense of arrival
- create safe and pleasant places, which have been designed to reduce the fear of crime and anti social behaviour
- be well connected, walkable neighbourhoods which are easy to move around and designed to encourage social interaction and healthier lifestyles
- include buildings and open spaces of high standards of design which incorporate sustainable design and construction principles
- have streets which are designed to consider pedestrians first and motor vehicles last and minimise the visual impact of parked cars on the street scene.
- ensure buildings front onto streets with public fronts and private backs and have clearly defined public and private space
- maintain and enhance the natural landscape features and distinctive character of the area and provide new green spaces which connect to green and blue networks and promote biodiversity
- The Council will work with developers and local communities to prepare masterplans, key design principles and other site specific planning guidance as indicated in the settlement designations.

Policy ED3: Business Parks

Business Park designations are made to accommodate uses which require a higher amenity/environmental setting than is available on traditional industrial estates, and may include more "commercial" activities such as offices; call centres or high technology uses. A high standard of building design and landscaping would be expected, and development that impacts upon the high amenity value of a business park will not be permitted.

Business parks have been identified at Forres Enterprise Park; Elgin West; Buckie High Street, which will be the site reserved for the East Moray Science Campus, until this concept is further developed.

Elgin Barmuckity will be a mixed site, accommodating business park uses in addition to more general industrial use.

I4: Maltings

The undeveloped area around the Maltings has in the past been reserved for expansion purposes but has never been required, and as such, there may be scope for alternative business activities to be introduced. Any such proposals must be compatible with the operation of the Maltings, and the impact of any noise from the Maltings must be taken into account. Similar consideration must also be given to any potential noise impact from new developments on the housing areas to the west of the site. There is requirement to include a buffer zone to the Burn of Freuchny.

As the proposal is in close proximity to a sewage treatment works and local maltings, the developer should consult with the local malting and Scottish Water in case this impacts upon their operations due to perceived pollution.

Policy EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

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

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 sq metres and above.

The Council's Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

Policy EP10: Foul Drainage

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer 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 specifically allocated within its current Quality Standards Investment Programme and the following requirements apply:

- Systems shall not have an adverse impact 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 identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system 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 risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

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 (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

Policy EP9: Contaminated Land

Development proposals on potentially contaminated land will be approved provided that:

- a) 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
- b) 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.

The Council recommends early contact with the Environmental Health Section, which can advise what level of information will need to be supplied.

Policy EP12: Air Quality

Development proposals, which, individually or cumulatively, may adversely affect the air quality in an area to a level which could cause harm to human health and wellbeing or the natural environment must be accompanied by appropriate provisions (deemed satisfactory to the Council and Scottish Environment Protection Agency as appropriate) which demonstrate how such impacts will be mitigated.

Some existing land uses may have a localised detrimental effect on air quality, any proposals to locate development in the vicinity of uses and therefore introduce receptors to these areas (e.g. housing adjacent to busy roads) must consider whether this would result in conflict with the existing land use. Proposals which would result in an unacceptable conflict with existing land use and air quality will not be approved.

Policy T2: Provision of Access

The Council will require that new development proposals are designed to provide the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location. Development must meet the following criteria:

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.
- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.
- Provide appropriate mitigation/modification to existing transport networks where required to address the impacts of new development on the safety and efficiency of the transport network. This may include but would not be limited to, the following measures, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.
- Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

Developers should give consideration to aspirational core paths (under Policy 2 of the Core Paths Plan) and active travel audits when preparing proposals.

New development proposals should enhance permeability and connectivity, and ensure that opportunities for sustainable and active travel are protected and improved.

The practicality of use of public transport in more remote rural areas will be taken into account however applicants should consider innovative solutions for access to public transport.

When considered appropriate by the planning authority developers will be asked to submit a Transport Assessment and Travel Plan.

Significant travel generating proposals will only be supported where:

- Direct links to walking and cycling networks are available;
- Access to public transport networks would involve walking no more than 400m;
- It would not have a detrimental effect on the capacity of the strategic road and/or rail network; and
- A Transport Assessment identifies satisfactory mechanisms for meeting sustainable transport requirements and no detrimental impact to the performance of the overall network.

Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

Policy T5: Parking Standards

Proposals for development must conform with the Council's current policy on parking standards.

Policy IMP1: Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.

- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

Policy IMP2: Development Impact Assessments

The Council will require applicants to provide impact assessments in association with planning applications in the following circumstances:

- a) An Environmental Assessment (EA) will be required for developments that are likely to have significant environmental affects under the terms of the regulations.
- b) A Transport Assessment (TA) will be sought where a change of use or new development is likely to generate a significant increase in the number of trips being made. TAs should identify any potential cumulative effects which would need to be addressed. Transport Assessments should assess the effects the development will have on roads and railway infrastructure including stations and any crossings. Transport Scotland (Trunk Roads) and Network Rail (Railway) should be consulted on the scoping of Transport Assessments. Moray Council's Transportation Service can assist in providing a screening opinion on whether a TA will be sought.
- c) In order to demonstrate that an out of centre retail proposal will have no unacceptable individual or cumulative impact on the vitality and viability of the identified network of town centres, a Retail Impact Assessment will be sought where appropriate. This may also apply to neighbourhood shops, ancillary retailing and recreation/tourism retailing.
- d) Where appropriate, applicants may be asked to carry out other assessments (e.g. noise; air quality; flood risk; drainage; bat; badger; other species and habitats) in order to confirm the compatibility of the proposal.

Policy IMP3: Developer Obligations

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity, and such contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

The Council will prepare supplementary guidance to explain how the approach will be implemented in accordance with Circular 3/2012 on Planning Obligations. This will detail the necessary facilities and infrastructure and the scale of contributions likely to be required.

In terms of affordable housing, developments of 4 or more units will be expected to make a 25% contribution, as outlined in policy H8.

Proposed Moray Local Development Plan 2020

PP1 PLACEMAKING

- a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
- b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include a sufficient information for the Council to carry out a Quality Audit including a topo survey, slope analysis, site sections, 3D visualisations, a Landscaping Plan, a Street Engineering Review and a Biodiversity Plan as these will not be covered by suspensive conditions on a planning consent. 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.
- For developments of 20 units and above, provide a number of character areas that have their own distinctive identity and are clearly distinguishable. Developments of less than 20 units will be considered to be one character area, unless they are part of a larger phase of development or masterplan area.
- 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.
- Landscaped areas must not be 'left-over' spaces that provide no function. 'Left-over' spaces 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 connect into wildlife corridors/ green 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 75% of car parking must be provided to the side or rear and behind the building line with a maximum of 25% 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
- Secured 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 standardized.
 - Dead-end streets/cul-de-sacs will only be selectively permitted on rural edges or where topography dictates. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
 - Roundabouts must be designed to create gateways and contribute to the character of the overall development.
 - 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) Masterplans have been prepared for Findrassie (Elgin), Elgin South, Bilbohall (Elgin), and Dallas Dhu (Forres) and are Supplementary Guidance to the Plan. Further Masterplans will be prepared in partnership for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/ Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. A peer review organised by the Council will be undertaken at the draft and final stages in the masterplan's preparation. Following approval, the Masterplans will be Supplementary Guidance to the Plan.
- (e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

PP2 SUSTAINABLE ECONOMIC GROWTH.

"Development proposals for employment land 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 Utilities Plan must be submitted with planning applications setting out how existing and new utility (including gas, water, electricity, pipelines and pylons) provision have been incorporated into the layout and design of the proposal.

- a) Development proposals will need to provide for the following infrastructure and services:**
- 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 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, community and communal parking facilities. Access to charging points must also be provided for residential on plot parking provision. Car share parking spaces must be provided within communal parking areas where a need is identified by the Transportation Manager.
 - 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.

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.
- 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, sports and recreational facilities and access routes. Obligations will be sought to reduce, eliminate or compensate for this impact.

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.

BUSINESS & INDUSTRY

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

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

- b) **Business Parks.**

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

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

- c) **Industrial Estates.**

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

- d) **Existing Business Areas.**

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

- e) **Other Uses.**

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

f) Areas of Mixed Use.

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

g) Rural Businesses and Farm Diversification.

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

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

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

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

h) Inward Investment Sites.

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

Proposals must comply with Policy DP1 and other relevant policies.

EP2 BIODIVERSITY

All development proposals must retain, protect and enhance features of biological interest and provide for their appropriate management. Developments must safeguard and connect into wildlife corridors, 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 which incorporates a Biodiversity Plan, that they have included habitat creation in the design of the development. This 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 results in the loss of natural habitats of ecological and amenity value, compensatory habitat creation will be required on an alternative site in Moray.

EP7 FORESTRY, WOODLANDS AND TREES.

a) Forestry.

Proposals which support the economic, social and environmental objectives and projects identified in the Moray Forestry and Woodlands Strategy will be supported where they meet the requirements of all other relevant Local Development Plan policies. The Council will consult Forestry Commission Scotland on proposals which are considered to adversely affect commercial forests.

b) Woodlands.

In support of the Scottish Government's Control of Woodland Removal Policy, development which involves permanent woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits and where removal will not result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the woodland.

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

Woodlands identified in the Ancient Woodland Inventory are important not just for the trees, but for the soil structure, flora and fauna that rely on such woodlands. Ancient woodland ecosystems have been created over hundreds of years and are irreplaceable. Woodland removal within native woodlands identified as a feature of sites protected under Policy EP1 or woodland identified in the Ancient Woodland Inventory will not be supported.

c) Trees and Tree Preservation Orders.

Development proposals must to retain existing healthy, mature trees and incorporate them within the proposal. Where mature trees exist on or bordering a development site, a tree survey and tree protection and mitigation plan must be provided with planning applications if the trees (or their roots) have the potential to be affected by development and construction activity. Proposals must identify a safeguarding distance to ensure

construction works, including access and drainage arrangements, will not damage or interfere with the root systems in the short or longer term.

The Council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as a whole, trees that contribute to the distinctiveness of a place or trees of significant biodiversity value.

Within Conservation Areas, the Council will only agree to the felling of dead, dying, or dangerous trees. Trees felled within Conservation Areas or subject to TPO must be replaced, unless otherwise agreed by the Council.

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 as they are unsustainable in the long term due to sea level rise and coastal change.

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

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 (except single houses) 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 104). This must achieve the minimum width within the specified range as a standard, however, the actual required width within the range should be calculated on a case by case basis by an appropriately qualified individual. These must be designed to link with blue and green networks, including appropriate native riparian vegetation and can contribute to open space requirements.

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

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

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

EP14 POLLUTION, CONTAMINATION & HAZARDS.

a) Pollution.

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

b) Contamination.

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

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

c) Hazardous sites.

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