

21/01777/APP  
15th November 2021

**Installation of synchronous compensators with electrical connection to adjacent substation and associated infrastructure on Land Adjacent To Blackhillock Electricity Substation Keith Moray for TINZ Programme 1 ProjectCo 3 Limited**

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**Comments:**

- Application relates to development proposal where the overall site area exceeds 2 hectares.
- Advertised for neighbour notification purposes - notification not possible because no premises situated on land to which notification can be sent.
- No representations received.

**Procedure:**

- None.

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

**Conditions/Reasons**

1. 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 that the times of construction operations are controlled to minimise noise disturbance to local residents.

2. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Council, as Planning Authority in consultation with the Environmental Health Manager. The plan shall include measures to minimise construction related noise, vibration, dust and artificial lighting. Thereafter the development will be carried out in accordance with the agreed plan.

**Reason:** In order that potential polluting activities are considered and managed, in order to protect local residents.

3. The rating level of noise associated with the development shall not exceed the background sound level at the nearest noise sensitive dwelling which is lawfully existing or has planning permission at the date of this permission. Measurement and assessment to demonstrate compliance with the rating level shall be undertaken in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.

**Reason:** In order that noise from the development is controlled so as not to cause noise nuisance to local residents.

4. Prior to the development commencing, a further detailed Noise Impact Assessment shall be submitted and agreed in writing with the Planning Authority, in consultation with the Environmental Health Manager, demonstrating that the predicted rating level of noise in the above condition 3 is to be met.

**Reason:** In order that the final design details are assessed to ensure that noise from the development is controlled so as not to cause noise nuisance to local residents.

5. Prior to the commencement of any part of the development, evidence shall be provided to confirm that a Bond or other financial security has been agreed by both parties (Developer and the Roads Authority) and put in place to cover the construction period of the development and to be called on in the event that the developer fails to meet their obligations under the Wear and Tear Agreement to maintain the road in a safe condition during the construction phase of the development and to restore the road to its original predevelopment condition within 1 year of the completion of construction or the development becoming operational. The bond/security shall relate to the full extent of the U43H Blackhillock Road from its junction with the A96 to the site access and is required to mitigate the potential risks from damage to the public road occurring during the construction phase of the development.

**Reason:** To mitigate the potential risks from damage to the public road occurring during the construction phase of the development.

6. Prior to the commencement of any part of the development, the following must be submitted for approval by the Planning Authority:
  - a. Detailed proposals for undertaking trial runs and also delivery of abnormal indivisible loads, must be submitted for approval by the Planning Authority in consultation with Roads Authority. Details must include, measures proposed to protect the public road and structures, traffic management (including temporary waiting restrictions), vehicle holding areas and non-vehicular management during deliveries, time restrictions for deliveries i.e. outwith school arrival and departure times
  - b. Evidence that a Construction Traffic Management Plan (CTMP) has been completed and signed by both the developer and the Roads Authority.

- c. Evidence that a 'Wear and Tear' agreement between the developer and the Roads Authority has been completed and signed by both parties (Developer and Roads Authority), must be submitted to the Planning Authority.
- d. Detailed plans (1:200 min) of all temporary and permanent works proposed to the public road must be submitted and approved by the Planning Authority in consultation with the Roads Authority.
- e. Detailed plans (1:200 min) of all works to accommodate the proposed abnormal indivisible deliveries must be submitted and approved by the Planning Authority in consultation with the Roads Authority.

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

**Reason:** To ensure an acceptable development in road safety terms through the provision of details currently lacking from the submission.

7. Prior to any abnormal indivisible load being delivered to the site:
  - a. All suspensive works approved through conditions (6 a,b,c,d,e), must be completed in accordance with the approved plans. Any works undertaken are to be permanent for the duration of the operation of the development unless otherwise agreed in writing with the Roads Authority.
  - b. Abnormal load trial run(s) must be undertaken after all mitigation works have been completed to confirm the works are acceptable and to identify any other restrictions not previously addressed and the frequency and location of abnormal load passing places/oncoming vehicle holding areas required. Representatives from Moray Council Transportation (Traffic), and Police Scotland must be invited to the trial run.

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

**Reason:** To ensure that acceptable infrastructure is provided on the route to/from the development in the interests of road safety.

8. Prior to commencement of development, a Construction Traffic Management Plan (CTMP) is required which includes the detail of construction traffic movements to /from the site. The CTMP should also include the proposed route for any abnormal loads on the trunk road network. The CTMP must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved.

**Reason:** To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network; and to maintain safety for both the trunk road traffic and the traffic moving to and from the development.

9. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.

**Reason:** To minimise interference with the safety and free flow of the traffic on the trunk road.

10. No works shall commence on site until the applicant has undertaken numerical interference modelling to determine the interference levels on the Scotland Gas Networks' A06 pipeline from steady state and fault conditions of the electrical infrastructure associated with the proposed development, taking into consideration the nearby SGN pipeline and associated equipment. If required, the applicant shall also design appropriate mitigation to ensure that levels of AC and DC interference are within acceptable limits. The results of this modelling (and mitigation, if required) will be submitted for the prior written approval of Scotland Gas Networks and the Planning Authority before any work commences on site.

**Reason:** In order to ensure a mechanism is in place to assess and mitigate the effects of inducing unacceptable levels of electrical alternating currents and voltage upon other utilities in the event they arise.

11. No works shall commence until a Transport Management Plan (TMP) has been submitted and agreed in writing by the Council, as Planning Authority in consultation with Scottish Hydro Electric Transmission plc (SHET). The TMP shall relate specifically to the use of the private road owned by SHET at Blackhillock, as identified as 'Access via Existing Access Road/Track', coloured black, ('the Access Road') in the applicant's Access Plan and must include details on the following:

- Proposed volume, frequency and type of vehicles intended to be using the Access Road, during construction and operation;
- Required modifications to the Access Road where permitted to do so by SHET;
- Proposed methods to record the Access Road condition, pre, during and post construction;
- Monitoring of the Access Road condition during operational usage;
- Proposed protocols to avoid blocking SHET's access requirements; and
- Any other aspect deemed as a reasonable requirement to manage traffic flow on the Access Road, maintain the integrity of its condition and prevent SHET's inability to access and operate critical infrastructure at Blackhillock.

**Reason:** To ensure that any traffic associated with the development will not have a detrimental effect on the subject road which also serves critical national electricity infrastructure in the area, and that potential risks from damage to the road will be mitigated.

12. Prior to the commencement of any works, a construction environment management plan incorporating a site specific pollution prevention plan shall be submitted to and approved in writing by the Council, as Planning Authority; 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.

13. The ecological mitigation measures and biodiversity enhancements as detailed within the submitted Preliminary Ecological Appraisal (Section 4 refers), prepared by Envirocentre accompanying 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, minimise disturbance to nature conservation interests and enhance biodiversity.

14. No development shall commence until a revised landscape and biodiversity plan has been submitted to, and approved in writing by, the Council, as Planning Authority. This shall be closely based upon the submitted plan entitled Landscape and Biodiversity Enhancement Plan drawing number EH-LD-01 and Preliminary Ecological Appraisal (Section 4 refers), and show the following additional information:
  - (a) All soft landscaping and planting works, including plans and schedules detailing species, specifications and numbers of trees within each proposed woodland group and wildflower meadow areas;
  - (b) Details of the arrangements for the protection and long-term maintenance of all landscaped areas;
  - (c) Details and location of bird and bat boxes.

Thereafter the landscaping and biodiversity measures shall be implemented in accordance with these approved plans within the first planting season upon completion of the development. 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:** In order to ensure an acceptable level of planting in the interests of the amenity and appearance of the surrounding countryside and to enhance biodiversity in the area.

15. No development shall commence until a Tree Protection Plan detailing measures to be taken to protect existing trees on the site during construction (as identified within the Tree Survey Plan drawing number 374822-GIS008 Rev A, as prepared by Envirocentre) has been submitted to and approved by the Council, as Planning Authority. Thereafter the protection measures shall be implemented prior to any development commencing within that part of the site and be retained until completion of the development.

**Reason:** To ensure an acceptable form of development is provided in accordance with the submitted landscape/biodiversity plan and tree survey, and that suitable protection is afforded to existing trees.

16. No development shall commence until detailed specifications of the colouration of the synchronous compensator and flywheel building and any other enclosures on the site have been submitted to and approved in writing by the Council, as

Planning Authority. This shall be a recessive tone to match the existing darker buildings and enclosures within the wider substation Beatrice complex, as outlined within the submitted Landscape & Visual Appraisal (section 7 refers), as prepared by Barton Wilmore accompanying this application. Thereafter all works shall be carried out in accordance with these approved details.

**Reason:** In order to ensure that the development integrates sensitively into the surrounding area and as these details are lacking from the application.

17. No development shall commence until scaled drawings (floorplan and elevations) of the final design of amenity building and foul drainage arrangements 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 an acceptable form of development and as these details are lacking from the application.

18. The surface water drainage arrangements for the development shall be provided and maintained in accordance with the approved Drainage Impact Assessment dated January 2022 prepared by Envirocentre and plan entitled Beatrice 400kV Substation Civil General Arrangement Section (drawing no. J00875-C-003 Rev D), unless otherwise agreed by the Council, as Planning Authority. These shall be installed and operational prior to the completion of the development hereby approved.

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

### **Reason(s) for Decision**

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

The proposal accords with the relevant provisions of the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

### **List of Informatives:**

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Prior to the commencement of deliveries or any construction work, a Wear and Tear agreement will be required to be approved between the developer and the Roads Authority. The scope of the Wear and Tear Agreement must be agreed with the Roads Authority and must include a condition survey of the network undertaken jointly by the developer and a representative from the Roads Authority. The survey must include the full extent of the agreed construction traffic route(s) (within Moray) between the site and the nearest 'A' class road network. In addition, the wear and tear agreement shall also include condition surveys of all roads identified as 'unsuitable' which must be agreed with the Roads Authority.

On the basis of the current access routes the following routes are identified as 'unsuitable' for use by construction traffic:

- U43aH Rosehall Road;
- U43H Blackhillock Road to the north of the site access; and
- U33H Denwell Road.

The Construction Traffic Management Plan must cover the duration of the development, include methods of dealing with large and abnormal delivery vehicles. The plan shall also include, the methods of marshalling and manoeuvring at junctions on the public road network and any temporary traffic waiting restriction requirements and all modifications to the road network and traffic management arrangements. Routes for deliveries to and from the site and routes which must not be used by development traffic (construction or staff) to access the site. A programme of monitoring for all routes identified within the CTMP during construction will be required.

Some of the side tracks which join the public road may appear to be part of the public road as they have a thin layer of tar on them. It is unlikely that there is suitable road construction under any of them and where they are being utilised each location should be assessed and reconstructed if necessary.

Prior to completion of the development, all areas of temporary over-run must be reinstated to an appropriate standard. Example 300mm thick dressed topsoil and reseeded appropriate for the surroundings.

Additional details for all areas of road widening and new passing places must also include drainage details to accommodate the additional road surface area.

Transport Scotland must be consulted with respect to all deliveries proposed via the Trunk Road. The neighbouring Local Authorities, through which the delivery route may pass, Highland/Aberdeenshire/Aberdeen City, must be consulted as appropriate.

Planning consent does not carry with it the right to construct a new road or any part of a road. In accordance with Section 21 of the Roads (Scotland) Act 1984 Construction Consent for new roads (includes passing places, modified junctions and footpaths) that will form part of the public road will be required. Advice on this matter can be obtained by emailing [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk) and reference to the following pages on the Council web site:

Checklist: <http://www.moray.gov.uk/downloads/file68812.pdf>

RCC: [http://www.moray.gov.uk/moray\\_standard/page\\_65638.html](http://www.moray.gov.uk/moray_standard/page_65638.html)

Specification <http://www.moray.gov.uk/downloads/file68813.pdf>

The applicant is obliged to apply for a road opening permit in accordance with Section 85 of the Roads (Scotland) Act 1984. Advice on this matter can be obtained by emailing [roads.permits@moray.gov.uk](mailto:roads.permits@moray.gov.uk) and reference to the following page on the Council website:

Road Opening: [http://www.moray.gov.uk/moray\\_standard/page\\_79860.html](http://www.moray.gov.uk/moray_standard/page_79860.html)

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.

If required, street furniture will need to be repositioned at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by emailing [road.maint@moray.gov.uk](mailto:road.maint@moray.gov.uk)

The applicants shall be responsible for any necessary diversion of any utilities or drainage present at the locations where works are to be undertaken.

The applicants shall meet all costs of improvements to the road infrastructure, which are required as a result of the development.

The applicants shall meet all costs of removal and re-erection of road signage, which are required as a result of the delivery of the abnormal loads.

The applicants shall meet all costs of diverting any footpath or cycleway during the construction period, including signage.

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.

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.

Bridges and Structures - The developer must contact the Senior Engineer for Bridges and Structures to discuss the proposals via [structures@moray.gov.uk](mailto:structures@moray.gov.uk)

Traffic Management Plan - The developer must contact the Senior Engineer Transportation discuss the proposals via [traffic@moray.gov.uk](mailto:traffic@moray.gov.uk)

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

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail [buildingstandards@moray.gov.uk](mailto:buildingstandards@moray.gov.uk)

THE ENVIRONMENTAL HEALTH MANAGER, DEVELOPMENT SERVICES, has commented that:-

The proposed rainwater harvesting system for the welfare cabin is a private water supply. Its proposed use is likely to be interpreted as human consumption and a commercial or public activity and hence it may fall within the scope of The Water

Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. The regulations require that someone who is adding a new part to a private supply system covered by these regulations must tell the enforcing authority before they do so. It is an offence to use a new or modified supply covered by these regulations unless the supply has been risk assessed and approved by the enforcing authority. You are recommended to contact the Council's Environmental Health section (tel 0300 1234561, email [environmentalhealth@moray.gov.uk](mailto:environmentalhealth@moray.gov.uk)) at least eight weeks before the supply is intended to be used to arrange for a risk assessment to be undertaken.

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

See consultation response dated 25 January 2022.

SCOTTISH WATER have commented as follows:

See consultation response dated 26 November 2021.

SCOTTISH GAS NETWORKS has commented that:-

See consultation response dated 2 February 2022.

SCOTTISH AND SOUTHERN ELECTRICITY NETWORKS (SCOTTISH HYDRO ELECTRIC TRANSMISSION PLC) has commented that:-

See consultation response dated 3 February 2022.

TRANSPORT SCOTLAND has commented that:-

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Roads Directorate . Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

| <b>Reference No. Version No.</b> | <b>Title/Description</b>                  |
|----------------------------------|---|
| 08.5142AV.17 P01                 | Amenity building layout                   |
|                                  | Typical fence details                     |
|                                  | Location plan                             |
| J00875-L-221 B                   | Elevations                                |
| J00875-C-006 A                   | Before and after forestry track diversion |
| 32618-EH-LD-01                   | Landscape and Biodiversity                |
| 374822-GIS008 A                  | Tree Survey                               |
| J00875-C-005 C                   | Forestry track and public footpath        |
| J00875-C-003 D                   | Civil GA layout                           |
| J00875-L-210 G                   | Site layout                               |
|                                  | Traffic and Access Plan                   |



## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**  
**21/01777/APP**

**Site Address:**  
**Land Adjacent To Blackhillock Electricity  
Substation Keith**

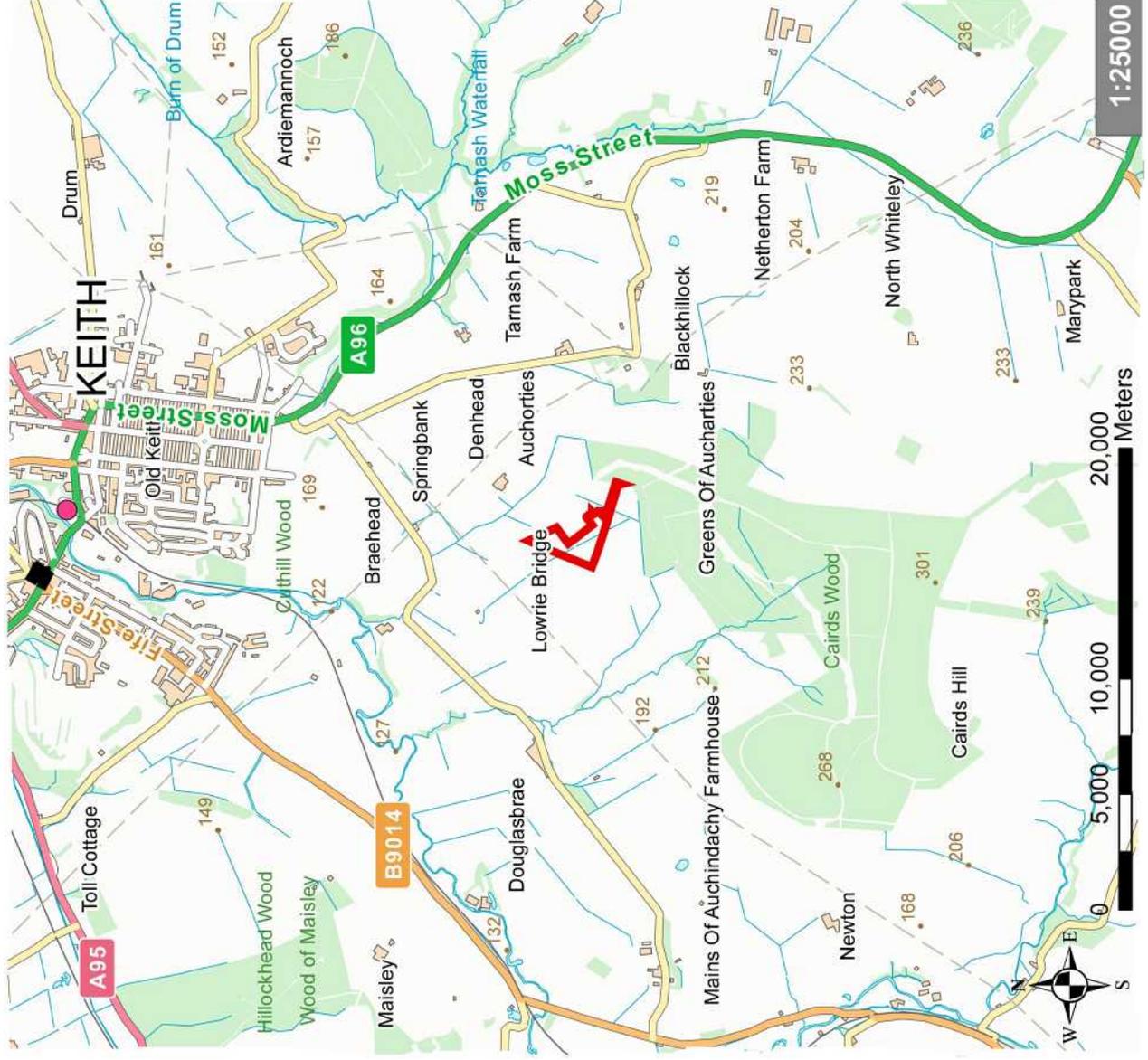
**Applicant Name:**  
**TINZ Programme 1 ProjectCo 3 Limited**

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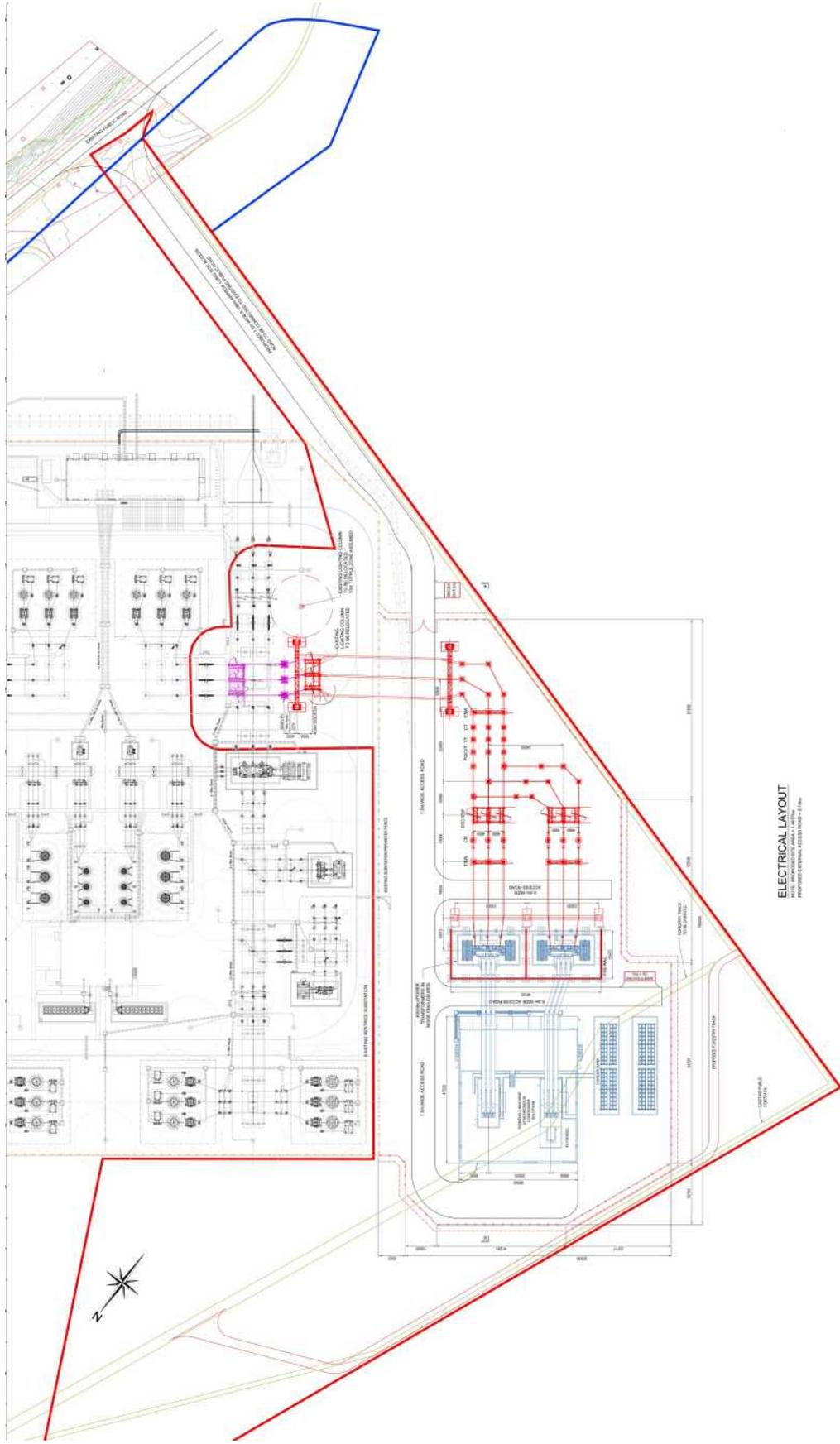
## Location Plan



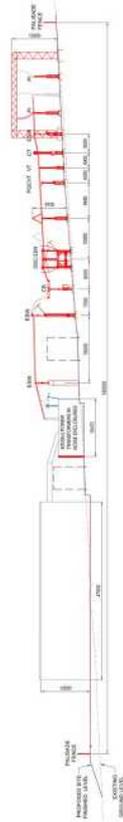
# Site Location



# Site layout

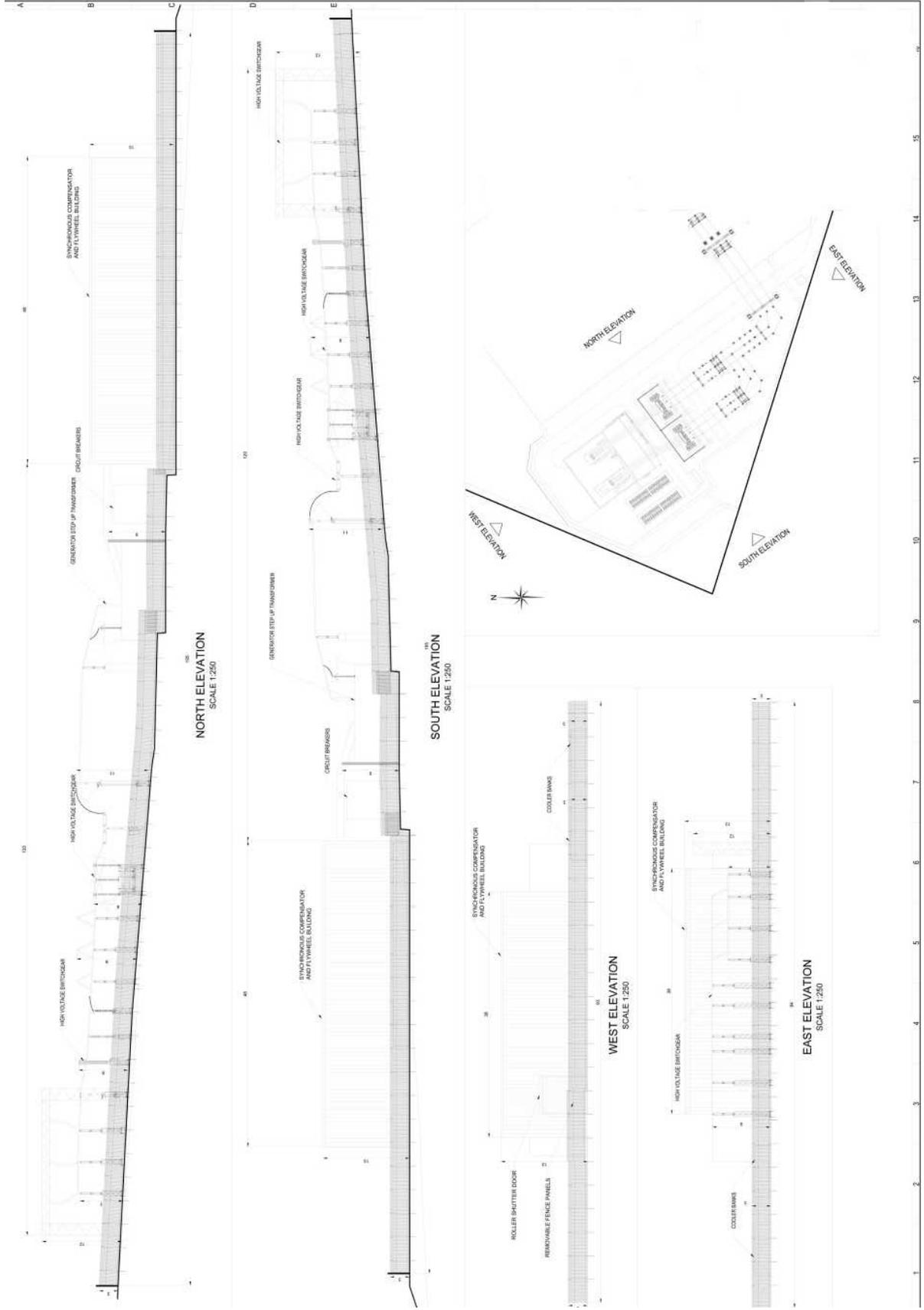


**ELECTRICAL LAYOUT**  
PROPOSED ELECTRICAL ACCESS POINTS



**SECTION A - A**

# Elevations



# Landscape and Biodiversity Enhancement Plan



# 21/01777/APP - Photograph Positions

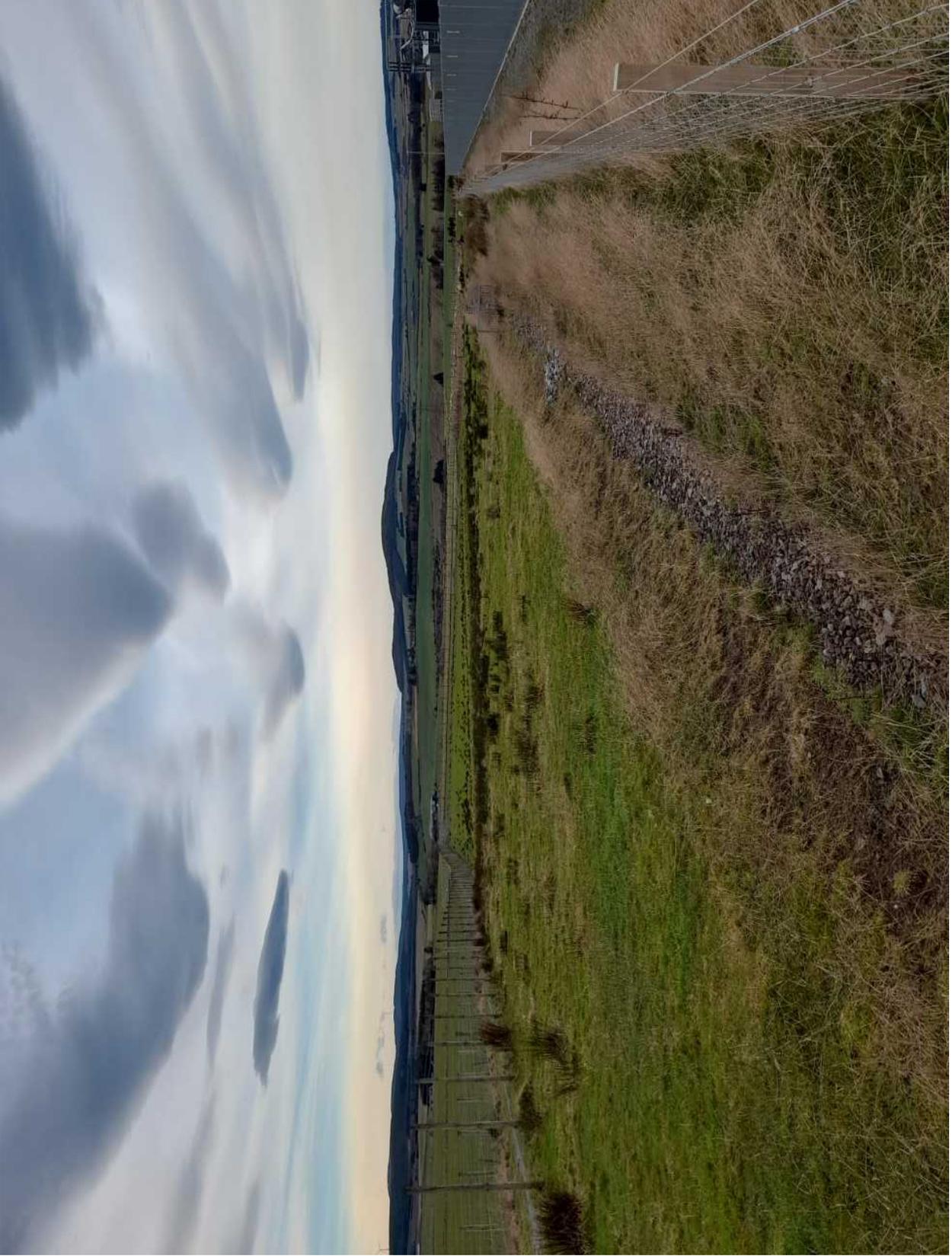


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Map Description: Arrows point in direction photograph was taken.

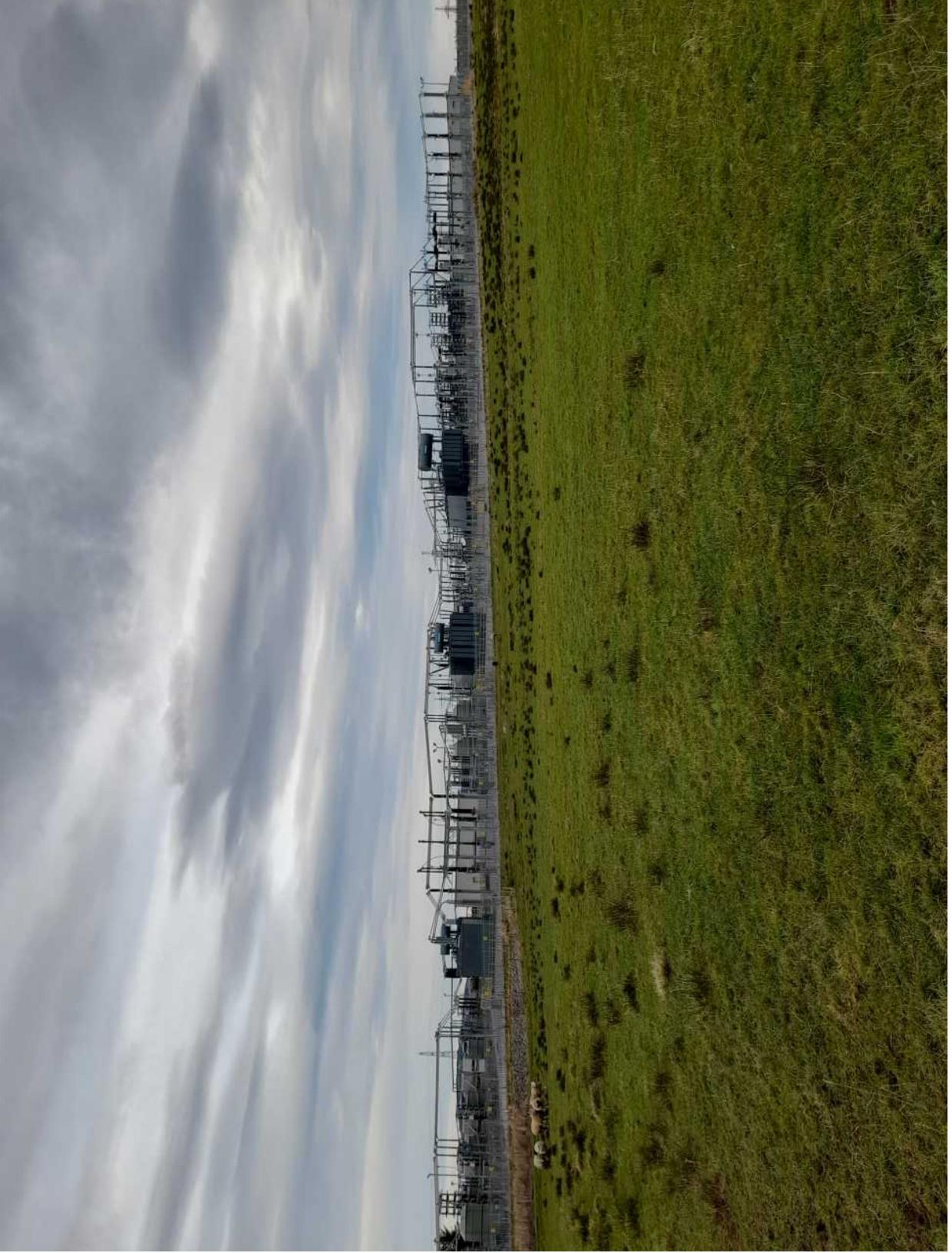
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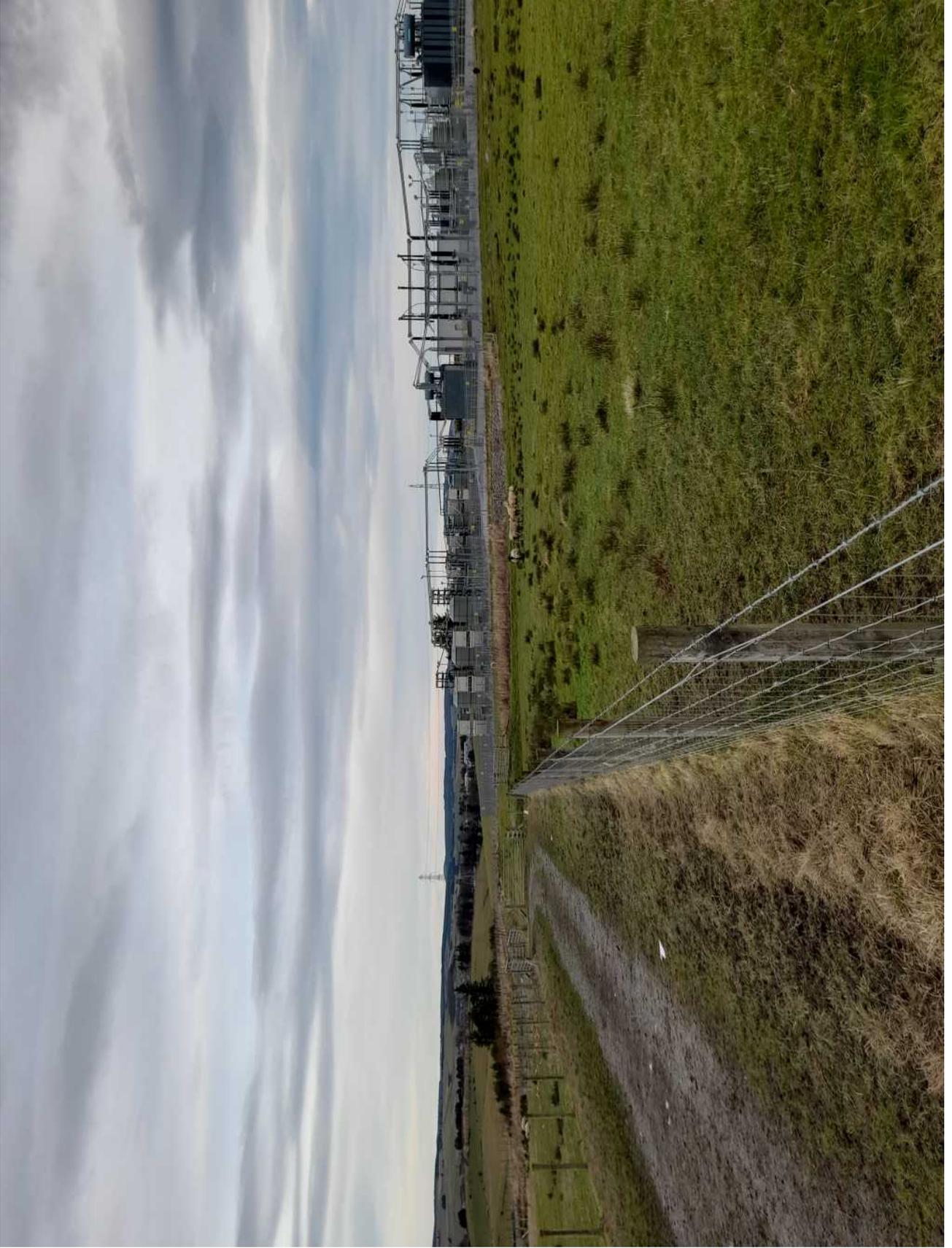


**PHOTO 1**

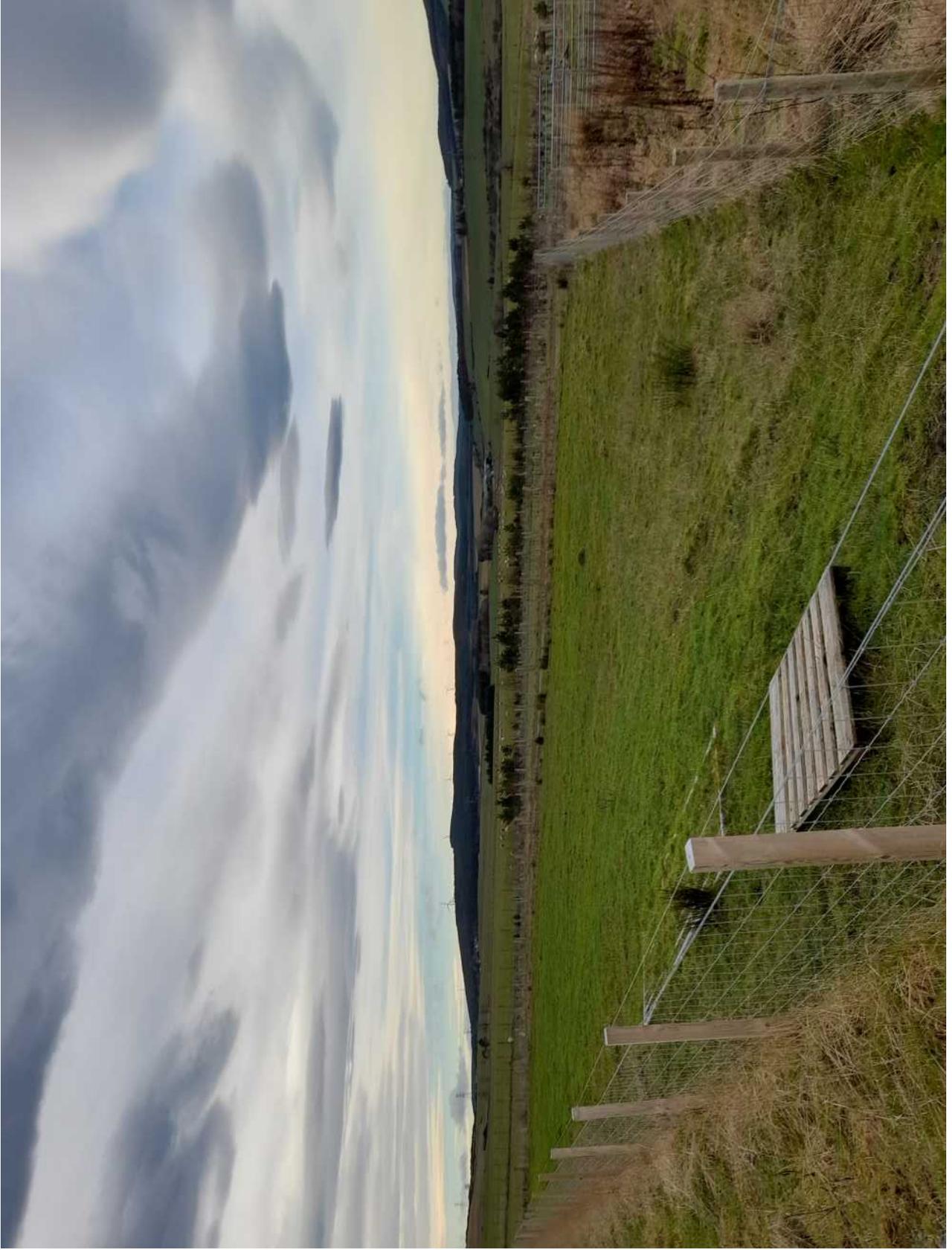
**PHOTO 2**



**PHOTO 3**



**PHOTO 4**



## PLANNING APPLICATION: 21/01777/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*

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### **THE PROPOSAL**

- This application seeks planning permission for the installation of electrical equipment comprising two synchronous compensators with connection to the adjacent Beatrice Onshore Substation and associated infrastructure.
- The proposed development would comprise the following components:
  - Two Synchronous Compensators within a building 47.5m x 38m, 13m high;
  - Associated electrical bay equipment (including generator circuit breaker, auxiliary transformers, two 400kV power transformers in noise enclosures and cooler banks);
  - Amenity Building (including WC (septic tank/soakaway), private water supply and office facilities for staff);
  - 7.5m wide access road from the south east corner;
  - Landscaping and woodland planting;
  - Earthworks, including cut and fill, to level the site and retaining walls;
  - Drainage - SuDS basin, filter drains and swales; and
  - 3m high boundary fence (2.4m high palisade fence & 0.6m electric fence (on top));
- The proposals also include the partial realignment of an existing track and translocation of a number of affected trees within the western area of the site which form part of the landscape plan for the adjacent Beatrice Substation.
- Supporting submissions include a Planning Statement, Pre-Application Consultation Report, Design & Access Statement, Noise Impact Assessment, Flood Risk Assessment & Drainage Impact Assessment, Landscape & Visual Appraisal, Preliminary Ecological Assessment and Phase 1 Geo-Environmental Risk Assessment.
- As noted from the Planning Statement, the proposed development forms part of the Stability Pathfinder Project, which is being managed by National Grid Electricity System Operator ('National Grid ESO') to help manage the stability of electrical systems and facilitate increasing reliance on renewable power in Scotland. The main benefits of the proposed development as outlined are:
  - Provision of grid stability across Moray and beyond, to ensure continuous resilience to any network faults or seasonal variation in power demand and renewable output;
  - Increased capacity of the grid to accommodate more renewables in the wider region; and
  - In turn, increased potential for renewable energy generation across Scotland, with wider positive impacts on the environment and economy.

## THE SITE

- The site extends to 3.6 hectares and forms an irregular parcel of land to the west of the Beatrice Onshore and Blackhillock Substations, to the south of Keith.
- It currently comprises grassland and part of a recently planted landscaped area formed to provide visual screening to the adjacent Beatrice sub-station site, two SuDS basins and an area of the Beatrice compound.
- The site slopes from the highest point approx. 199.5 mAOD in the southeast (site entrance) to the lowest point approx. 188.0 mAOD in the north of the site.
- Farmland lies to the south and west, with Cairds Wood further to the south and the Blackhillock Substation to the east.
- A high pressure gas pipeline passes through the southwest corner of the site.
- The SEPA indicative flood maps show the site is not at risk from surface water flooding or river flooding.
- There are no known sites of archaeological interest within the application site boundary.

## HISTORY

For the Site:

**21/01193/PAN** - Proposal of Application Notice (PAN) for the proposed installation of synchronous compensator with electrical connection to adjacent substation with associated development at Blackhillock sub-station. Following consideration by the Council's Planning & Regulatory Services Committee on 28 September 2021 no provisional views or relevant issues were raised on the PAN from any members.

**18/01046/EIA** – Planning approval granted 3 December 2018 to construct onshore electrical transmission infrastructure, comprising of a cable transition jointing bay, underground cable circuits, and construction of substation to south of Keith with further connecting cabling to allow connection with existing transmission network at Blackhillock including temporary construction compounds access track laydown areas and other associated works from within the vicinity of Redhythe Point in Aberdeenshire Council Area to Whitehillock Farm, Keith. The application site sits within the southern area of this development, alongside the Blackhillock and Beatrice substations.

**15/00631/EIA** – Planning approval granted 3 November 2015 for the erection of electricity substation/convertor station at Blackhillock with access road ancillary works and underground cable link to Portgordon all to service Beatrice Offshore Wind Farm on land between Portgordon and Blackhillock Croft, Keith, Moray. The application site occupies an area of landscaping, grassland, SuDS drainage and part of the compound of the Beatrice substation complex.

**12/01774/EIA** – Planning approval granted 22 February 2013 for the erection of electricity substation/convertor station with access road ancillary works and underground cable link to Portgordon to service Beatrice Offshore Wind Farm at Blackhillock Croft, Keith, Moray.

For the nearby area:

**21/00416/PELOC** – Preliminary enquiry for proposed installation of synchronous compensator at Blackhillock Sub-station, Keith - response issued 17/08/21. This related to

the same proposal which is subject of the current application and is located 200m to the northeast.

**12/00834/APP** – Planning approval granted 9 October 2012 for electricity substation expansion at Blackhillock Sub Station, Keith, Moray; this formed part of the national grid upgrade by SSE Ltd, and major reinforcement of the transmission network serving the north of Scotland to enable renewable projects to connect to the National Electricity Transmission System (NETS). The site is located immediately to the east of the proposed site.

## **POLICY - SEE APPENDIX**

## **ADVERTISEMENTS**

- Advertised for neighbour notification purposes.

## **CONSULTATIONS**

**Strategic Planning & Development** – Proposal complies with relevant development plan policies PP1, PP3, DP1, DP5, DP9, EP2, EP7, EP12 and EP14. The principle of development in this location has been established by the adjacent Blackhillock Substation and the need for the facility to be in close proximity. Subject to a detailed Landscape Plan, the proposal integrates into the surrounding landscape and will provide biodiversity enhancements across the site. Trees affected by the requirement for access routes will be translocated and integrated into proposed woodland planting, resulting in no loss of trees associated with development.

**Transportation Manager** - No objection, subject to conditions requiring evidence of a Bond or other financial security to cover damage to the public road network during construction, and provision of details regarding trail runs and delivery of abnormal loads, Construction Traffic Management Plan, 'Wear and Tear' agreement, and detailed plans of all temporary and permanent works to the public road and any works to accommodate abnormal loads.

**Environmental Health** – No objection subject to conditions regarding hours of construction works, a Construction Environmental Management Plan, noise level limits and submission/approval of a further detailed Noise Impact Assessment.

**Environmental Health, Contaminated Land** - No objection.

**Environmental Health, Private Water** - No objection, informative regarding notification of provision of private water supply.

**Moray Flood Risk Management** – No objection.

**Moray Access Manager** – No objection.

**Building Standards** – A warrant is required.

**Developer Obligations** – No developer obligations sought.

**NatureScot** - No comments to make, refers to standing advice.

**SEPA** – No objections, provides regulatory advice and good practice advice regarding private drainage and adherence to pollution prevention guidelines.

**Transport Scotland** – Advises that conditions be attached to any permission given regarding submission/approval of a Construction Traffic Management Plan (to include route of any abnormal loads) and for any additional necessary signage or temporary traffic control measures to be undertaken by a recognised Quality Assured traffic management consultant.

**Aberdeenshire Archaeology Unit** - No objection.

**Scotland Gas Network** – No objection subject to a pre-commencement condition requiring submission/approval of numerical interference modelling to assess the effects of electrical interference upon SGN utilities and provision of appropriate mitigation if this arises to ensure that levels are within acceptable limits.

**Scottish and Southern Electricity Networks (Scottish Hydro Electric Transmission plc)** - No objection subject to a pre-commencement condition requiring submission/approval of a Transport Management Plan to ensure that any traffic associated with the development will not have a detrimental effect on the access road which serves critical national electricity infrastructure in the area, and that potential risks from damage to the road will be mitigated.

**Health and Safety Executive** – Does not advise against the granting of permission.

## **OBJECTIONS-REPRESENTATIONS**

No objections received.

## **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.

### **Background**

The application is a major development as defined under the Hierarchy Regulations 2009 as the overall area of the proposed site exceeds 2 hectares.

For this application, the PAC report outlines the extent of the applicant's engagement with the local community in accordance with the Proposal of Application Notice (PAN) (21/01193/PAN). This included holding an online interactive event for two days, subsequent online open exhibition for 21 days, and consultation with the Strathisla Community Council and ward councillors. The report confirms that within this period, based on website statistics the site was visited 35 times by 29 different users, although no one chose to participate with the live chat function during the two day event, and

throughout the 21 day consultation, no questions, feedback forms or comments were received. Notwithstanding the lack of direct feedback from members of the public, and as noted from the report, PAC procedures have been followed by the applicant which meet the requirements of the Act and regulations in terms of consultation/engagement with the local community.

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

The main issues are considered below:

**Siting, Character and Design (PP1, PP2, DP5, DP9 and DP1)**

Policy PP1 Placemaking states that Developments 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.

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

Policy DP1 sets out the detailed criteria to ensure that proposals meet siting, design and servicing requirements, provide sustainable drainage arrangements and avoid any adverse effects on environmental interests.

Policy DP5 Business and Industry outlines that proposals for rural business developments will be supported where they fit into the environment, provide a locational need for the site and can be adequately serviced.

Policy DP9 Renewable Energy outlines that all renewable energy proposals will be considered favourably where they are compliant with policies to safeguard and enhance the built and natural environment, and avoid any unacceptable significant adverse impacts (i.e. landscape and visual, noise, air quality, water environment, traffic, ecology etc.).

The proposed development comprises the installation of electrical equipment, the function of which is to improve stability of the national grid and resilience to any network faults or seasonal variation in power demand and renewable output, and also allow for increased capacity of the grid to accommodate more renewable generation. The equipment enclosed within a fenced compound would sit alongside existing significant electricity infrastructure including the Blackhillock and Beatrice Onshore Substations, as well as a number of high voltage powerlines feeding into the Substation from the north east, south, east and south west. It would be proportionate to the scale of this surrounding built form, with direct connection into the adjacent Beatrice Substation and would reflect the character of the immediate surrounding industrialised landscape.

Proposed cut and fill earthworks, use of recessive tone finishes for enclosures on the site (to match the existing darker buildings and enclosures within the wider substation complex) and landscaping would ensure that the development integrates into the landscape. With these measures/embedded mitigation the proposal is considered to represent an appropriate form of development which is capable of being accommodated on the site without adverse landscape and visual effects. Conditions shall be attached

requiring submission/approval of details on the tone finishes and an updated detailed Landscape Plan (specifications, numbers and maintenance arrangements).

A locational need for the site has been established through the adjacent Beatrice and Blackhillock Substations as the proposal requires to be located close to these facilities in order to effectively provide the grid stabilisation services required.

A Landscape and Visual Appraisal (LVA) has been submitted with the application which demonstrates that the proposal will not give rise to significant unacceptable landscape character or visual impacts. This outlines that although the site itself is relatively open and elevated, it is located within the context of existing substantial infrastructure at the Blackhillock and Beatrice Substation complexes and power lines, and would be relatively small in comparison to this existing built form. It further notes that views of the site would be limited to occasional transient open views, which would be frequently filtered or curtailed by undulating landform, built form and vegetation. The LVA concludes that the proposed development would result in small localised changes and therefore only a very small change in the view is likely to occur, affecting a limited number of sensitive visual receptors (residents of scattered surrounding properties and users of Core Paths).

From the above considerations, the proposal complies with the requirements of policies PP1, PP2, DP9, DP1 and PP2 in terms of siting, character and design.

### **Access and Transport (DP1 and PP3)**

Policies PP3 Infrastructure and Services and DP1 Development Principles require the provision of a safe entry/exit from new development for all users, appropriate infrastructure and acceptable parking provision. Policy PP3 b) ii) seeks to protect core paths and other access routes, and where impacts are identified, mitigation by equivalent or better alternative provision of routes/paths in location convenient for users.

Access to the proposed development will be taken via the existing access from the A96, which provides access to Blackhillock and Beatrice Onshore Substations, as well as the Tarmac Cairdshill Quarry and a number of scattered dwellings. As noted from the Planning Statement, the majority of vehicles visiting and using the site will occur throughout the construction phase of the proposed development, to form laydown areas, working platforms, the permanent roads within the site and equipment delivery (approx. 3000 lorry trips, at a rate of up to 30 lorries per day). During the operational phase traffic volumes would reduce significantly, with smaller vehicles visiting the site on an infrequent basis to carry labour/spares for inspection, maintenance purposes and during infrequent maintenance outages or remedying equipment faults.

The Transportation Section, following consultation has raised no objection to the proposal subject to conditions requiring evidence of a Bond or other financial security to cover damage to the public road network during construction, and provision of details regarding trial runs and delivery of abnormal loads, Construction Traffic Management Plan, 'Wear and Tear' agreement, and detailed plans of all temporary and permanent works to the public road and any works to accommodate abnormal loads.

Similarly, Transport Scotland has raised no objection to the proposal subject to imposition of conditions requiring submission/approval of a Construction Traffic Management Plan (to include route of any abnormal loads) and for any additional necessary signage or temporary traffic control measures to be undertaken by a recognised Quality Assured traffic management consultant.

The development proposes to re-route a footpath/forestry track which provides connection to Cairds Wood, and also to retain an existing diverted footpath which extends along the southeast and northwest site boundaries formed as part of the Beatrice substation development. The diversion mitigates any adverse impacts on access and the Access Manager (Moray Council) has raised no objections to the proposal.

The access route to the proposed development involves the use of a private road which serves the Blackhillock substation, critical national infrastructure, owned and operated by Scottish and Southern Electricity Networks (Scottish Hydro Electric Transmission plc). As recommended by SHET a condition shall be imposed requiring the approval of a Transport Management Plan to ensure that any traffic associated with the development will not detrimentally affect the access road which serves this critical national electricity infrastructure, and that potential risks from damage to the road will be mitigated.

The applicant has noted and agreed the above conditions.

Based on the above, and subject to the recommended conditions the proposal complies with policies DP1 and PP3 in relation to access and transport.

### **Noise (DP9, EP14 and DP1)**

Policy DP1 Development Principles seek to ensure that new developments do not create pollution which may adversely affect the environment or local amenity, and policy DP9 outlines that all renewable energy proposals should avoid any unacceptable significant adverse impacts on noise. Policy EP14 Pollution, Contamination and Hazards sets out that development proposals which may cause significant noise pollution should be accompanied by a detailed assessment report on the levels, character and transmission of the potential pollution with measures to mitigate impact.

A Noise Impact Assessment (NIA) has been provided with the application. This confirms that the mains transformer would require to be housed in a full acoustic enclosure, and that predicted rating levels with the enclosure in place would be below background sound levels at all noise sensitive receptors during both daytime and night time conditions. These include four dwellings, located approx.400m to the northeast, 600m to the north, 700m to the east and 800m to the west respectively. The NIA concludes that the proposal is unlikely to result in adverse impacts and recommends that noise levels can be adequately controlled in the design process, in line with a further detailed NIA.

The Environmental Health Section, has reviewed and is content with the findings of the NIA and has raised no objection subject to conditions regarding hours of construction works, a Construction Environmental Management Plan, noise level limits and submission/approval of a further detailed Noise Impact Assessment to inform assessment of the final design details. The applicant has noted and is agreeable to these conditions.

From the above and subject to the recommended conditions, the proposal is not considered to result in any unacceptable impacts upon the amenity of neighbouring houses or to the surrounding area, and as such would comply with policy DP1, DP9 and EP14.

### **Drainage and Flooding (PP3, DP1, and EP12)**

Policies PP3 Infrastructure and Services and DP1 Development Principles (iii) Water Environment, Pollution, Contamination require development to be planned and

coordinated 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.

A Drainage Impact Assessment (DIA) and Flood Risk Assessment (FRA) have been submitted with the application which details the proposals for surface water drainage (SuDS) on the site, and addresses flood risk.

Foul water drainage for the proposed amenity building (which provides WC and office facilities for staff) will be provided in the form of a septic tank and soakaway which would require separate building warrant approval.

The proposed private water supply would involve connection to either the existing rainwater harvesting system at the adjacent substation or provision of a new system from the amenity building roof, and bottled water for drinking. An informative highlighting regulatory requirements in this regard shall be attached to the decision, as recommended by the Environmental Health Manager (Private Water).

Surface water drainage arrangements would consist of a combination of filter drains and swales which would discharge from the north-western corner of the site to a SuDS basin to be located within the northern part of the site. The SuDS basin would then discharge northwards to an existing land drain serving the Beatrice site, and would be designed/ sized to attenuate runoff to equivalent greenfield rates (without exceedance or backup of water onto the site compound) for all events up to and including the 1 in 200 year event (inclusive of climate change and urban creep). These arrangements have also been designed and sized to receive additional run off from an existing attenuation basin on the site (which serves part of the adjacent Beatrice Site), which is to be infilled to accommodate the development.

The FRA demonstrates the site, including proposed access road, is at little or no risk of flooding from all sources.

These arrangements and accompanying DIA and FRA 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.

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

### **Natural Heritage (EP1, EP2 & EP12)**

The site is not subject to any international, national or local environmental designations.

The submitted Preliminary Ecological Appraisal (PEA) accompanying the application contains analysis and survey findings of habitat and species on the site. This confirms that the site is comprised of a number of habitat types including improved grassland, young mixed plantation woodland, SuDS and ditches, with improved grassland being the dominant habitat within the site. It notes that this habitat is common and widespread, however it can still provide some resources for a variety of animals including insects, birds and small mammals. The report also confirms that no records of protected species were

returned within the site (although evidence of badger activity was found along the site boundary) and that no protected species licencing, or further survey is required.

In order to avoid and minimise any negative potential impacts the report recommends implementation of a range of mitigation measures, the provision of which shall be secured by planning condition. These include, vegetation clearance works to take place outside the bird nesting season (or if this is not possible, to be undertaken following bird nest checks by an ecologist), re-instatement of surrounding vegetation post works, temporary/permanent lighting to be fitted with shades so that they do not illuminate habitat such as the drainage ditch, outside of the site, use of lights in the warm white spectrum, suitable surface water management to reduce the risk of dirty water run-off leaving the site, adherence to pollution prevention guidelines on safe storage of chemicals and refuelling and excavations to be covered at the end of the day or left with a sloped edge so that animals cannot become trapped. The report also recommends biodiversity measures such as use of permeable surfaces and wildflower meadow planting, which will be addressed by condition.

Subject to the above condition, impacts on nature conservation interests will be mitigated in accordance with the designation and EP1, EP2 and EP12.

### **Policy EP2 Biodiversity**

Policy EP2 Biodiversity states that development proposals are, where possible, required to retain, protect and enhance features of biological interest and provide for their appropriate management. Promoting biodiversity can make a valuable contribution to the character of developments through the creation of new habitats and connecting into existing ones.

A Landscape & Biodiversity Plan has been provided demonstrating the provision of biodiversity enhancement through proposed landscaping and bird/bat boxes in compliance with Policy EP2.

### **Impact on Trees (EP7)**

Policy EP7 Forestry, Woodlands and Trees outlines that proposals must retain healthy trees and incorporate them within the proposal unless it is technically unfeasible to retain these. Three groupings of young mixed woodland are present in the northwest part of the site which form part of the landscape scheme for the adjacent Beatrice Substation site. As these have the potential to be affected by the development and construction activity, a Tree Survey has been provided.

This confirms that two of the groupings of trees will be affected by the need to accommodate the diverted track route and compound. However, the application proposes to translocate any affected trees to the areas of proposed woodland planting rather than remove them completely. As a result, there will be no actual loss of trees associated with development and the proposal therefore complies with Policy EP7, subject to the provision of a detailed Tree Protection Plan.

### **Pollution Control (DP1 and EP14)**

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.

In order to mitigate impacts on air, water, soil and light, to ensure the above policy requirements are met a condition requiring submission and approval of a Construction Environment Management Plan (CEMP) including a site specific pollution prevention plan during the construction phase is recommended.

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

### **Gas Pipeline (DP1 and EP14)**

Policies DP1 Development Principles and EP14 Pollution, Contamination and Hazards require development proposals to avoid and not impact on hazardous sites or result in public safety concerns due to proximity or use in the vicinity of such sites.

Following consultation, Scotland Gas Networks have highlighted that the proposal is in close proximity to SGN high pressure gas transmission pipelines and associated equipment (which passes through the southwest part of the site) and that it has the potential to induce currents and voltage onto its pipelines which could result in pipeline damage, unless properly assessed and mitigated. In order to address this matter, following discussions with the applicant, SGN has raised no objection to the proposal subject to a pre-commencement condition requiring submission/approval of numerical interference modelling to assess the effects of electrical interference upon SGN utilities and provision of appropriate mitigation if this occurs to ensure that levels are within acceptable limits. This shall be attached to any approval granted.

### **REASON(S) FOR DECISION**

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

The proposal accords with the relevant provisions of the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

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## **APPENDIX**

### **POLICY**

#### **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 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.
- (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 400m<sup>2</sup>, excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

**(ii) Transportation**

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.

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

**(iii) Water environment, pollution, contamination**

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).

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

## **DP9 RENEWABLE ENERGY**

### **a) All Renewable Energy Proposals**

All renewable energy proposals will be considered favourably where they meet the following criteria:

- i) They are compliant with policies to safeguard and enhance the built and natural environment;
- ii) They do not result in the permanent loss or permanent damage of prime agricultural land;
- iii) They avoid or address any unacceptable significant adverse impacts including:
  - Landscape and visual impacts.
  - Noise impacts.
  - Air quality impacts.
  - Electromagnetic disturbance.
  - Impact on water environment.
  - Impact on carbon rich soils and peat land hydrology.
  - Impact on woodland and forestry interests.
  - Traffic impact -mitigation during both construction and operation.
  - Ecological Impact.
  - Impact on tourism and recreational interests.

In addition to the above criteria, detailed assessment of impact will include consideration of the extent to which the proposal contributes to renewable energy generation targets, its effect on greenhouse gas emissions and net economic impact, including socio-economic benefits such as employment.

**b) Onshore wind turbines**

In addition to the assessment of the impacts outlined in part a) above, the following considerations will apply:

**i) The Spatial Framework**

Areas of Significant Protection (Map 2): where the Council will apply significant protection and proposals may be appropriate in circumstances where any significant effects on the qualities of these areas can be substantially overcome by siting, design and other mitigation.

Areas with Potential (Map 1): where proposals are likely to be acceptable subject to Detailed Consideration.

**ii) Detailed Consideration**

The proposal will be determined through site specific consideration of the following on which further guidance will be set out in supplementary guidance and as informed by the landscape capacity study:

Landscape and visual impact

- The landscape is capable of accommodating the development without unacceptable significant adverse impact on landscape character or visual amenity.
- the proposal is appropriate to the scale and character of its setting, respects the main features of the site and the wider environment and addresses the potential for mitigation.

Cumulative impact

- Unacceptable significant adverse impact from two or more wind energy developments and the potential for mitigation is addressed.

Impact on local communities

- The proposal addresses unacceptable significant adverse impact on communities and local amenity including the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation.

Other

- The proposal addresses unacceptable significant adverse impacts arising from the location within an area subject to potential aviation and defence constraints including flight paths and aircraft radar.
- the proposal avoids or adequately resolves other impacts including on the natural and historic environment, cultural heritage, biodiversity, forest and woodlands and tourism and recreational interests - core paths, visitor centres, tourist trails and key scenic routes.
- the proposal addresses any physical site constraints and appropriate provision for decommissioning and restoration.

### iii) **Extensions and Repowering of Existing Wind Farms**

The proposal will be determined through assessment of the details of the proposal against Part a) and Parts b) (i) and (ii) above. Detailed assessment of impact will include consideration of the extent to which:

- the proposal, for extensions, impacts on the existing wind farm(s) setting and the ability to sit in the landscape on its own should the existing wind farm be decommissioned before the extension.
- the proposal, for repowering, makes use of existing infrastructure and resources, where possible, and limits the need for additional footprint.

### c) **Biomass**

Proposals for the development of commercial biomass will be supported if the following criteria are met.

- Applicants must confirm which form of biomass will fuel the plant and if a mixture of biomass is proposed then what percentage split will be attributed to each fuel source.
- Proposals must demonstrate that they have taken account of the amount of supply fuel over the life of the project.
- When considering wood biomass proposals, the scale and location of new development is appropriate to the volume of local woodfuel available. Sources of fuel must be identified and must be sustainable.
- The location must have suitable safe access arrangements and be capable of accommodating the potential transport impacts within the surrounding roads network.
- A design statement must be submitted, which should include photomontages from viewpoints agreed by the Council.
- There must be a locational justification for proposals outwith general employment land designations. The proposed energy use, local heat users and connectivity of both heat users and electricity networks must be detailed. Proposals which involve potential or future heat users will not be supported unless these users can be brought online in conjunction with the operation of the plant.
- Details of the predicted energy input and output from the plant demonstrating the plant efficiency and utilisation of heat must be provided.
- Where necessary, appropriate structural landscaping must be provided to assist the development to integrate sensitively.

The criteria set out in relation to all renewable energy proposals (part a) must also be met.

The Council will consult with Scottish Forestry to help predict potential woodfuel supply projections in the area.

### d) **Heat**

Where a heat network exists or is planned, proposals should include infrastructure to allow connection to that network.

Where no heat network is present or planned:

- Proposals should consider the feasibility for the creation of or connection to a heat network.
- Proposals should safeguard pipeworks within the development, to its curtilage, for future connection to a heat network.
- Proposals should consider the provision of energy centres, or the reservation of land for an energy centre to facilitate future connection to a heat network.

Proposals for new development will be compared with the Scotland Heat Map to identify if it could make use of an existing heat supply or provide excess heat to heat users. This will be the case until the Council has concluded work on identifying where heat networks, heat storage and energy centres exist or would be appropriate in the plan area, at which point reference to that work should be made. Developments which have a high heat demand are encouraged to co-locate with sources of heat supply.

Where heat networks are not viable, proposals should include the use of microgeneration technologies and heat recovery associated with individual properties, unless demonstrating this is unnecessary or unviable.

The criteria set out in relation to all renewable energy proposals (part a) must also be met.

## **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 m<sup>2</sup> 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.

## **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.

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

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

## **EP14 POLLUTION, CONTAMINATION & HAZARDS**

### **a) Pollution**

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

### **b) Contamination**

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

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

### **c) Hazardous sites**

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

## **DP5 BUSINESS & INDUSTRY**

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

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

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

**b) Business Parks**

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

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

**c) Industrial Estates**

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

**d) Existing Business Areas**

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

**e) Other Uses**

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

**f) Areas of Mixed Use**

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

**g) Rural Businesses and Farm Diversification**

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

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

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

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

**h) Inward Investment Sites**

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

Proposals must comply with Policy DP1 and other relevant policies.

**EP7 FORESTRY, WOODLANDS AND TREES**

**a) Moray Forestry and Woodland Strategy**

Proposals which support the economic, social and environmental objectives and projects identified in the Moray Forestry and Woodlands Strategy will be supported where they meet the requirements of other relevant Local Development Plan policies. The council will consult Scottish Forestry on proposals which are considered to adversely affect forests and woodland. Development proposals must give consideration to the relationship with existing woodland and trees including shading, leaf/needle cast, branch cast, wind blow, water table impacts and commercial forestry operations.

**b) Tree Retention and Survey**

Proposals must retain healthy trees and incorporate them within the proposal unless it is technically unfeasible to retain these. Where trees exist on or bordering a development site, a tree survey, tree protection plan and mitigation plan must be provided with the planning application if the trees or trees bordering the site (or their roots) have the potential to be affected by development and construction activity. Proposals must identify a safeguarding distance to ensure construction works, including access and drainage arrangements, will not damage or interfere with the root systems in the short or longer term. A landscaped buffer may be required where the council considers that this is required to maintain an appropriate long term relationship between proposed development and existing trees and woodland.

Where it is technically unfeasible to retain trees, compensatory planting on a one for one basis must be provided in accordance with (e) below.

**c) Control of Woodland Removal**

In support of the Scottish Government's Control of Woodland Removal Policy, Woodland removal within native woodlands identified as a feature of sites protected under Policy EP1 or woodland identified as Ancient Woodland will not be supported.

In all other woodlands development which involves permanent woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits (excluding housing) and where removal will not result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the woodland.

Where it is proposed to remove woodland, compensatory planting at least equal to the area to be felled must be provided in accordance with e) below.

**d) Tree Preservation Orders and Conservation Areas**

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

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

**e) Compensatory Planting**

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

**GUIDANCE TREES AND DEVELOPMENT**

Trees are an important part of Moray's towns and villages and surrounding countryside, adding colour and interest to the townscape and a sense of nature in our built environment. They contribute to the diversity of the countryside, in terms of landscape, wildlife habitat and shelterbelts. Trees also have a key role to play in terms of climate change by helping to absorb carbon dioxide which is one of the main greenhouse gases that cause global warming.

The cumulative loss of woodlands to development can result in significant loss of woodland cover. In compliance with the Scottish Government Control of Woodland Removal policy, woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance. Where woodland is to be removed then the Council will require compensatory planting to be provided on site, on another site in Moray within the applicant's control or through a commuted payment to the Council towards woodland and greenspace creation and enhancement. Developers proposing compensatory planting are asked to follow the guidance for site assessment and woodland design as laid out in Scottish Forestry's "Woodland Creation, Application Guidance" and its subsequent updates, when preparing their proposal.

The Council requires a Tree Survey and Tree Protection Plan to be submitted by the applicant with any planning application for detailed permission on designated or windfall

sites which have trees on them. The survey should include a schedule of trees and/or groups of trees and a plan showing their location, along with the following details;

- Reference number for each tree or group of trees.
- Scientific and common names.
- Height and canopy spread in metres (including consideration of full height and spread).
- Root protection area.
- Crown clearance in metres.
- Trunk diameters in metres (measures at 1.5m above adjacent ground level for single stem trees or immediately above the root flare for multi stemmed trees).
- Age and life expectancy.
- Condition (physiological and structural).
- Management works required.
- Category rating for all trees within the site (U, A, B or C \*). This arboricultural assessment will be used to identify which trees are suitable for retention within the proposed development.

\*BS5837 provides a cascading quality assessment process for categorisation of trees which tree surveys must follow. An appropriately scaled tree survey plan needs to accompany the schedule. The plan should be annotated with the details of the tree survey, showing the location, both within and adjacent to the site, of existing trees, shrubs and hedgerows. Each numbered tree or groups of trees should show the root protection area and its category U, A, B, C.

Based on the guidance in BS5837, only category U trees are discounted from the Tree Survey and Tree Protection Plan process. Trees in category A and B must be retained, with category C trees retained as far as practicable and appropriate. Trees proposed for removal should be replaced with appropriate planting in a landscape plan which should accompany the application. Trees to be retained will likely be set out in planning conditions, if not already covered by a Tree Preservation Order.

If a tree with habitat value is removed, then measures for habitat reinstatement must be included in the landscape plan. It is noted that in line with part b) of policy EP7 where woodland is removed compensatory planting must be provided regardless of tree categorisation."

A Tree Protection Plan (TPP) must also be submitted with planning applications, comprising a plan and schedule showing;

- Proposed design/ layout of final development, including accesses and services.
- Trees to be retained- with those requiring remedial work indicated.
- Trees to be removed.
- Location (and specification) of protective fencing around those trees to be retained based on the Root Protection Area.

The TPP should show how the tree survey information has informed the design/ layout explaining the reasoning for any removal of trees.

### **Landscape Scheme**

Where appropriate a landscape scheme must be submitted with planning applications, clearly setting out details of what species of trees, shrubs and grass are proposed, where,

what standard and when planting will take place. Landscape schemes must aim to deliver multiple benefits in terms of biodiversity, amenity, drainage and recreation as set out in policy.

The scheme should also set out the maintenance plan. Applicants/ developers will be required to replace any trees, shrubs or hedges on the site which die, or are dying, severely damaged or diseased which will be specified in planning conditions.

Tree species native to Scotland are recommended for planting in new development - Alder, Aspen, Birch, Bird Cherry, Blackthorn, Crab Apple, Elm, Gean, Hawthorn, Hazel, Holly, Juniper, Sessile Oak, Rowan, Scots Pine, Whitebeam, Willow.