

21/01670/APP
20th October 2021

Amend road layout add new informal footpath and new house types on Plots 40 41 and 44 Phase 2 at Inchbroom Development Lossiemouth Moray for Tulloch Of Cummingston Ltd

Comments:

- Application seeks to amend the layout and house types on three plots on part of an approved housing development.
- The application is referred to the Planning and Regulatory Services Committee for determination because the original application was previously reported to Committee.
- Advertised for neighbour notification purposes.
- One representation received.

Procedure:

- No legal agreements required or further procedures.

Recommendation: Grant Planning Permission - Subject to following:

Conditions/Reasons

1. No development shall commence until a landscape management plan has been submitted to and approved in writing by the Planning Authority providing details of the ongoing management of the woodland areas as shown on the approved Phase 2 Landscaping Plan. The woodland shall thereafter be managed in accordance with the approved plan throughout the lifetime of this consent.

Reason: To ensure that the development is integrated into the landscape, existing trees are safeguarded and managed, and to ensure that biodiversity is retained, protected and enhanced.

2. No development shall commence on site until tree protection measures have been implemented in accordance with the approved Phase 2 Landscaping Scheme. These measures shall be retained until completion of the development. No trees shall be felled unless a survey for red squirrels has been undertaken with the results submitted to and approved in writing by the Planning Authority.

Reason: To ensure that, existing trees are safeguarded and managed, and that biodiversity is retained, protected and enhanced.

3. All landscaping, and tree planting shall be implemented in accordance with the approved Phase 2 Landscaping Scheme (and any additional planting required as a result of provision of the visibility splays as required by condition 7) in the first planting season following completion of occupation (whichever is the sooner) of the development hereby approved. Any trees which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

Reason: To ensure that the development retains, enhances and protects features of biological interest on the site and provides for their appropriate management and maintenance.

4. No residential unit shall be occupied until its surface water drainage arrangements have been completed in accordance with the approved plans and Drainage Statement. The drainage arrangements shall be maintained thereafter in accordance with the approved Drainage Statement throughout the lifetime of the development hereby approved.

Reason: In order to ensure the development is served by appropriate surface water drainage.

5. No residential unit shall be occupied until a scheme for the upgrading of the existing footway along the frontage of the site on the B9013 Inchbroom Road to a combined cycleway/footway (minimum width of 2.5 metres), including the extension of street lighting and timetable for implementation, from the Phase 1 Development Access to the south-east boundary of the site has been submitted to and approved in writing by the Council as Planning Authority in consultation with the Transportation Manager. The scheme shall thereafter be implemented in accordance with the approved details and timetable

Reason: In the interests of achieving an acceptable form of development to provide safe and suitable access for pedestrians and cyclists along the site frontage of Inchbroom development site, linking to Core Path CP-LM 27 to the south-east of the site.

6. The construction of the development hereby approved shall not commence until the completion of Phase 1.

Reason: To ensure acceptable pedestrian and roads infrastructure to access the development and to ensure acceptable development that does not create any hazard to road users in the interests of road safety.

7. No development shall commence until:
 - i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the composite visibility splay of 4.5 metres by 70 metres in both directions at the Phase 2 access onto the public road and 2.4 metres by 100 metre to the north-west and 2.4 metres by 160

- metres to the south-east at the same access, with all boundaries set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority;
- ii) thereafter the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
 - iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.26 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

These plans shall also provide details of any trees which may be affected or lost by the provision of the required visibility splays – and a plan of compensatory planting shall be provided should any trees need to be removed.

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

8. No development shall commence until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit(s) can be connected to an appropriate electricity supply, including details (written proposals and/ or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house or flat.

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

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

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

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

10. No boundary fences, hedges, walls or any other obstruction whatsoever over

0.6m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.

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

11. No water shall be permitted to drain or loose material be carried onto the prospective public footway/carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access.

12. Acoustic double glazing shall be installed in all living apartments and consist of 2 panes of 4mm thick glass separated by a 16mm cavity. The Specification and acoustic performance shall be in accordance with section 3.4 of the Noise Impact Assessment titled "Report on Air traffic Noise for Tulloch of Cummingston at Inchbroom Road, Lossiemouth, Moray by Charlie Fleming Associates, Acoustical Consultants Noise Control Engineers, 16th October 2008 - Document 14651 " as submitted with planning application 08/01685/FUL.

Reason: In the interests of ensuring an acceptable form of development which and to mitigate any noise pollution.

13. Acoustically attenuated ventilators shall be installed in south-west facing bedrooms of house plot numbers 40 and 41. They shall also be installed in east facing bedrooms of house plot 44. The attenuated ventilators shall have an element normalised level difference, $D_{n,e}$, of at least 32dB in the 500Hz octave band.

Reason: In the interests of ensuring an acceptable form of development which and to mitigate any noise pollution.

Reason(s) for Decision

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

This proposal to amend the layout of an existing consent is in accordance with the relevant provisions of the Moray Local Development Plan 2020. There are no other material considerations that indicate otherwise.

List of Informatives:

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:

A Building Warrant will be required.

Please note that under the terms of the Wildlife and Countryside Act 1981 red squirrels and their resting places (dreys) are protected - no trees should be felled until the developer has checked that there are no squirrels in the trees. More information on Nature Scotland website on this link. Trees should also be checked for nesting birds

https://www.google.co.uk/url?esrc=s&q=&rct=j&sa=U&url=https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/protected-species-z-guide/protected-species-red-squirrels&ved=2ahUKEwj75t2ovKz2AhX_oHIEHV7NAuQQFXoECAQQAg&usg=AOvVaw14FYsgS2f8CiiFoswHUUJ3T

THE MORAY COUNCIL TRANSPORTATION MANAGER has commented that:

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

Plots 39-41 are to be served by a private access as the number of dwellings served by this access is less than five.

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

<http://www.moray.gov.uk/downloads/file134860.pdf>

Before commencing development the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations. Advice on this matter can be obtained from the Moray Council web site or by emailing constructionconsent@moray.gov.uk

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

The developer shall be responsible for all costs associated with preparing and implementing the Road Traffic Regulation order for waiting restrictions, including any associated engineering or infrastructure costs.

The developer shall be responsible for all costs associated with the extension of the existing street lighting provision. The developer should contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin – Tel (01343) 557300, Ext 7327 to discuss the proposals.

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

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

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

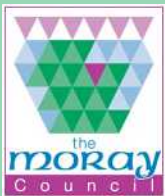
The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

The applicant should seek a Road Traffic Regulation Order from the Roads Authority prior to commencing development relating the alteration and repositioning of speed limits resulting and required for the development.

SCOTTISH WATER has commented that:

The developer will require to contact the Agency to ensure that there are no impacts upon Scottish Water assets in the vicinity – more information in their consultation response.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
IB/PH02/03		Drainage Plan and Levels
IB-PH02/03		Services
IB-PH02/05		Landscaping
IB-PH02/06		Block plan
IB/PH02/02		Location plan
IB/PH02/01	rev B	Site layout
IB/PH02/BLERVIE	A	Blervie House Type
IB/PH02/CULBIN	A	Culbin house type



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

21/01670/APP

Site Address:

Inchbroom Development

Lossiemouth

Applicant Name:

Tulloch of Cummington Ltd

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Location Plan



Site Location



Block plan



Landscape plan



Comparison of approved and proposed site plan



21/01670/APP- Photograph Positions



Photo 1 Vista of site from core path



Photo 2 looking west to site access



Photo 4 looking north to phase 3



Photo 5 example of existing houses



Photo 6 access looking north



PLANNING APPLICATION: 21/01670/APP

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

THE PROPOSAL

- Revised road layout and 3 revised house types on part of the eastern portion (phase 2) of a previously approved housing site (reference 08/01685/FUL).
- Replace houses on plots 40 and 41 (formerly plots 45 and 46) with a pair of two storey, hipped roof, 4 bedroomed houses with integral single storey double garage-Blervie house type. House on plot 40 will be handed.
- House on plot 41(formerly plot 45) was an L shaped single storey 3 bedroom hipped roof property with integral garage. House on plot 40 (formerly plot 46) was 1 ½ storey 3 bedroom property with integral garage.
- Replace house on plot 44 (formerly plot 50) with a Culbin 3 house type which is a single storey U shaped hipped roof 3 bedroomed property with integral garage
- Previous house type on plot 44 (formerly plot 50) was a 3 bedroom house with accommodation in attic space with roof lights and dormers.
- New house types all finished with brown roof tiles, beige harling, oak doors and windows and fifestone feature work on frontages.
- Revised road layout which moves the access point slightly further south-eastwards whilst still overlapping the original access point; introduces a slight kink in the main road into this part of the scheme; and a hammerhead into the cul-de-sac serving plots 39-41.
- Revisions to the road layout necessitate minor changes to plot boundaries and slight movement of house positions.
- New 1.5 metre wide link gravel footpath proposed from end of new hammerhead beside plot 40 through the woodland belt to connect onto the B9103 Inchbroom public road into Lossiemouth – path will be routed to avoid trees.
- Applications for non-material variations have been submitted for minor re-positioning/design changes on plots 39, 42 and 43 - currently under consideration.
- Comparison plan detailing these changes provided.
- Landscape scheme provided detailing 23 trees will be lost to accommodate development, with 23 new trees planted. All other existing trees within the Scots Pine roadside tree belt here will be retained and protected.
- Servicing to public water and drainage supplies with surface water disposed of by soakaway within each plot.
- Drainage statement sets out ground conditions suitable for surface water infiltration and soakaway solutions with no flooding issues.
- Roads surface water drainage to be dealt with by soakaway trenches adjacent to road. House drainage to be soakaways within plots with drainage for private driveways to be via filter trenches.

THE SITE

- Site lies within a partially completed residential development to the east of the B9103 Inchbroom Road leading into Lossiemouth from Elgin.
- It is located in the south eastern part of this development site, known as phase 2. Phase 1 to the north is largely completed and served by an access point onto Inchbroom Road.
- The site has been partially excavated and is slightly undulating.
- An existing house at Tree Tops lies to the north of site between it and Phase 1 to the north.
- A Core Path runs along the eastern site boundary with scrub land and the sand dunes leading to the River Lossie beyond this.
- Oakenhead wood lies to the south screening the site from the cemetery and there is woodland on the opposite (west) side of the public road.
- There is a belt of Scots Pine trees along the site frontage to Inchbroom Road - Some evidence of damage to trees from recent storms.

HISTORY

There is a long planning history here. There have also been a number of consents granted for various changes to layouts over the years. Key cases summarised as follows.

05/01755/FUL – Erection of 101 residential units (including 18 affordable units) and construction of roads refused by the Planning and Regulatory Services Committee following departure hearing on 9 November 2007. Appeal to Scottish Ministers dismissed on 25 June 2008.

08/01692/FUL – Erection of three houses on Inchbroom Avenue to far north granted planning permission by Planning and Regulatory Services Committee on 11 February 2009.

08/01685/FUL – Erection of 57 houses and garages, construction of roads and play area granted planning permission by the Planning and Regulatory Services Committee on 10 February 2010 subject to conditions and legal agreement relating to affordable housing provision and woodland management. This consent covers phases 1 and 2. The current submission is located within this site and seeks to amend the layout slightly.

10/00492/APP – Amended layout including remix of house types and layout in northern part of site - granted planning permission by Planning and Regulatory Services Committee on 31 January 2012.

11/01215/APP – Erection of 6 flats and 4 semi-detached dwellinghouses (10 units) on land adjacent to 52 Inchbroom Avenue Lossiemouth – granted planning permission by Planning and Regulatory Services Committee on 28 February 2012. – Site in far north adjacent to the main 2008 consent site.

12/02143/APP – Remix of houses granted planning permission under delegated powers on 5 April 2013 - located in northern part of site.

14/01836/APP – Remix of house types granted planning permission by the Planning Regulatory Services Committee on 28 January 2015 in northern part of site. – 4 two storey houses instead of single storey.

16/01656/APP – Substitute approved 4 bedroom split level house with 2no semi-detached 3 bedroom houses on plots 1A and 1B granted planning permission by Planning and Regulatory Services Committee on 17 January 2017 – located in northern part of site adjacent to Inchbroom Avenue.

19/01178/APP – Erection of 12 flats in lieu of 8 granted under 08/01685/APP on plots 29 and 30 - approved by Planning and Regulatory Services Committee on 9 September 2020.

20/00265/APP - Application under section 42 to vary condition 3(VI) of planning consent 08/01685/FUL (requiring provision of new link road from B9103 to A941 upon completion of 25 units) to instead require upgrade of existing junction of B9103 with A941 and footway improvements prior to completion/occupation of Plot 29A-F and prior to commencement of Plot 30A-F at Inchbroom Pines Development Lossiemouth. (These plots are located in the flatted development approved under 19/01178/APP which was the only part of the site undeveloped at the time of that application). The opportunity was taken to update the planning conditions as it was effectively a fresh consent - approved by Planning and Regulatory Services Committee on 9 September 2020. Work in underway on site.

POLICY - SEE APPENDIX

ADVERTISEMENTS

- The application was advertised when first received in November 2021 in the local press for neighbour notification purposes.

CONSULTATIONS

Transportation Manager – Initially objected to the application on the basis of inadequate visibility because the application showed reduced extent of visibility splays onto the B9103 Lossiemouth –Sherrifston Road as compared to the original applications. The Team noted that this road is a key route into Lossiemouth and since the implementation of a weight restriction on Arthur's Bridge to the south of Lossiemouth it has been subject to increased movement by heavy goods vehicles. As the new housing will be screened by roadside trees there will be no visual clues to drivers of the presence of the development whereby it is important to ensure that there is adequate visibility from the access point which lies just within the 30 mph limit. On receipt of additional information the Team has confirmed that they have no objections to the proposals subject to appropriate planning conditions to achieve satisfactory visibility and provision of necessary infrastructure alongside Inchbroom Road including footpath/cycleway as well as standard roads conditions relating to matters such as electric vehicle charging, construction traffic management plan and parking.

Ministry of Defence - No safeguarding objections.

Contaminated Land - No objections. On receipt of a Contaminated Land Assessment report they have further confirmed that they have seen this report previously and it effectively fulfils the requirements of the conditions on consent 08/01685/FUL relating to contaminated land issues in respect of the most easterly part of the development (the current site) The team has confirmed that there is no requirement for any contaminated land conditions for this application.

Developer Obligations - Note that the application is part of a larger previously approved application and results in a net increase of 0.6 SRUE (standard sized residential unit) whereby no further developer obligations are required.

Flood Risk Management - Initially required further information on climate change calculations and roof areas of houses. On receipt of additional information Team has confirmed no objections.

Environmental Health Manager - No objections.

Moray Access Manager - No objections.

Scottish Water - No objections - developer will require to contact them to ensure that there are no impacts upon Scottish Water assets in the vicinity.

OBJECTIONS-REPRESENTATIONS

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

One representation has been received from:

[REDACTED]

Issue: Concerned to ensure wildlife, flora and fauna protected.

Comments (PO): The development is on a site which has been partially scraped for development, and benefitting from a live planning consent. The proposed changes will have little additional impact upon habitats. A landscape plan has been submitted to show which trees require to be removed to facilitate visibility splays, identifying trees to be retained and also new planting, whereby there is an opportunity to ensure that biodiversity interests are safeguarded.

OBSERVATIONS

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main issues are considered below:

Background and Principle of Development

The reason this application is being referred to Committee for determination is because it proposes to alter the roads layout and the house types on three plots as compared to the layout and house types previously considered by members. There is no increase in numbers of units. The change in house type is understood to be in response to market demand and experience of this site, and the proposed changes to the road layout are understood to be in order to simplify the layout slightly.

Principle (DP2)

The principle of housing here is well established by the existing extant consent dating from 2008. A number of applications have been approved over the years (as noted in the history section) for changes to the original 2008 layout, key ones being the introduction of more flats in the northern part of the site and the removal of the requirement for a link road onto the A941 Elgin to Lossiemouth road.

The application site is part of a wider site which is specifically designed for residential use as Site R3 - Inchbroom in the settlement statement for Lossiemouth. This statement notes that the site is suitable for indicative capacity of 67 units, for low density housing interspersed with trees with existing tree belts on either side of Inchbroom to be retained. As such the principle of housing here is well established, with Policy DP2 Housing setting out that development on designated sites must comply with the site development requirements as set out in the settlement plan and all other relevant policies.

The current proposals simply seek to amend the road layout slightly, change house types on three plots, alter the plot boundaries slightly to align with the revised road layout, and introduce a new foot path link. It is the detail of these changes which fall to be considered. The overall layout and numbers are fundamentally unchanged and development is well underway on the wider site with phase 1 almost completed. Consequently it is not necessary to revisit wider place making considerations for an application that essentially seeks consent for relatively minor changes and complies in principle with the Development Plan settlement statement.

Siting and Design (PP1, DP1)

Policy PP1 Placemaking seeks to ensure that new development is designed to create successful healthy places that improve people's wellbeing, safeguard the environment and support economic development, promote character and identity and biodiversity. Policy DP1 Development Principles sets out the new development will be supported where it meets a number of criteria including ensuring density, scale and character is appropriate to the surrounding area and creates a sense of place and supports the principles of a walkable neighbourhood. DP1 also requires that development does not adversely impact upon neighbouring properties in terms of privacy, daylighting or overbearing loss of amenity. Finally Policy PP1 also requires all developments of 10 or more to provide a Placemaking Statement - this does not apply to this development to revise house types on three plots.

The proposed development involves the introduction of two storey hipped roof housing on two plots (plots 40 and 41) set back from the public road, with a wide tree belt of Scots Pine between the plots and the public road. The plots are large and readily able to accommodate this scale of development whilst there are other examples of two storey development on the wider site whereby the proposed house type is not out of keeping. The wider scheme is characterised by a range of single storey, 1 ½, split level and 2

storey development set in large plots and the proposals continue to respect this character, scale and density as required by policy. The houses have been designed so that they have the single storey garage element on the side gables whereby they will lead in well visually to the lower, single storey house on plot 39 to the north and the 1 ½ storey house on plot 42 to the south on either side with no overlooking or privacy issues arising.

The second house type change involves a larger house type – still single storey – on plot 44. There is still ample space on site to accommodate this house type and no overlooking or amenity issues arising. It will also relate well visually to the single storey house approved on the adjacent plot 43. On other sides of plot 44 is woodland so again there are no particular issues arising.

In these circumstances the revised house types are considered to comply with planning policies.

Similarly the minor changes to the road layout are not considered to raise any amenity issues with the proposed footpath link offering the opportunity for enhanced, more attractive pedestrian access through the tree belt.

Environmental Issues - Biodiversity and Landscaping/Trees (PP1, DP1, EP1, EP2, EP3 and EP7)

Policy DP1: Development Principles sets out that development should conserve and enhance the natural and built environment and cultural resources. This is reinforced by Policy EP1 Natural Heritage Designations which seeks to ensure that development does not have an adverse effect on wildlife and protected species, with species protection plans required where necessary. Policy EP2 Biodiversity also seeks to ensure that all development proposals where possible retain, protect and enhance features of biological interest and provide for their appropriate management, with compensatory habitat creation required necessary. Similarly Policy EP7 Forestry, Woodland and Trees also seeks to retain healthy trees and incorporate them in the development unless it is technically unfeasible to retain them with suitable tree protection plans and compensatory planting on one for one basis required.

In this case the formation of an access road and plots here was always going to result in the loss of some of the Scots Pine trees here. The original 2008 application was approved subject to a legal agreement which required the developer to ensure that the woodland was managed way in accordance with the Woodland Management Overview and Plan which formed part of the agreement with as many trees as possible should be retained and with replanting required where any felling was required.

The revised proposals will have little additional impact with the main new infrastructure proposed (link path) being routed to avoid any tree loss. The opportunity has been taken with this current application to secure a landscape scheme which identifies the 23 trees to be removed and provides for the same level of new planting. Tree protection by way of heras fencing has also been detailed. In these circumstances the proposals are considered to be comply with Policy EP7 subject to an appropriate planning condition requiring implementation of these landscape/tree protection proposals. However during a recent site visit it has been noted that, presumably as result of recent extreme storm events, a number of the mature Scots Pine have been blown over and/or damaged and it is therefore considered prudent to secure by condition any future replacement planting and ongoing management.

As noted earlier, this current application does not change any of the fundamental layout of the proposals here and as such there is no need for any further habitat surveys. At the time of the original application in 2008 it was noted that squirrels were present in the area with a drey located in one of the trees in the south eastern corner of the site outwith the area to be developed. At this time a squirrel bridge (essentially high level rope) was shown on the approved plans across the site access and a condition applied requiring the tree with the drey and those around it to be protected. Squirrels are a mobile species and the applicants advised that there are no squirrels present in any of the trees to be felled at present and that the originally identified drey is no longer in use. They therefore suggested that the squirrel bridge may no longer be required.

A Red Squirrel survey has now been carried out by an ecologist and this concludes that there is no evidence of squirrels on site. It also concludes that providing a rope bridge for squirrels is not considered to be necessary as it would simply connect woodland habitat which does not support a resident population of squirrels, with a sub-optimal cul-de-sac where, also, no signs of red squirrel were apparent. In these circumstances it is agreed that there is no longer a case to require provision of a squirrel bridge or to expressly protect the tree that formerly hosted the squirrel drey. As noted earlier trees will be protected under the terms of the landscape scheme anyway.

There are not considered to be any particular landscape impacts arising from the proposed revisions within an existing approved housing scheme, nor any impacts upon the qualities of the Burghead to Lossiemouth Coast Special Landscape Area. Consequently the development is considered to comply with Policy EP3 Special Landscape Areas which sets out that development within defined settlements such as this requires to comply with all policies as appropriate and reflect the traditional settlement character in terms of siting and design.

Finally Policy DP1 also requires that proposals must address and mitigate any potential contaminated land issues. In this regard the Contaminated Land Officer has no objections to the proposals.

Servicing – Transportation Issues (PP3 and DP1)

Policy PP3 Infrastructure and Services sets out how new development should be coordinated with infrastructure to ensure that places function properly and are adequately serviced. Policy DP1 of the 2020 Plan also sets out the need for appropriate servicing, parking and access as well as ensuring that car parking does not dominate the street scene.

As noted in the consultations section initial comments raised by the technical consultee (Transportation Team) have been addressed subject to appropriate planning conditions being attached covering key servicing issues such as visibility splays upgrading of the existing footway along the site frontage, and provision of street lighting. These conditions have been discussed and agreed in principle with the applicant and the Transportation Team has no objections to the proposals. Finally there is sufficient space for car parking within the plots with provision for electric vehicle charging shown.

On this basis the development is considered to readily comply with policy.

Servicing - Other issues (DP1, EP12, EP13 and PP3)

Policy DP1 requires that acceptable water and drainage provision is made including the use of sustainable urban drainage systems (SUDS) for the disposal of surface water. This

is expanded upon in Policy EP12 Management and Enhancement of the Water Environment of the 2020 Plan and Policy EP13 Foul Drainage. The proposed arrangements for surface water disposal within the site are considered to be satisfactory to the technical consultee (Flood Risk Management Team). Appropriate planning conditions can be attached to secure compliance with the submitted drainage proposals.

Also in terms of servicing, connection is to be made to public supplies for water and drainage which is acceptable in principle to the technical consultee Scottish Water.

Finally, Policy PP3 requires all new development to be served by fibre broadband unless justification can be provided that it is not technically feasible. The wider housing development is served by fibre broadband, and the applicants have confirmed that a contract is in place with BT for provision of fibre broadband here whereby policy PP3 is met.

Amenity Issues - RAF Lossiemouth – Noise and Safeguarding (EP14 and EP15)

Policy EP14 Pollution, Contamination and Hazards sets out that proposals which may cause significant air, water, soil or light or noise pollution or exacerbate existing issues must be accompanied by a detailed assessment report with measures to mitigate any impacts. The site is located within noise contours of aircraft operating at RAF Lossiemouth. Whilst the Environmental Health Service has raised no objections to the proposal, the previous conditions of the original consent (08/01685/APP) for the wider development required acoustic double glazing and this is still considered to be still relevant to this application in order to ensure sufficient mitigation is provided for noise from aircraft. These conditions can readily be applied to ensure compliance with policy.

The site also falls within an area identified as safeguarding area for RAF Lossiemouth where Policy EP15: MOD Safeguarding applies. This policy sets out that new development must not impact upon Ministry of Defence safeguarding operations. In this case the MoD has raised no safeguarding objection to this application.

Affordable Housing (DP2)

Policy DP2 Housing sets out that all housing developments must provide a contribution towards the provision of affordable housing. In this case no new units are proposed with the proposal simply being for revised private house types, whereby there is not a requirement for any contributions. The necessary provision of affordables has been met elsewhere at Inchbroom.

Developer Obligations (PP3)

Policy PP3: Infrastructure and Services sets out that contributions will be sought from developers in cases where a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity. Again no new residential units will be created as a result of the current proposals whereby, as noted by the Developer Obligations Team there is not a requirement for obligations in this case.

Conclusions and recommendations

In these overall circumstances the minor re-working of plot boundaries, slight changes to the roads layout and spur serving these plot along with introduction of footpath link and the revised house types are considered to comply with relevant planning policies. Overall the changes are considered to enhance the development through the introduction of a new footpath link through the woodland belt at the front of the site and also through the securing of a landscape plan which identifies trees to be retained and offers the

opportunity to attach conditions to secure this objective. Relevant conditions of the original consent as reworded in the recent section 42 case may be applied here.

REASON(S) FOR DECISION

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

This proposal to amend the layout of an existing consent accords with the relevant provisions of the Moray Local Development Plan 2020 and there are no other material considerations that indicate otherwise.

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APPENDIX

POLICY

Adopted 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.

PP3 INFRASTRUCTURE & SERVICES

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

- a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:
- i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.

- ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
- iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
- iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
- v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
- vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
- vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.
- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

b) Development proposals will not be supported where they:

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

c) Harbours

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

d) Developer Obligations

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

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

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

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

the Council will enter into negotiation with the developer to determine a viable level of developer obligations.

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

DP1 DEVELOPMENT PRINCIPLES

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

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

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

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of

400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.

- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

(ii) Transportation

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Maximum (50%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network. Any impacts identified through Transport Assessments/Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.

- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

(iii) Water environment, pollution, contamination

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

- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

DP2 HOUSING

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

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

b) Piecemeal/ individual plot development proposals

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

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

c) Housing density

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

d) Affordable Housing

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

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

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

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

e) Housing Mix and Tenure Integration

Proposals must demonstrate tenure integration and meet the following criteria;

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

f) Accessible Housing

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

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

POLICY GUIDANCE NOTE- AFFORDABLE AND ACCESSIBLE HOUSING

Affordable Housing

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

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

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

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

A number of variables influence affordability of housing, including mortgage deposit requirements, mortgage interest rates, lower quartile house prices, lower quartile private rents, lower quartile full time gross earnings. Changes in these variables will affect the

affordability of housing in Moray. The maximum affordable rent and maximum affordable house purchase prices is published on the Council's website at http://www.moray.gov.uk/moray_standard/page_90100.html The current Local Housing Allowance will be used as a proxy for average private sector rents.

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

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

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

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

- Social rented accommodation- housing provided by an affordable rent managed by a Registered Social Landlord such as a housing association or another body regulated by the Scottish Housing Regulator, including Moray Council.
- Mid-market rent accommodation- housing with rents set at a level higher than purely social rent, but lower than market rent levels and affordable by households in housing need. Mid-market rent housing can be provided by the private and social housing sectors.
- Shared equity housing- sales to low income households, administered through a Scottish Government scheme e.g. Low-cost initiative for First Time Buyers (LIFT). Any proposals to provide affordable housing in a form other than those listed above, must demonstrate that the cost to the householder is "affordable" in the Moray context and that the property will remain "affordable" in perpetuity.

Affordable housing requirement figures will be rounded up.

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

Accessible housing

Scottish Planning Policy states (para 28) that "the aim is to achieve the right development in the right place; it is not to allow development at any cost" and "that policies and decisions should be.....supporting delivery of accessible housing." Policy DP2 aims to;

- Assist the Council, the NHS and the Health and Social Care Moray to meet the challenges presented by our ageing population and the shared aim of helping people

to live well at home or in a homely setting. The HNDA 2017 demonstrates that Moray's population is ageing and there is a trend towards older and smaller households.

- Provide increased choice of tenure to people with physical disabilities or mobility impairments, by increasing the supply of accessible housing in the private sector. There is currently a mismatch between the size and type of housing required and the size and type of housing available across all tenures. This mismatch, along with increasing housing needs associated with physical disability, are the likely drivers of owner occupiers seeking public sector accessible housing to meet medical needs.

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

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

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

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

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

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

External requirements

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

Internal requirements

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

Accessible housing requirement figures will be rounded down.

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

EP1 NATURAL HERITAGE DESIGNATIONS

a) European Site designations

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

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

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

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

b) National designations

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

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

c) Local Designations

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

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

d) European Protected Species

European Protected Species are identified in the Habitats Regulations 1994 (as amended in Scotland). Where a European Protected Species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the

planning application, to demonstrate how the Regulations will be complied with. The survey should be carried out by a suitably experienced and licensed ecological surveyor.

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

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

e) Other protected species

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

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

EP2 BIODIVERSITY

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

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

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

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

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

EP6 SETTLEMENT BOUNDARIES

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

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

EP7 FORESTRY, WOODLANDS AND TREES

a) Moray Forestry and Woodland Strategy

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

b) Tree Retention and Survey

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

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

c) Control of Woodland Removal

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

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

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

d) Tree Preservation Orders and Conservation Areas

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

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

e) Compensatory Planting

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

GUIDANCE TREES AND DEVELOPMENT

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

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

The Council requires a Tree Survey and Tree Protection Plan to be submitted by the applicant with any planning application for detailed permission on designated or windfall sites which have trees on them. The survey should include a schedule of trees and/or groups of trees and a plan showing their location, along with the following details;

- Reference number for each tree or group of trees.
- Scientific and common names.
- Height and canopy spread in metres (including consideration of full height and spread).
- Root protection area.
- Crown clearance in metres.
- Trunk diameters in metres (measures at 1.5m above adjacent ground level for single stem trees or immediately above the root flare for multi stemmed trees).
- Age and life expectancy.
- Condition (physiological and structural).
- Management works required.

- Category rating for all trees within the site (U, A, B or C *). This arboricultural assessment will be used to identify which trees are suitable for retention within the proposed development.

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

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

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

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

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

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

Landscape Scheme

Where appropriate a landscape scheme must be submitted with planning applications, clearly setting out details of what species of trees, shrubs and grass are proposed, where, what standard and when planting will take place. Landscape schemes must aim to deliver multiple benefits in terms of biodiversity, amenity, drainage and recreation as set out in policy.

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

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

EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT

a) Flooding

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

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

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

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

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

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

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

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

- a) In areas of little to no risk (less than 0.1%), there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.
- c) Areas of medium to high risk (0.5% or above) may be suitable for:
 - Residential, institutional, commercial and industrial development within built up areas provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan.

- Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow.
- Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
- Employment related accommodation e.g. caretakers or operational staff.

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

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

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

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

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

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

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

Specific arrangements must be made to avoid the issue of permanent SUDS features becoming silted-up with run-off. Care must be taken to avoid the spreading and/or introduction of invasive non-native species during the construction of all SUDS features. On completion of SUDS construction the developer must submit a comprehensive Operation and Maintenance Manual. The ongoing maintenance of SUDS for all new development will be undertaken through a factoring agreement, the details of which must be supplied to the Planning Authority.

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

c) Water Environment

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

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

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

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

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

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

EP13 FOUL DRAINAGE

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population must connect to the public sewerage system unless

connection is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been allocated within its investment Programme and the following requirements have been met;

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

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

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

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

EP3 SPECIAL LANDSCAPE AREAS AND LANDSCAPE CHARACTER

i) Special Landscape Areas (SLA's)

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

- a) In rural areas (outwith defined settlement and rural grouping boundaries);
 - i) Where the proposal involves an appropriate extension or change of use to existing buildings, or
 - ii) For uses directly related to distilling, agriculture, forestry and fishing which have a clear locational need and demonstrate that there is no alternative location, or
 - iii) For nationally significant infrastructure developments identified in the National Planning Framework,
- b) In urban areas (within defined settlement, rural grouping boundaries and LONG designations);
 - i) Where proposals conform with the requirements of the settlement statements, Policies PP1, DP1 and DP3 as appropriate and all other policy requirements, and
 - ii) Proposals reflect the traditional settlement character in terms of siting and design.

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

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

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

b ii) **Landscape Character**

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

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

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.

EP15 MOD SAFEGUARDING

Development proposals must not adversely impact upon Ministry of Defence safeguarding operations. Details of consultation zones for Kinloss Barracks and RAF Lossiemouth and development types which will be subject to consultation with the Defence Infrastructure

Organisations are available from Moray Council. The outer boundaries of the zones are shown on the Proposals Map.

R3 Inchbroom 7.3 ha 67 units

- Development commenced. 31 units remaining.
- Low density housing interspersed with trees.
- Wide tree belt either side of Inchbroom must be retained.
- Level 2 Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.