



Planning and Regulatory Services Committee

Tuesday, 10 November 2020

NOTICE IS HEREBY GIVEN that a Meeting of the **Planning and Regulatory Services Committee** is to be held at **remote locations via video-conference**, on **Tuesday, 10 November 2020 at 09:30**.

BUSINESS

- 1 Sederunt**
- 2 Declaration of Group Decisions and Members Interests ***
- 3 Minutes**
- 3a) Minute of Meeting of the Planning and Regulatory Services Committee dated 15 September 2020** **7 - 40**
- 3b) Minute of Special Meeting of the Planning and Regulatory Services Committee dated 1 October 2020** **41 - 50**
- 4 Written Questions ****
- Guidance Note** **51 - 52**
- 5 Planning Application 2000679APP_Redacted** **53 - 82**
- 6 Planning Application 20/00845/APP** **83 - 124**
Report by Appointed Officer

Change of use of agricultural land to create a secure dog walking field at The Lodge, Drybridge, Buckie, Moray for Mr Alasdair Bruce
- 7 Planning Application 2000197APP_Redacted** **125 - 162**

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| 8 | 20/01220/PAN | 163 -
168 |
| | Report by Depute Chief Executive (Economy, Environment and Finance) | |
| | Battery energy storage scheme including containerised battery units (27no) inverters and transformers, mounted in skids grid connection container, grid connection compound, welfare and parts containers, security columns with CCTV cameras and 2m high security fence on land to the east of Keith Substation, Westerton Road, Keith | |
| 9 | Performance Report (Economic Growth and Development Services) - Half Year to March 2020 | 169 -
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| 11 | Planning Policy Guidance - Moray Local Development Plan 2020 | 213 -
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| 12 | Question Time *** | |
| | Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration. | |

Summary of Planning and Regulatory Services

Committee functions:

Town and Country Planning; Building Standards; Environmental Health; Trading Standards; Weights & Measures, Tree Preservation Orders, and Contaminated Land issues.

Any person attending the meeting who requires access assistance should contact customer services on 01343 563217 in advance of the meeting.

GUIDANCE NOTES

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

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THE MORAY COUNCIL

Planning and Regulatory Services Committee

SEDERUNT

Councillor David Bremner (Chair)
Councillor Frank Brown (Member)
Councillor John Cowe (Member)
Councillor Gordon Cowie (Member)
Councillor Paula Coy (Member)
Councillor John Divers (Member)
Councillor Ryan Edwards (Member)
Councillor Claire Feaver (Member)
Councillor Marc Macrae (Member)
Councillor Ray McLean (Member)
Councillor Louise Nicol (Member)
Councillor Laura Powell (Member)
Councillor Sonya Warren (Member)

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MORAY COUNCIL

**MINUTE OF MEETING OF THE PLANNING & REGULATORY SERVICES
COMMITTEE**

15 SEPTEMBER 2020

REMOTE LOCATIONS VIA VIDEO CONFERENCE

PRESENT

Councillors Bremner (Chair), Cowe, Cowie, Coy, Divers, Edwards, Feaver, Macrae, A McLean, R McLean, Nicol, Powell and Warren

APOLOGIES

Apologies for absence were intimated on behalf of Councillor Brown

IN ATTENDANCE

Head of Economic Growth and Development, Development Management and Building Standards Manager, Mr N MacPherson, Principal Planning Officer, Mr R Smith, Principal Planning Officer, Strategic Planning and Development Manager, Mrs D Anderson, Senior Engineer (Transportation), Ms L MacDonald, Senior Planning Officer, Mr K Henderson, Planning Officer, Legal Services Manager and Mrs L Rowan, Committee Services Officer as Clerk to the Meeting

1. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillor Divers declared a personal interest in items 6, 7 and 12 as his son is employed by the Applicant. He advised that he would take no part in the determination of item 6 Planning Application 20/00015/APP and item 7 Planning Application 20/00316/APP however, having checked with the Legal Adviser, he would take part in item 12 20/00274/PAN, as it is a Proposal of Application Notice.

There were no other declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

**2. MINUTE OF THE PLANNING AND REGULATORY SERVICES COMMITTEE
DATED 25 FEBRUARY 2020**

The minute of the meeting of the Planning and Regulatory Services Committee dated 25 February 2020 was submitted and approved.

3. WRITTEN QUESTIONS

The Committee noted that no written questions had been submitted.

4. PLANNING APPLICATION 19/01567/APP

WARD 1: SPEYSIDE GLENLIVET

Phased remodel and rebuild of existing distillery including new evaporator bio plant boiler house still house tun room mash room new visitor parking with access bridge and associated landscaping at Aberlour Distillery Aberlour Moray AB38 9PJ for Chivas Brothers Ltd

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for a phased remodel and rebuild of existing distillery including new evaporator bio plant boiler house still house tun room mash room new visitor parking with access bridge and associated landscaping at Aberlour Distillery Aberlour Moray AB38 9PJ for Chivas Brothers Ltd.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application is a major development as defined under the Hierarchy Regulations 2009 for a general industrial development on a site which exceeds 2ha.

During his introduction of the report, Mr Smith, Principal Planning Officer advised that there should be an amendment to condition 18 to read that “water tanks shall not be below 90.10mAOD”, instead of “be in excess of” as the purpose of this condition is to avoid the water table. This was noted.

During discussion, it was noted that whist condition 26 addressed the need for an external lighting scheme for the development, there was no reference to lighting during construction and it was queried whether a condition could be added to address this.

In response, the Development Management and Building Standards Manager advised that an amendment could be made to Condition 26 to omit “external lighting scheme for the development” and insert “external lighting scheme during construction phases and for the lifetime of the development”. This was agreed.

Thereafter, the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 19/01567/APP subject to:

- (i) the adoption of the “appropriate assessment” set out in Appendix 2 of the report, prior to issue;
- (ii) an amendment to condition 18 to read that “water tanks shall not be below 90.10mAOD”, instead of “be in excess of”;
- (iii) an amendment to condition 26 to omit “external lighting scheme for the development” and insert “external lighting scheme during construction phases and for the lifetime of the development”; and
- (iv) the following conditions and reasons:
 - 1. Prior to the commencement of works on site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the

Planning Authority in consultation with Transport Scotland. The Construction Traffic Management Plan shall include details relating to:

- a) Traffic Management measures including accommodation works to manage construction traffic;
- b) Measures to minimise traffic impacts on existing road users;
- c) Measures to accommodate pedestrians and cyclists;
- d) Details of temporary signage and
- e) Details of construction vehicle routing.

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

- 2. Prior to the commencement of any deliveries to site, the proposed route for any abnormal loads on the trunk road network must be approved by the Council, as Planning Authority in consultation with Transport Scotland prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved and undertaken by a recognised QA traffic management consultant, also to be approved by the Council as Planning Authority in consultation with Transport Scotland before deliveries commence.

Reason: To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

- 3. Prior to development commencing and first use of the proposed temporary access on the A95 trunk road, as shown in Blyth & Blyth Drawing No. EC21778:95-005, this access shall be constructed to a layout and type (and method) of construction to be approved by the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

- 4. On completion of the construction of the proposed new road bridge and visitor car park, the temporary access onto the A95, as referred to in Condition 3 above, shall be permanently closed and the A95 trunk road reinstated in accordance with a restoration scheme which has been agreed by the Council, as Planning Authority, in consultation with Transport Scotland. This shall include re-instatement of all land affected by the temporary access road.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

- 5. Vehicle wheel washing facilities shall be installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

6. No works shall commence on any phase of the development until a Construction Traffic Management Plan for that specific phase of the development has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:

- duration of works;
- construction programme;
- number of vehicle movements
- anticipated schedule for delivery of materials and plant;
- full details of any temporary construction access;
- measures to be put in place to safeguard the movements of pedestrians;
- traffic management measures to be put in place during works including any specific instructions to drivers; and
- parking provision, loading and unloading areas for construction traffic.

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

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

7. No works in connection with the development hereby approved shall commence unless a Level 1 archaeological standing building survey of the extant buildings and structures on the application site has been undertaken and has been submitted to and approved in writing by the planning authority. The standing building survey shall not be undertaken unless its scope has been approved in writing by the planning authority. The survey must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Record of the Historic Environment and in the local Historic Environment Record.

8. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0700 – 1900 hours, Monday to Friday and 0800 – 1600 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken out with the permitted/stated hours of working

Reason: To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the construction of the development

9. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Planning Authority in consultation with the Environmental Health Manager and SEPA. The plan shall include measures to minimise construction related noise, dust and artificial lighting along with measures to prevent pollution of surrounding environment arising from the construction of distillery. This shall be submitted at

least 2 months prior to commencement of any works on site. Thereafter the development will be carried out in accordance with the agreed plan.

Reason: To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the construction of the development and to ensure the construction works do not pollute surrounding water courses.

10. Any noise egress point (ie exhaust terminals or louvres) from the Evaporator Building should be attenuated so as to achieve an equivalent continuous sound pressure level L_{Aeq} of 50 dB at 3m from the façade.

Reason: To protect the amenity of surrounding residential properties from the effects of noise associated with the operation of the development

11. The exhaust terminals or louvres to be installed on the Evaporator Building shall face south.

Reason: To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the operation of the development

12. Unless otherwise agreed in writing with the Planning Authority, all louvres in the Evaporator Building and Still House shall be fitted with 300mm deep double bank chevron configuration acoustic louvres as described in Appendix 5 of the noise impact assessment supporting document by Robin Mackenzie Partnership, dated 10th December 2019, Report No. R -8573-RRM and titled "Noise Impact Assessment: Aberlour Distillery, Charlestown, Banffshire, AB 38 9PJ".

Reason: To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the construction of the development.

13. All external motors/pumps within 90 metres from the dwelling boundaries with direct line of sight, including the Spirit Tank Pumphouse, shall be located internally with attenuated louvered doors.

Reason: To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the operation of the development

14. The Still House louvres shall be positioned to ensure they face either north or south.

Reason: To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the construction of the development

15. The mitigation measures in conditions 8 to 14 inclusive arise from that identified throughout Section 6 of the noise impact assessment supporting document by Robin Mackenzie Partnership, dated 10 December 2019, Report No. R -8573-RRM and titled "Noise Impact Assessment: Aberlour Distillery, Charlestown, Banffshire, AB38 9PJ" and shall be implemented to ensure that the rating level of noise associated with the development shall not exceed the background sound level by more than 5 dB. Measurement and assessment to demonstrate compliance with the rating level shall be undertaken in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound.

Reason: To protect the amenity of surrounding residential properties from the harmful effects of noise associated with the operation of the development.

16. The recommended mitigation and compensation measures regarding the protection and enhancement of protected species and habitat for the site (including the timescales for their implementation) as detailed within the accompanying Ecological Impact Assessment on behalf of Aberlour Distillery (Chivas Brothers Ltd) by Blythe & Blythe (in collaboration with Ecos Countryside Services LLP) dated 6 December 2019 and Bat Survey Report by Black Hill Ecology Ltd y shall be strictly adhered to by the developer, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with Scottish Natural Heritage. These measures shall include the submission and approval pre-construction surveys and mitigation (species protection plans, where required) in relation to otters, red squirrel and badgers as recommended in the aforementioned Ecological Assessment.

Reason: To ensure the adequate protection and enhancement of ecological features of the River Spey SAC and the interests of the protected species within it.

17. Unless otherwise agreed in writing with the Council as Planning Authority the waste water drainage from the site will be connected to the public sewer.

Reason: In order to prevent any prevent any pollution impacts on the water environment

- 18: No dewatering in connection with the construction of the proposed development shall occur and foundations for the water tanks shall not be below 90.10mAOD unless otherwise agreed by the Planning Authority in consultation with SEPA.

Reason: In order to prevent any significant impacts on groundwater.

19. No tree felling shall commence on site until a woodland planting scheme to compensate for the removal of woodland from the site has been submitted to and approved in writing by the Council, as Planning Authority in consultation with Scottish Forestry. The replanting scheme must comply with the requirements set out in the UK Forestry Standard (Forestry Commissions, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers. The scheme submitted for approval must include:-

- a) details of the location of the area to be planted as indicated in the submitted landscape plan No. ZZ-DR-A-00900 P03.
- b) the nature, design and specification of the proposed woodland to be planted (to be mixed native species, at minimum stock density of 1600 trees per hectare);
- c) the phasing and associated timescales for implementing the Replanting Scheme;
- d) proposals for the maintenance and establishment of the Replanting Scheme, including; annual checks; replacement planting; fencing; ground preparation; and drainage etc; and
- e) proposals for reporting to Moray Council on compliance with timescales for obtaining the Necessary Consents and thereafter implementation of the Replanting Scheme (to be carried out by a suitably qualified person(s)

with relevant forestry qualifications, technical abilities and experience e.g. chartered forester).

The approved Replanting Scheme shall thereafter be implemented in full and in accordance with the phasing and timescales set out therein, unless otherwise agreed in writing by the Planning Authority in consultation with Scottish Forestry.

Reason: In order to ensure compensatory woodland planting is provided to mitigate for that lost as a result of the development.

20. That all tree works and tree protection measures on the development site shall be carried out in accordance with those detailed in the submitted Tree Protection Plan by SCOTTISH ARBORICULTURAL SERVICES dated 24 August 2020, unless otherwise agreed in writing with this Council as Planning Authority. No trees, shrubs or hedgerows on the site other than those identified in the abovementioned Protection Plan shall be removed without the prior written consent of the Council, as Planning Authority.

Reason: In order to protect trees and shrubs within the site.

21. The mitigation and enhancement measures as recommended in the submitted Site Biodiversity Action Plan prepared by ECOS COUNTRYSIDE SERVICES LLP dated 24 August 2020 (see Table 9.0, pages 17 - 19), shall be fully implemented by the developer, unless otherwise agreed in writing with this Council as Planning Authority.

Reason: In order to protect and enhance biodiversity interests on the site.

22. No development shall commence until details of the proposed Electric Vehicle Charge Point (as shown on Drawing ZZ-DR-A-00113 Rev K) have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. Details shall confirm the provision of a charging unit within a minimum output of not less than 22Kw (Rapid).

Thereafter, unless otherwise agreed by the Planning Authority in consultation with the Roads Authority, the proposed Electric Vehicle (EV) charging unit must be provided and operational prior to the car park opening to visitors.

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

23. The surface water drainage SUDS arrangements detailed in the approved drawings, Drainage Impact Assessment prepared by Blyth and Blyth dated 29 Nov 2019 and Flood Risk Assessment prepared by Royal Haskoning DHV dated 16 December 2019 shall be installed prior to first occupation of the development or completion of building works whichever is sooner, unless otherwise agreed.

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

24. No development shall commence until details of the temporary closure and diversion arrangements of the section of Core Path CP-SP25 affected by the proposal shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter the development will be carried out in accordance with these agreed details.

Reason: To protect access rights in the affected area during construction works.

25. No development shall commence until detailed specifications of all material finishes to the buildings on the development have been submitted to and approved in writing by the Council as Planning Authority. Thereafter the development will be carried out in accordance with these agreed details.

Reason: In order to ensure that development harmonises with the character and appearance of the surrounding area.

26. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority in consultation with the Environmental Health Manager regarding details of an external lighting scheme during construction phases and for the lifetime of the development. The required scheme shall:

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

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

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

27. No development shall commence until detailed drawings of the road and foot bridge(s) and associated bank works have been submitted to and approved by the Council, as Planning Authority in consultation with SEPA and Flood Risk Management. These details shall be in line those modelled in the accompanying Flood Risk Assessment prepared by Royal Haskoning DHV

dated 16 December 2019. Thereafter the development will be carried out in accordance with these agreed details

Reason: Details of the matters specified are lacking from the applicant's submission and to ensure an acceptable form of development which does not increase flood risk.

28. No development shall commence until a revised landscape scheme has been submitted to and approved in writing by the Council, Planning Authority. This shall be closely based on the Landscape Plan drawing number ZZ-DR-A-00900 P03 and include the following additional information:-

- 1) details of additional tree/hedge planting (including species, positions and height) along the eastern edge of the visitor car park;
- 2) details including species, positions, spacing and height of all new planting; and
- 3) maintenance arrangements for all new planting on the site for the lifetime of the development.

Thereafter the development will be carried out in accordance with these agreed details.

Reason: To ensure that the car parking integrates sensitively with its surroundings and to enhance biodiversity value of this part of the site and as details regarding planting specifications and maintenance are lacking from the application.

29. The timescale for provision of the visitor car park shall be in accordance with the Proposed Phasing Plan drawing number EC21778.05:001 Rev D.

Reason: To ensure timeous provision of infrastructure in accordance with the phasing plan and an acceptable form of development.

5. PLANNING APPLICATION 20/00015/APP

Councillor Divers, having declared a personal interest in this item, took no part in the debate or decision.

WARD 2: BUCKIE

Retrospective substitution and relocation of house types on plots 78-82 and 91-94 at Inchgower View Buckie Moray for Springfield Properties PLC

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for a retrospective substitution and relocation of house types on plots 78-82 and 91-94 at Inchgower View Buckie Moray for Springfield Properties PLC.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as it relates to house types not previously considered in a larger development previously considered and approved by this Committee.

Following consideration, the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 20/00015/APP subject to the following conditions and reasons:

1. The development hereby approved forms part of, and is related to, the development granted planning permission under decision notice 16/00620/APP dated 28 March 2017. All the terms and conditions attached to that permission are hereby reiterated and remain in force insofar as they relate to the development hereby approved, including any details already approved to discharge conditions.

Reason: In order to ensure a satisfactory form of development and that it progresses in accordance with the already approved and required details and that only one permission is implemented, the re-positioning of houses on plots being considered as an acceptable alternative to that already approved and not an addition thereto.

2. Within 2 months of obtaining planning permission, details must be submitted for written approval by the Council as Planning Authority for the modification of landscaping in the area immediately north-west of plot 94 adjacent to the roadway. The landscaping in this area, must thereafter be carried out in accordance with the approved details and accord with the relevant landscape maintenance conditions 14 and 17 as stated in planning permission under decision notice 16/00620/APP dated 28 March 2017.

Reason: In order to ensure the amended layout provides the appropriate landscaping.

6. PLANNING APPLICATION 20/00316/APP

Councillor Divers, having declared a personal interest in this item, took no part in the debate.

Councillor Macrae left the meeting during discussion of this item.

WARD 4: FOCHABERS LHANBRYDE

Amended private and affordable house types at Village Garden Elgin South Elgin Moray for Springfield Properties PLC

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for amended private and affordable house types at Village Garden Elgin South Elgin Moray for Springfield Properties PLC.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as it relates to house types not previously considered in a larger development, previously considered and approved by this Committee.

Following consideration, the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 20/00316/APP subject to the following conditions and reasons:

1. The development as hereby granted forms part of, and is related to, a development granted planning permission under formal decision notice 18/01209/APP dated 16 May 2019 wherein:
 - a) the terms and conditions as attached to the permission granted under formal decision notice 18/01209/APP are hereby re-iterated and remain in force in so far as they relate to the development hereby approved, including any details already approved thereunder to discharge the requirements of the identified conditions; and
 - b) no part of the development as hereby granted shall be exercised in conjunction with, or in addition to, the house design and plot layout details already approved for this development.

Reason: To ensure a satisfactory form of development and that it progresses in accordance with the already approved and required details, and that only one permission is implemented on the plots covered by this application, the design and plot layout arrangements as now proposed/hereby approved, including changes in design and levels are considered as an acceptable alternative to that already approved and not an addition thereto.

2. Unless otherwise agreed, the total number of house units to be constructed within the Village Garden Character area, as defined under planning approval 18/01209/APP dated 16 May 2019 shall remain no more than 66 units, of which 25 at least must remain affordable and 6 must remain accessible housing units.

Reason: In order to avoid any ambiguity regarding the overall number of units to be provided on site, and the proportion of which are to remain private, affordable and accessible.

3. Prior to development commencing, details must be provided clarifying which house units will demonstrate compliance with the accessible housing requirements contained within the Accessible Housing policy guidance on page 41 of the adopted Moray Local Development Plan 2020. The identified house units shall thereafter be built in accordance with approved accessible house details.

Reason: In order to ensure that the accessible house units are provided and to ensure that they are compliant with accessible housing specifications of the adopted local development plan.

7. PLANNING APPLICATION 19/01178/APP

WARD 5: HELDON AND LAICH

Substitute approved 2no blocks of 4 unit apartments with 2no blocks of 6 unit apartments and enlarged garage blocks on Plots 29 And 30 Inchbroom Lossiemouth Moray for Tulloch Of Cummingston Ltd

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application to substitute approved 2no blocks of 4 unit apartments with 2no blocks of 6 unit apartments and

enlarged garage blocks on Plots 29 and 30, Inchbroom, Lossiemouth, Moray for Tulloch Of Cummingston Ltd.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation, as it involves development on a site identified for more than 50 units in the Moray Local Development Plan 2020.

Following consideration, the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 19/01178/APP subject to:

- (i) securing a payment of developer obligations for healthcare and towards affordable housing;
- (ii) the determination of Planning Application 20/00265/APP; and
- (iii) the following conditions and reasons:
 - 1. The development as hereby granted forms part of, and is related to, a development granted planning permission under formal decision notice 08/01685/FUL dated 10 February 2010 (subsequently amended by 20/00265/APP) wherein:
 - a) the terms and conditions as attached to the permission granted under formal decision notice 08/01685/FUL and 20/00265/APP are hereby reiterated and remain in force in so far as they relate to the development hereby approved, including any details already approved thereunder to discharge the requirements of the identified conditions; and
 - b) no part of the development as hereby granted shall be exercised in conjunction with, or in addition to, the house design and plot layout details already approved for this development.

Reason - To ensure a satisfactory form of development and that it progresses in accordance with the already approved and required details, and that only one permission is implemented on the plots covered by this application, the design and plot layout arrangements as now proposed/hereby approved, including changes in design and levels are considered as an acceptable alternative to that already approved and not an addition thereto.

- 2. No development shall commence until details of a communal bin storage area, capable of accommodating bins for the 12 flats hereby consented, located outwith any visibility splays have been submitted to, and approved in writing by, the Council as Planning Authority. The communal storage areas shall be constructed in accordance with the approved details prior to the first occupation of development and thereafter maintained in perpetuity.

Reason - To ensure that suitable provision is made for the storage of communal waste and recycling bins.

- 3. The surface water drainage shall be provided for use for their respective block of flats in line with the details approved as part of this application prior to the occupation of any flat within the block or completion of the entire block of flats, whichever is the soonest.

Reason - In order to ensure the flats are served by appropriate surface water drainage.

4. 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 showing the provision of, or location where a future Electric Vehicle (EV) charging unit for each flat is to 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 each 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.

5. No development shall commence until a scheme (drawn to scale) showing the location of the proposed tree planting (including species and height), in accordance with the landscape scheme approved as part of this application; and the measures to be taken to protect any existing trees, shrubs and hedgerows on and adjoining the site during construction has been submitted to and approved by the Council, as Planning Authority. Thereafter the protection measures shall be implemented prior to any development commencing and be retained until completion of the development.

Reason - In order that detailed consideration can be given to the landscaping of the site and suitable protection given to existing trees.

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

Reason - To ensure the residential units hereby approved are served by appropriate high speed internet connections, in accordance with policy PP3 – Infrastructure and Services of the Moray Local Development Plan 2020.

7. That all planting, seeding or other features forming part of the approved Landscaping/Biodiversity Plan shown on drawing number IB29&30 / BW / 03 C, as well as that required under condition 5 shall be carried out in the first planting and seeding seasons following the occupation of the last block of flats; or the completion of the building works, whichever is the sooner. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

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

8. PLANNING APPLICATION 20/00265/APP

WARD 5: HELDON AND LAICH

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 Moray for Tulloch Of Cummingston Ltd

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an 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, Moray for Tulloch Of Cummingston Ltd.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the original application was previously reported to the Committee and the Appointed Officer considers that significant amendments are proposed to this consent.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 20/00265/APP subject to:

- (i) completion of a variation to the existing legal agreement; and
- (ii) the following conditions and reasons:
 - 1. The following items shall be submitted for the approval in writing of the Planning Authority and provided in line with the specified triggers;
 - i) 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 including street lighting from the Phase 1 Development Access to the Phase 2 Development Access to be provided prior to the first occupation of Phase 2.
 - ii) A scheme for the widening of the B9013 Inchbroom Road to a minimum width of 5.5 metres along the frontage of the site, including the location of the new speed limit signs to be provided prior to the first occupation or completion of plot 29A-F (whichever is the soonest) and prior to any work commencing on plot 30A-F.
 - iii) The upgrade and widening of footways and junctions as shown in drawing numbers INC/FTI/02 and INC/FTI/05 Rev A, to be completed and provided for use prior to the first occupation or completion of plot 29A-F (whichever is the soonest) and prior to any work commencing on plot 30A-F.

Reason: In the interests of achieving an acceptable form of development to provide:

- i) safe and suitable access for pedestrians and cyclists along the site frontage of Inchbroom Road.
- ii) additional road width along the frontage of the site to enable two vehicles to safely pass each other.
- iii) safe and suitable access for pedestrians to the development from the A941 Elgin Road along Inchbroom Road.

2. The construction of Phase 2 of the development shall not commence until the completion of Phase 1.

Reason:

- To ensure acceptable pedestrian and roads infrastructure to access the development.
- To ensure acceptable development that does not create any hazard to road users in the interests of road safety.
- To ensure acceptable infrastructure at the development access.
- To enable drivers of vehicles to undertake manoeuvres safely and with the minimum interference to the safety and free flow of traffic on the public road.
- To enable drivers of vehicles entering or exiting the site to undertake the manoeuvre safely and to ensure the safety and free flow of traffic on the public road.
- 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.
- To ensure the construction of an acceptable access in the interests of road safety and effective drainage infrastructure.
- To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road.
- To ensure an acceptable access in the interests of road user safety.

3. The width of the vehicular accesses from the B9013 Inchbroom Road shall be 5.5 metres.

Reason: To enable acceptable vehicular access to the development in the interests of road safety.

4. A visibility splay of 4.5m by 70m shall be provided at both development accesses onto the B9013 Inchbroom Road. These splays shall be clear of any obstruction above 0.26 metres in height.

Reason: To enable drivers to 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.

5. The width of individual vehicular accesses shall be 2.4m-3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The section of the accesses over the prospective public footpath/verge shall be to the Moray Council Specification and surfaced in bitmac.

Reason: To enable acceptable vehicular access to individual properties within the development in the interests of road safety.

6. No boundary fences, hedges, walls or any obstruction whatsoever over 1.0m in height and fronting onto the public road/prospective public road shall be within 2.4m of the edge of the carriageway (see informative notes).

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

7. No water shall be permitted to drain, or loose material be carried onto the prospective public footpath/carriageway.

Reason: In the interests of road safety.

8. Drop kerbs shall be provided across individual accesses to the Moray Council Roads Service Specification.

Reason: In the interests of road safety.

9. Parking provision shall be as follows:

1.5 spaces for apartments up to 2 bedrooms;
2.0 spaces for apartments with 3 or more bedrooms;
2.0 spaces for houses with 3 bedrooms or less; and
3.0 spaces for houses with 4 or more bedrooms.

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. New boundary walls/fences shall be set back from the edge of the prospective public carriageway at a distance of 2.0m.

Reason: In the interests of road safety.

11. Houses requiring 2 parking spaces shall have a driveway length of 6.0m minimum in front of any garage to permit the second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the prospective public road.

Reason: In the interests of road safety.

12. Parking provision shall be outwith visibility splays.

Reason: In the interests of road safety.

13. Minor access of 'Novel' roads shall be designed as 'open plan' with no fencing along the rear of service verges (see informative notes).

Reason: In the interests of road safety.

14. Driveways over service verges shall be constructed to take vehicles and shall be finished in bituminous macadam.

Reason: In the interests of road safety.

15. 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."

Reason: In the interests of ensuring an acceptable form of development.

16. Acoustically attenuated ventilators shall be installed in south-west facing bedrooms of house numbers 4 to 12, 44 to 47 and 49. They shall also be installed in east facing bedrooms of houses 49 to 54. 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.

17. No development shall commence until details of the gas protection measures to be installed within the property have been approved in writing by the Council (as Planning Authority). The details shall include the following and the gas protection measures shall be installed in accordance with the approved details:

- a full technical specification of the gas protection measures, including the membrane, to be installed;
- full details of the appropriately qualified person responsible for installing the gas protection measures;
- full details of the exact siting and extent of the gas protection measures;
- full details of the means by which it will be ensured that the gas protection measures will be fully protected during and after installation. These details must demonstrate that the gas protection measures will prevent impacts from contamination migration and gas migration;
- the timescale for installing the gas protection measures; and the Council as Planning Authority shall be notified of the date for installing the membrane no later than 7 days before its intended installation (contact the Environmental Health Section on 01343 563345 or by writing to the Environmental Health Manager, The Moray Council, Council Offices, High Street, Elgin IV30 1BX).

Reason: In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.

18. Any extension, garage, shed, greenhouse, outbuilding and conservatory or summerhouse not requiring planning consent shall not be erected until details of a gas proof membrane to be installed under the building or other gas protection measures have been approved in writing by the Council (as Planning Authority). The details shall include the following and the gas protection measures shall be provided in accordance with the approved details:

- a full technical specification of the gas protection measures to be provided;
- full details of the appropriately qualified person responsible for installing the gas protection measures;
- full details of the exact siting and extent of the gas protection measures;
- full details of the means by which it will be ensured that the gas protection measures will be fully protected during and after installation. These details must demonstrate that the gas protection measures will prevent impacts from contamination migration and gas migration;
- the timescale for providing the gas protection measures; and the Council as Planning Authority shall be notified of the date for installing the membrane or gas protection measures no later than 7 days before the intended installation/provision (contact the Environmental Health Section on 01343 563345 or by writing to the Environmental Health Manager, The Moray Council, Council Offices, High Street, Elgin IV30 1BX).

Reason: In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.

- 19 No development (apart from that required for remediation) shall commence until all necessary works to remediate contamination on the site have been carried out in accordance with the details of the required remediation measures which have previously been submitted to and approved by the Council, as Planning Authority in consultation with the Council's Environmental Health (Contaminated Land) Section where:

- a) The required remediation measures shall be fully implemented as detailed and described in the applicants Contamination Remediation Method Statement dated 9th March 2007.
- b) Notification of the date of commencement of remediation works shall be given to the Council, as Planning Authority not less than 7 days before the development commences (contact Environmental Health Manager, Council Offices, High Street, Elgin, IV30 1BX, tel: 01343 563345).

Should any subsequent or previously undiscovered contamination be found during the development of the site, then all works should cease and the Planning Authority in consultation with the Environmental Health Section (Contaminated Land) be contacted immediately, after which measures to remediate these areas should be agreed in writing and implemented as per the approved revised remediation statement.

Reason: In order to safeguard the health and safety of the occupants of the property from the effects of harmful ground gases.

- 20 That prior to the commencement of development, detailed proposals for the location and long term delivery of the affordable housing requirement for the development shall be submitted for the approval in writing of the Moray Council, as Planning Authority.

Reason: To ensure an acceptable form of development in accordance with affordable housing policy.

- 21 That the tree identified on the application plans as containing a red squirrel drey and the cluster of trees surrounding this shall be retained and protected

throughout the lifetime of the development. Any further trees suspected of containing possible dreys must be protected during development, and the advice/permission of SNH sought prior to the commencement of any tree felling operations.

Reason: In the interests of nature conservation.

9. PLANNING APPLICATION 19/01090/APP

WARD 5: HELDON AND LAICH

Erect 9 dwellinghouses on Site At Barnhill Farm Pluscarden Moray for Mr Ken Bowlt

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application to erect 9 dwellinghouses on Site At Barnhill Farm Pluscarden Moray for Mr Ken Bowlt.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as, following the consultation process, the Appointed Officer considers that the application raises matters of wider community interest and/or planning significance.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 19/01090/APP subject to:

- (i) the completion of a Section 75 Legal Agreement to cover developer obligations and affordable housing contribution; and
- (ii) the following conditions and reasons:
 - 1. Notwithstanding the submitted details, no development shall commence until a consolidated landscaping plan has been submitted to, and approved in writing by, the Council, as Planning Authority. Details of the scheme shall include:
 - (i) All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - (i) The location and design, including materials, of any existing or proposed walls, fences, hedgerows and gates to be erected within the site; and
 - (iii) All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and the planting densities.
 - (iv) All trees inclusive of the 15 Oak and 25 Rowan trees are to be a minimum of 1.5m in height at the time of planting.

Thereafter, all landscaping works shall be carried out in accordance with the approved scheme.

Reason - In order that further and final consideration can be given to the landscaping provision for the site.

- 2. No development shall commence until details of the timescales and maintenance arrangements for all proposed landscaping and open space have

been submitted to and approved in writing by the Planning Authority. Thereafter the development shall not proceed except in accordance with the approved details.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

3. The development shall be carried out in accordance with the Tree Survey (report and schedule inclusive of tree protection measures). No trees within the application site, other than those which are specifically identified for removal on the approved plans, shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

Reason: In order to ensure the protection of retained trees which are important amenity asset.

4. Unless otherwise agreed in writing by the Planning Authority, all foul and surface water drainage proposals shall be carried out in accordance with the submitted Drainage Assessment and Flood Statement by Gary Mackintosh and submitted in support of the application. Thereafter the approved details shall be implemented in full prior to the first occupation of any part of the development.

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

5. No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

6. Unless otherwise agreed in writing by the Planning Authority, the development must be carried out in accordance with the recommendations of the submitted Ecological Assessment: Protected Species, Walk-Over & Phase 1 Survey Report by M.D. Canham.

Reason: In the interest of ecological conservation.

7. No development shall commence until:
 - i) a detailed drawing (scale 1:500) showing the location and design of three passing places on the C3E Elgin – Pluscarden Road (to the Moray Council standards and specification), shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the

Roads Authority; and

- ii) thereafter the passing places shall be constructed in accordance with the approved drawing prior to any development works commencing (except for those works associated with the provision of the passing places).

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

8. No development shall commence until:

- i) a detailed drawing (scale 1:500 which shall also include details to demonstrate control of the land) showing the visibility splay 4.5 metres by 90 metres to the north-east of the site access and 4.5 metres by 120 metres to the south-west of the site access, with all boundaries set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
- ii) 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.

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.

9. 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 for each dwellinghouse is to 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 each dwelling house.

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.

10. The width of the vehicular access shall be 5.5 metres and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. A refuse storage area and turning facility for refuse collection vehicles shall be provided as part of the access arrangements to The Moray Council specification and surfaced with bituminous macadam. The access,

refuse storage area and turning facility shall be provided prior to the completion or first occupation of the first dwelling, whichever is sooner.

Reason: To ensure acceptable infrastructure at the development access and to provide facilities for the storage and collection of refuse generated by the development.

11. Parking provision shall be as follows:

- 2 car parking spaces per dwelling with up to three bedrooms; and
- 3 car parking spaces per dwelling with four or more bedrooms.

The car parking spaces shall be provided within each plot prior to the occupation or completion of each dwelling, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure an acceptable development in terms of parking provision and amenity of the area.

10. PLANNING APPLICATION 19/00293/APP

Councillor Cowe left the meeting during consideration of this item.

WARD 8: FORRES

Proposed residential development with associated roads infrastructure, landscaping and boundary treatment on Site R1, Grantown Road, Forres, Moray for Tulloch Homes Ltd & Ellis Properties Ltd & Fraysia Ltd

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for a proposed residential development with associated roads infrastructure landscaping and boundary treatment on Site R1, Grantown Road, Forres, Moray for Tulloch Homes Ltd & Ellis Properties Ltd & Fraysia Ltd.

The meeting noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application is a major development as defined under the Hierarchy Regulations 2009 for a development of more than 50 houses, and the site exceeds 2ha.

During his introduction of the report, Mr Smith, Principal Planning Officer asked the Committee to note an amendment to condition 2 to omit “(as indicated in the Placemaking Statement which forms part of this application)” and replace with “(to be a minimum of 9 units)” as there is ambiguity between the placemaking statement which refers to 13 units and further documentation which refers to 7 units, and amending the condition as above will address this issue. This was noted.

During discussion, concern was raised in relation to road safety as the current access to Knockomie Lodge is considered to be dangerous due to the visibility splay and it was queried whether access to the Knockomie Lodge could be through the new access to the Hotel.

In response, Mrs Anderson, Senior Engineer (Transportation) advised that the Moray Local Development Plan (2020) did not provide any planning reasons why the existing access to the Lodge should be removed however assured the Committee that a Road Safety Audit will be carried out for the new development access which will also assess the current access to Knockomie Lodge and if deemed unsafe could potentially be closed.

Following consideration, the Committee agreed to grant planning permission in respect of Planning Application 19/00293/APP subject to:

- (i) the completion of a Section 75 legal agreement regarding developer obligations relating to primary education, transport, healthcare and sports and recreation;
- (ii) an amendment to condition 2 to omit “(as indicated in the Placemaking Statement which forms part of this application” and replace with “(to be a minimum of 9 units)”; and
- (iii) the following conditions and reasons:
 - 1. No development shall commence until details of the affordable housing specification shall be submitted to and approved by the Council, as Planning Authority in consultation with the Head of Housing and Property Service regarding the detailed arrangements for the long-term delivery and provision of the affordable housing accommodation on the site, which shall include evidence to confirm the identity of the organisation (or other similar agency) responsible for the provision and management of all affordable housing provided on the site. Thereafter the development shall be implemented in accordance with the approved details.

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

- 2. No development shall commence until a site plan identifying the plot numbers of the accessible residential units (to be a minimum of 9 units), compliance statement and detailed floor plans which demonstrate compliance with the Accessible Housing Policy Guidance, as contained within the Moray Local Development Plan 2020 has been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the accommodation as identified shall, at all times, remain as accessible housing and remain capable for adaptation for accessible housing needs unless otherwise agreed with the Council, as Planning Authority.

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

- 3. No development shall commence until the results of pre-construction surveys in relation to badger, pine marten, red squirrel and bats by a suitably qualified person (as recommended within the accompanying ‘Ecological Survey and Assessment Report’ by a9 Consulting Ltd, dated 10th June 2019), have been submitted to, and approved in writing by, the Council, as Planning Authority, in

consultation with Scottish Natural Heritage. Where any impact, or potential impact on these species or their habitat is identified, no works shall take place in that area until appropriate mitigation measures and a species protection plan have been agreed in consultation with the Council, as Local Planning Authority in consultation with Scottish Natural Heritage. Thereafter all works shall be carried in accordance with these approved details.

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

4. No development shall commence until revised landscape plans have been submitted to, and approved in writing by, the Council, as Planning Authority. These shall be closely based upon the Soft Landscaping Plan Layout drawings numbers TH 106.19 SL-01 B, TH 106.19.SL-02 A, TH 106.19.SL-03 A and TH 106.19.SL-04 A, Landscape Statement dated 2 July 2020 and associated maintenance arrangements, and show the following information:
 - (a) additional semi-mature tree and shrub planting on the open areas adjacent to plots 63/64 and 34/35 including details of the numbers, species, position, planting distances and standard sizes of planting to be undertaken;
 - (b) detailed landscape proposals which reflect the revisions shown on the revised Site Layout Plan drawing number 4337-02-002 Rev M that relate to adjustments to the front gardens of plots 23-27, 44-45 and 52-52; and
 - (c) details of all seating and public artwork; and retaining walls (including elevations and materials); and
 - (d) timescales of all landscaping works and provision of the equipped play area and seating (to be in accordance with the submitted Site Phasing Plan drawing number 4337-02-020 Rev A, and to include provision of the open space and equipped play area prior to the start of phase 2, following completion of phase 1a and 1b).

Thereafter the development shall be implemented in accordance with these approved plans and timescales. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

Reason - To ensure that the approved landscaping works, equipped play area and seating are timeously carried out and properly maintained for the lifetime of the development, in a manner which will not adversely affect the development or amenity and character of the area. In relation to point a) this planting is required along these routes to provide variety of approaches and accentuate the street hierarchy in order to meet Placemaking design principles, as identified within the Quality Audit 2 undertaken for this application.

5. That all foul and surface water drainage arrangements for the development site shall be in accordance with the approved Drainage Impact Assessment prepared by Cameron and Ross Consulting Civil and Structural Engineers,

dated March 2020, and associated drainage drawings submitted in support of this application. No dwelling shall be occupied until it is connected to the SUDS scheme as detailed within the approved Drainage Assessment and drawings.

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

6. Prior to the commencement of any works, a construction environment management plan incorporating a site specific pollution prevention plan shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with SEPA; and thereafter all work shall be carried out in accordance with the approved plan.

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

7. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the local planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason - To safeguard and record the archaeological potential of the area.

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

Reason - In order to ensure that the development has variation in street detailing through use of different materials and surfacing and reflects distinctiveness between and in each character area, and as these details are lacking from the application.

9. No development shall commence until a scheme detailing measures to be taken to protect existing trees on and adjoining the site during construction (as recommended within the Tree Survey Report and associated Tree Constraints Plan showing root protection zones prepared by PALS Tree Services) has been submitted to and approved by the Council, as Planning Authority. Thereafter the protection measures shall be implemented prior to any development

commencing within that part of the site and be retained until completion of the development.

Reason - To ensure an acceptable form of development is provided in accordance with the submitted landscape plans and tree survey, and that suitable protection is afforded to existing trees, shrubs and hedgerows.

10. The retention, protection and enhancement of biodiversity measures outlined within the submitted Knockomie Summary Biodiversity Plan and Landscape Statement prepared by Keith L Wood Landscape Design dated 2 July 2020, shall be fully implemented by the developer, unless otherwise agreed in writing with this Council as Planning Authority.

Reason - In order to retain, protect and enhance biodiversity interests on and adjoining the site.

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

Reason - To ensure the residential units hereby approved are served by appropriate high speed internet connections, in accordance with policy PP3 – Infrastructure and Services of the Moray Local Development Plan 2020.

12. That the development hereby approved shall be implemented and completed in accordance with the submitted Site Phasing Plan drawing number 4337-02-020 Rev A, unless alternative phasing arrangements are agreed in writing by the Council, as Planning Authority.

Reason - To ensure that development works proceed across the site in a phased manner which includes provision of acceptable roads and drainage infrastructure and landscaping/open space for each phase of the development.

13. Prior to the commencement of development the following information shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with the Roads Authority:
 - Details (Plan(s) scale 1:250 min) showing the provision of additional footways and modifications to the existing road and street furniture required to provide a footway connection (minimum 2 metres wide) (including road crossings) from the proposed cyclepath on the south west side of the A940 to the existing cyclepath on the southeast side of the A940.
 - Details (Plan(s) scale 1:250 min) showing the provision of a cyclepath within the road verge between the southern boundary of the site and the U83E junction with the A940.
 - An updated site plan showing the provision of a grass verge instead of the proposed footway on the west side of the access roadway (adjacent to Plot 86) linking the development with Whiterow Drive to the north (to tie

with the existing adjacent verge to the north).

Thereafter these works shall be completed in accordance with the approved details prior to the completion of the first residential unit, unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason - In the interests of sustainable transport, road safety and the provision of information currently lacking from the submission.

14. Prior to commencement of development the following details for Electric Vehicle charging provision shall be submitted for approval by the Planning Authority in consultation with the Roads Authority:

- Statement/specifications to confirm that the EV charging supply and cabling provisions for each plot will be suitable for the connection of a 7Kw 'Fast' type charging unit as a minimum.
- Design/specifications for the proposed mounting/installations to be provided for any future EV charging points which would not be mounted on a wall/within a garage.

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

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 from the submission.

15. Prior to the commencement of development the following information shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority:

- Details regarding maintenance/ factoring arrangements for all landscaped areas within or adjacent to the public road (including footways and cycle paths, verges and service strips but excluding residential plot boundaries).

Thereafter the landscaping shall be maintained in accordance with the approved arrangements.

Reason - To ensure that landscaping will not interfere with the function of the public road or cause a hazard to road users and the provision of details currently lacking from the submission.

16. Prior to the commencement of development a Stage 1/2 Road Safety Audit for the internal roads and the proposed site access onto the A940 including the extents of its approaches and visibility splays and new crossing on the A940 shall be undertaken, and the proposed site layout and roads shall be revised to include any mitigation required to address road safety issues identified in the Audit. The Road Safety Audit and revised site layout (if required) shall be submitted to and approved in writing by Council, as Planning Authority in consultation with the Roads Authority prior to works commencing.

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

Reason - To ensure an acceptable form of development in the interests of road safety

17. No development shall commence until the following information has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority:

- Details of arrangements for future adoption/vesting by an in-perpetuity regulatory body, of the maintenance and management of the roads SUDs system excluding any other parts of the SUDs system to be identified by the Roads Authority which is to be maintained by or factored on behalf of the developer or their successors.

Reason - To ensure the management and maintenance of effective roads drainage and surface water management infrastructure proposed for the site.

18. Householder permitted development rights (as defined in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (as amended) (or any Order revoking and re-enacting that Order(s) with or without modification) shall be removed from any service strips along plot frontages and no amendments to planting within these areas shall be permitted.

Reason -To ensure an acceptable form of development and effective roads drainage infrastructure is provided and safeguarded.

19. No works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:

- duration of works;
- construction programme;
- anticipated schedule for delivery of materials and plant;
- full details of any temporary construction access including signage;
- measures to be put in place to prevent water or material being deposited on the public road;
- measures to be put in place to safeguard the movements of pedestrians;
- traffic management measures to be put in place during works including any specific instructions to drivers; and
- parking provision, loading and unloading areas for construction traffic.

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

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

20. No works shall commence on site until details (specifications/type/colour) of any adopted road surfacing which will comprise modular/block paving have been submitted to and approved by the Council, as Planning Authority in

consultation with the Roads Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason - To ensure acceptable infrastructure is provided in the interests of road safety, and as details are currently lacking from the submission.

21. Prior to the completion of any residential unit, the proposed site access onto the A940 shall be completed in accordance with the approved plans and details, and the A940 shall be resurfaced over its full width for a length of 50 metres centred on the site access.

Reason - To ensure acceptable infrastructure is provided at the access to the development in the interests of road safety.

22. A visibility splay of 4.5 metres by 120 metres to the north and 4.5 metres by 160 metres to the south, shall be provided at the site access onto the A940 and maintained clear of any obstruction above 0.26 metres in height, measured from the level of the carriageway. An additional area within the boundary of the site as defined by the extents of the 4.5 metre by 215 metre visibility splay from to the north from the U83E junction (as shown on the Visibility Splay Drawing 903 Rev 4) shall also be maintained clear of any obstructions over 0.26 metres in height measured from the level of the carriageway for the lifetime of the development.

Reason - To ensure acceptable visibility is provided and maintained for road users at all times in the interests of road safety.

23. Parking provision shall be provided in accordance with the site layout (4337-02-002 Rev M) and no house or flat shall be occupied until parking has been provided and made available for use by that house or flat. Thereafter the parking arrangements shall be retained and maintained in perpetuity as parking spaces for use in conjunction with that house or flat hereby approved.

All integral garages shall be retained for parking and/or storage purposes incidental to the enjoyment of that property and shall not be converted to living accommodation.

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.

24. Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam unless otherwise agreed with the Council, as Planning Authority in consultation with the Roads Authority.

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

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

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

26. No works shall commence on site until the following details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority:

- Details regarding the design, timing and management of the closure of the Knockomie Hotel access to vehicles at a location to the west of the Knockomie Lodge, to remove vehicular access and egress from the site to the A940 via the Knockomie Lodge access.

Thereafter the works shall be completed in accordance with the approved details and maintained for the lifetime of the development unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason - In the interests of an acceptable form of development and road safety.

11. 20/00274/PAN – PROPOSED RESIDENTIAL DEVELOPMENT, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE AT BURNSIDE NORTH, ELGIN SOUTH, ELGIN

Councillor Divers declared a personal interest in this item, however after receiving advice from the Legal Adviser decided to take part in the debate given that the item was a Proposal of Application Notice.

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Committee that a Proposal of Application Notice (PAN) was submitted on 28 February 2020 on behalf of Springfield Properties PLC.

During discussion, Councillor Divers raised concern in relation to road safety surrounding the development and asked that the Developer consider the following:

- the speed of vehicles on the A941 is a concern;
- the existing 40mph zone on the A941 should be moved further south;
- the visibility of pedestrians using the current traffic island is a concern; and
- traffic calming measures should be provided within the development.

In response, Ms MacDonald agreed to bring those points to the attention of the Developer.

Thereafter, the Committee agreed:

(i) in noting the terms of this report, and ask that the Appointed Officer bring the following provisional views/relevant issues to the prospective applicant:

- the speed of vehicles on the A941 is a concern;
- the existing 40mph zone on the A941 should be moved further south;
- the visibility of pedestrians using the current traffic island is a concern; and

- Traffic calming measures should be provided within the development
- (ii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

12. HOUSING LAND AUDIT 2020

Councillor Laing left the meeting at this juncture.

A report by the Depute Chief Executive (Economy, Environment and Finance) summarised the housing land supply situation in Moray and asked the Committee to agree the final version of the Moray Housing Land Audit 2020.

During his introduction of the report, the Strategic Planning and Development Manager advised that there were a few typos in the report and appendix and asked the Committee to note the following:

- paragraph 4.4 in the report to reflect that the second sentence should read “The audit identifies that there is a 30.2 year 12528 established housing land supply (based on an annual housing land requirement identified in the HNDA of 414 units;
- paragraph 4.5 in the report to reflect that the majority of completions in 2010-2019 were in Elgin, Forres and Buckie
- references to the draft audit or emerging Local Development Plan will be changed to remove the words “draft” and “emerging” in the Moray Housing Land Audit 2020.

This was noted.

Following consideration, the Committee agreed:

- (i) to note the housing land supply in Moray subject to the following amendments:
- paragraph 4.4 in the report to reflect that the second sentence should read “The audit identifies that there is a 30.2 year 12528 established housing land supply (based on an annual housing land requirement identified in the HNDA of 414 units;
 - paragraph 4.5 in the report to reflect that the majority of completions in 2010-2019 were in Elgin, Forres and Buckie
- (ii) the responses set out in Appendix 1; and
- (iii) the finalised Moray Housing Land Audit 2020 in Appendix 2 noting that when references to the draft audit or emerging Local Development Plan will be changed to remove the words “draft” and “emerging”.

13. MORAY LOCAL DEVELOPMENT PLAN 2020 – DELIVERY PROGRAMME ACTION PLAN

Councillor Macrae re-joined the meeting during discussion of this item.

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to approve the final version of the Delivery Programme Action Plan prepared to support the delivery of the Moray Local Development Plan (MLDP) 2020.

Following consideration, the Committee agreed to:

- (i) approve the Delivery Programme Action Plan set out in Appendix 1 to be submitted to Scottish Government; and
- (ii) note the additional funding required to implement the Moray Local Development Plan 2020 and which creates a new budget pressure of £70,000 from 2021/22 onwards.

14. INDICATIVE REGIONAL SPATIAL STRATEGY FOR MORAY

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to agree the indicative Regional Spatial Strategy (iRSS) for Moray to be submitted to the Scottish Government and to note the next steps in preparing the Strategy.

Following consideration, the Committee agreed:

- (i) to note the requirement and deadline for preparing an indicative Regional Spatial Strategy;
- (ii) the indicative Regional Spatial Strategy in Appendix 1; and
- (iii) the next steps and timescales for preparing the final Regional Spatial Strategy.

15. SUPPLEMENTARY GUIDANCE

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to delegate authority to the Head of Economic Growth and Development to amend and then adopt some of the suite of statutory supplementary guidance which supported the Moray Local Development Plan (MLDP) 2015 as non-statutory supplementary guidance to support the MLDP 2020.

During his introduction, the Strategic Planning and Development Manager advised that, due to an unforeseen change in workload, the Moray Onshore Wind Energy Guidance should be adopted on 21 October 2020 and not on 21 September 2020 as stated in the recommendations.

Following consideration, the Committee agreed:

- (i) to delegate authority to the Head of Economic Growth and Development to make the necessary changes and subsequently adopt the suite of non-statutory supplementary guidance set out in para 4.1, with the Moray Onshore Wind Energy Guidance to be adopted on 21 October 2020; and
- (ii) that a suite of statutory Supplementary Guidance is progressed and reported to future meetings of this Committee.

16. PLANNING POLICY GUIDANCE

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Committee to approve the planning policy guidance which will be used to clarify various policy aspects in the recently adopted Moray Local Development Plan (MLDP) 2020.

Following consideration, the Committee agreed:

- (i) to approve the planning policy guidance for the MLDP 2020 as set out in Appendix 1; and
- (ii) the planning policy guidance will be used as a material consideration in the determination of planning applications.

17. QUESTION TIME

Under reference to paragraph 23 of the minute of the meeting of this committee dated 25 February 2020, Councillor Edwards sought an update as to when the removal of the gas extraction equipment from Greenbrae Landfill will take place and whether the monitoring of the gas migration from the site would be the responsibility of the Council or the Land owner. He further noted that the land is currently being used as a car park and queried whether this was safe as there are danger signs on entering the site.

In response, the Head of Economic Growth and Development advised that the portakabin is being removed on 17 September 2020 and that the tender to remove the gas pipes is due on 21 September 2020.

In response to Councillor Edward's query regarding the car park, the Head of Economic Growth and Development advised that this requires a change of use planning application and that there will be a report brought to a future meeting of this committee surrounding this issue and other issues linked to Hopeman Caravan Park.

In response to Councillor Edward's query regarding monitoring gas migration from the site, the Head of Economic Growth and Development advised that the Environmental Health Service will monitor offsite in the same way as other contaminated land sites are monitored, all as previously reported to this Committee.

Councillor Edwards raised further concern in relation to the bridge at the north of Duff Street in Hopeman towards the Harbour and queried whether the Council have a contingency plan in place should the bridge fail due to increased traffic.

In response, the Head of Economic Growth and Development advised that bridges fall under the remit of the Transportation Service and that he will ask for a response to be circulated to Heldon and Laich Elected Members.

MINUTE OF THE SPECIAL MEETING OF THE PLANNING AND REGULATORY SERVICES COMMITTEE

1 OCTOBER 2020

REMOTE LOCATIONS VIA VIDEO CONFERENCE

PRESENT

Councillors Bremner (Chair), Brown, Cowie, Coy, Divers, Edwards, Feaver, Macrae, A McLean, R McLean, Nicol, Powell and Warren

APOLOGIES

Apologies were intimated on behalf of Councillors Cowe

IN ATTENDANCE

Head of Economic Growth and Development, Development Management and Building Services Manager, Mr MacPherson, Principal Planning Officer, Ms Webster, Principal Planning Officer (Strategic Planning and Development), Mr Killeen, Engineer (Transport Development), Head of Governance, Strategy and Performance and Mrs Rowan, Committee Services Officer as Clerk to the Meeting.

1. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS

In terms of Standing Order 20 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

2. Planning Application 19/01510/APP

Councillor R McLean left the meeting during consideration of this item.

Ward 4: Fochabers Lhanbryde

Proposed residential development for the construction of 81 units (55no private/26 affordable) including associated drainage and infrastructure including the widening of Pitgaveny Road and the formation of a new junction onto Calcots Road at R13 Lesmurdie Fields, Elgin, Moray for Robertson Homes

A report was submitted by the Appointed Officer recommending that, for reasons detailed in the report, planning permission be granted for an application for a proposed residential development for the construction of 81 units (55no private/26 affordable) including associated drainage and infrastructure including the widening of Pitgaveny Road and the formation of a new junction onto Calcots Road at R13 Lesmurdie Fields, Elgin, Moray for Robertson Homes.

The Committee noted that the application had been referred to Committee in terms of the Scheme of Delegation as the application is a major development as defined under the Hierarchy Regulations 2009 for a development of more than 50 houses, and the site exceeds 2ha.

Councillor Macrae was of the view that this is an excellent proposal and that it was clear that the Developer had worked with Planning Officers to ensure that the development complies with policies within the Moray Local Development Plan (MLDP) 2020, as evidenced in the green ratings across all areas of the quality audit. He stated that, in his opinion, the planting of almost 3200 trees more than compensated for the 40 trees that are to be felled for the development to proceed and moved that the Committee grant planning permission, as recommended, in respect of Planning Application 19/01510/APP subject to the conditions detailed within the report. This was seconded by Councillor A McLean.

Councillor Feaver raised concern regarding the proposed access to the development via Chandlers Rise which would result in a road directly through an existing green corridor and queried whether the developer could be asked to redesign this element of the application.

In response, the Development Management and Building Services Manager advised that the Committee were being asked to consider the planning application before them which is recommended for approval and that it would not be possible to ask for a redesign at this stage as this would require a new planning application.

Councillor Feaver stated that, on the whole, she welcomed this new development, in particular the additional green space however remained of the view that the design could be amended to address her concerns in relation to the loss of mature woodland and disruption to an existing green corridor. Councillor Feaver therefore moved, as an amendment, that the Committee refuse planning permission in respect of Planning Application 19/01510/APP as, in her view, the proposal failed to comply with the following policies with the MLDP 2020

- PP1 (Placemaking) v) – the development does not safeguard and extend/enhance wildlife corridors and green/blue networks nor prevent fragmentation of existing habitats;
- DP1 (Development Principles) b) – the development does not integrate into surrounding landscape nor safeguard existing trees;
- DP1 (Development Principles) c) – the development does not make provision for new open space nor connect to existing open space under the requirement of policy EP5;
- DP1 (Development Principles) d) – the development does not conserve and enhance the natural and built environment, retain original land contours nor integrate into the landscape;
- EP2 (Biodiversity) – the development does not retain, protect and enhance features of biological interest, provide for their appropriate management nor extend or enhance wildlife corridors;
- EP5 (Open Space) – the development has subsequent losses to ENV5 and ENV6
- EP7 (Forestry Woodland and Trees) b) – the development does not retain healthy trees nor incorporate them within the proposal; and
- EP7 (Forestry Woodland and Trees) c) – the woodland removal in the development will not provide significant and clearly defined additional public benefit.

This was seconded by Councillor Nicol.

On a division there voted:

For the motion (7): Councillors Macrae, A McLean, Bremner, Cowie, Coy, Divers and Powell

For the amendment (4): Councillors Feaver, Nicol, Edwards and Warren

Abstentions (2): Councillor Brown

Accordingly the motion became the finding of the meeting and the Committee agreed to grant planning permission, as recommended, in respect of Planning Application 19/01510/APP subject to:

- (i) the completion of a (Section 75) legal agreement regarding developer obligations relating to healthcare, primary and secondary education provision prior to the issue of consent; and
- (ii) the following conditions and reasons:
 1. Notwithstanding the details shown on Drawings 908 (Rev 3) and 906 (Rev 9) for the junction of Calcots Road with Pitgaveny Road and cycle connections (which are not accepted), no development shall commence until consolidated plan(s) (Scale 1:500 min) and design specifications have been submitted and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority for the Pitgaveny Road/Calcots Road junction and Lesmurdie Road cycle path connection.

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

Reason - To ensure an acceptable development in road safety terms through the provision of details currently inconsistent between the two identified plans.

2. Notwithstanding the roads drainage details shown on Drawing 906 (Rev 9) (which are not accepted), no development shall commence until details have been submitted and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority for roads drainage infrastructure within the extent of the proposed works to the east of the site access onto Pitgaveny Road.

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

Reason - To ensure an acceptable development in road safety terms through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

3. Notwithstanding the details shown for hedging on the site layout (Drawing No. 1125(PL)SL-03 Rev I) no works shall commence until details are provided to confirm that no hedging will be planted or fences or walls constructed within 0.4 metres of any side of the parking spaces at plots 9, 10, 41, 42, 59, 67/68, 7 and the visitor spaces adjacent to plot 47.

Reason - To ensure an acceptable form of development and parking provision is provided through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

4. Notwithstanding the Road Safety Audit submitted (which is based on a previous site layout and is not accepted), no development shall commence until a Stage 1/2 Road Safety Audit for the proposed internal roads and the extents of any proposed works to the public road and footpaths and cycleways outwith the site boundary, shall be undertaken and the proposed site layout and roads shall be revised to include any mitigation required to address road safety issues. The Road Safety Audit and revised site layout shall be submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority.

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

Reason - To ensure an acceptable form of development in the interests of road safety.

5. No development shall commence until the following has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority;
 - a) Details (Plans scale 1:500 min) showing the requirements for any changes to the existing speed limits and relocation or provision of speed limit signage;
 - b) Written confirmation that a street lighting scheme design has been agreed with the Roads Authority;
 - c) Written confirmation that if required, any statutory process required to determine changes to the speed limits have been completed as agreed with the Roads Authority.

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

Reason - The provision of details lacking from the current submission in the interests of road safety.

6. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority to confirm the arrangements for future adoption/vesting by an in-perpetuity regulatory body, of the maintenance and management of the roads SUDs system excluding any other parts of the SUDs system to be identified by the Roads Authority which is to be maintained by or factored on behalf of the developer or their successors.

Reason - To ensure the management and maintenance of effective roads drainage and surface water management infrastructure proposed for the site.

7. No development shall commence until details have been submitted to confirm the maintenance/factoring arrangements for all landscaped areas within or adjacent to the public road (including footways and cycle paths, verges, and service strips but excluding residential plot boundaries). Thereafter the landscaping shall be maintained in accordance with the approved

arrangements and it must be ensured that landscaping will not interfere with the function of the public road or cause a hazard to road users.

Reason - In the interests of road safety and the provision of details currently lacking from the submission

8. All hedges/planting shall be maintained behind the back of the footway/road/service verge to prevent any obstruction to road users.

Reason - In the interests of road safety and an acceptable form of development.

9. Notwithstanding the details of the construction accesses shown on Drawing 1125 (PL) SL-07 Rev B "Phasing / Build Route" (which are not accepted), no works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:

- a) duration of works;
- b) construction programme;
- c) anticipated schedule for delivery of materials and plant;
- d) details of any temporary construction access onto the public road;
- e) measures to be put in place to prevent material being deposited on the public road;
- f) measures to be put in place to safeguard the movements of pedestrians;
- g) traffic management measures to be put in place during works including any specific instructions to drivers; and
- h) parking provision, loading and unloading areas for construction traffic.

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

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

10. No development shall commence until the following details for Electric Vehicle charging provision have been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:
 - Design/specifications for the proposed mounting/installations/pedestals to be provided for any future EV charging points which would not be mounted on a wall/within a garage.

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

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 from the submission.

11. No development shall commence until details (specifications/type/colour) of any adopted road surfacing which will comprise r/block paving have been submitted and approved by the Council, as Planning Authority in consultation with the Roads Authority.

Reason - In the interests of details currently lacking from the submission.

12. Prior to commencement of any other part of the development, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority, the following shall be completed in accordance with the approved details and be available for use by the public:
- a) All works to widen Pitgaveny Road and provide the new cyclepath (inclusive of the drainage works to be agreed in condition 2).
 - b) All works to form the new Pitgaveny Road/Calcots Road junction (inclusive of the details to be agreed in condition 1).
 - c) All works required to implement changes to the speed limits on Pitgaveny Road and Calcots Road.

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

Reason - To ensure acceptable infrastructure is provided at the appropriate stage of the development in the interests of road safety.

13. Prior to completion of any house or flat, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority, the following shall be completed in accordance with the details to be agreed and consolidated under condition 1 and available for use by the public:
- All works to provide the off-site cyclepaths between the site and Lesmurdie Road.

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

Reason - To ensure acceptable infrastructure is provided at the appropriate stage of the development in the interests of road safety.

14. Prior to completion of the Cottage Flats (Plots 23-26 as shown on the Site Layout Drawing No. 1125(PL)SL-03 Rev I), scaled plans must be submitted to and approved by the Council, as planning authority showing the modification of the submitted cycle store design (drawing number 1125(PL)DET-04) to make it a secure bicycle store. The secure bicycle store must thereafter be built in accordance with the approved modified design.

Reason - In order to ensure the cycle shelter for the flats is of a secure design.

15. Prior to completion of the Cottage Flats (Plots 23-26 as shown on the Site Layout Drawing No. 1125(PL)SL-03 Rev I), secure covered cycle parking shall be provided and available for use in accordance with the approved details. Thereafter, no flat shall be occupied until cycle parking has been provided and made available for use by that flat. The cycle parking arrangements shall be retained and maintained in perpetuity as cycle parking for use in conjunction with that flat.

Reason - To ensure the permanent availability of the level of cycle parking necessary for residents/visitors/others in the interests of an acceptable development.

16. Visibility splays of 4.5 metres by 43 metres in both directions at all site accesses onto Pitgaveny Road shall be provided and maintained clear of any obstruction above 0.26 metres in height, measured from the level of the carriageway.

Reason - To ensure acceptable visibility is provided and maintained for road users at all times in the interests of road safety.

17. Parking provision shall be provided in accordance with the site layout (Drawing No. 1125(PL)SL-03 Rev I). With 1 space for 1 bed houses/flats, 2 spaces for 2/3 bed houses/flats and 3 spaces for 4 or more bed houses/flats.

Thereafter no house or flat shall be occupied until parking has been provided and made available for use by that house or flat. Thereafter the parking arrangements shall be retained and maintained in perpetuity as parking spaces for use in conjunction with that house or flat hereby approved.

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.

18. Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam unless otherwise agreed with the Council, as Planning Authority in consultation with the Roads Authority.

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

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

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

20. Householder permitted development rights (as defined in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, (as amended) (or any Order revoking and re-enacting that Order(s) with or without modification) shall be removed from any service strips along plot frontages and no amendments to planting within these areas shall be permitted.

Reason – To ensure an acceptable form of development and effective roads drainage infrastructure is provided and safeguarded.

21. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the Council, as Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The programme of works must include an archaeological evaluation of 7-10% of the development site. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if

required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Council, as Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

Reason - To safeguard and record the archaeological potential of the area.

22. Unless otherwise agreed in writing, no development shall commence until a strategy to assess and then, where subsequently appropriate, a strategy to deal with potential contamination on the site have been submitted to, and accepted in writing by the Council, as Planning Authority. The strategies shall be devised and overseen by an appropriately qualified person in accordance with relevant up-to-date authoritative technical guidance, e.g. BS10175 'The Investigation of Potentially Contaminated Sites - Code of Practice', and shall include:

- a) an appropriate level of characterisation of the type, nature and extent of contamination on the site and accompanying risk assessment as described in Planning Advice Note 33 Development of Contaminated Land (Revised 2000);
- b) how any identified contamination will be dealt with during construction works;
- c) details of remedial measures required to treat, remove or otherwise mitigate contamination to ensure that the site is suitable for the proposed use, and that it does not represent a risk to health or of pollution in the wider environment; and
- d) a means of verifying the condition of the site on completion of the remedial measures.

Thereafter, no development shall commence (other than those works required to investigate and remediate contamination on the site) until written confirmation has been issued by the Council, as Planning Authority that the works have been implemented and completed in accordance with the agreed details.

Reason - To ensure that the site is suitable for the proposed use, and that risks to the wider environment and to users of neighbouring land from on-site contamination are appropriately assessed and managed.

23. Prior to the commencement of any works, a site waste management plan shall be submitted for the written approval of the Council, as planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved plan.

Reason - To ensure that waste on the site is managed in a sustainable manner.

24. Prior to development commencing a compliance statement, showing detailed plans/information of full compliance with the Accessible Housing Guidance note contained on pages 41-42 of Moray Local Development Plan 2020 must be submitted to and approved in writing by the Council, as Planning Authority. Thereafter the accessible units as identified drawing 1125(PL)SL-12 Accessible Housing must be built in accordance with the approved compliance statement.

Reason - To ensure the identified house units meet the required standard and design features to fulfil the accessible housing need for the development.

25. Unless otherwise agreed in writing with the Council, as Planning Authority, the street naming shall be as approved on drawing number 1125(PL)SL-13 Proposed Street Naming.

Reason - To ensure the proposed street naming is progressed in accordance with the approved details.

26. Prior to occupation of the first dwelling, the specific details of the 6 total park benches indicated at the pocket park and other areas must be submitted to and approved in writing by the Council, as Planning Authority. Thereafter the benches installed shall be of the design and material approved by the Council, as Planning Authority.

Reason – In order that consideration can be given to the specific design of park benches to be provided.

27. Prior to occupation of the first dwelling a finalised landscaping maintenance schedule must be submitted to and approved in writing by the Council, as Planning Authority. This maintenance schedule should be generally based upon the suggested approach contained within the Outline Landscape Specification and Maintenance Schedule September 2019 prepared by Horner and McLennan Landscape Architects. Thereafter the landscaping maintenance shall be carried out in accordance with the approved landscaping maintenance schedule.

Reason – In order to ensure the final landscape maintenance arrangements are agreed prior to occupation of the dwellings.

28. The recommended ecological mitigation contained at para 1.18 and 1.22 of GLM Ecology Ecological Assessment, Lesmurdie, Elgin, Moray, August 2019 must be adhered to prior to and during construction unless otherwise agreed in writing with the Council, as Planning Authority.

Reason – In order to ensure the appropriate mitigation is undertaken to protect wildlife upon the site.

29. All works close to retained trees and tree felling activity must be carried out in accordance with the details contained upon the updated four 'Tree Protection Plans' submitted July 2019 and hereby approved.

Reason – In order to ensure that those trees to be retained will be suitably protected.

30. Unless otherwise agreed in writing with the Council, as Planning Authority, the development shall include a total of 26 affordable house units and 6 accessible units.

Reason – In order to avoid any ambiguity regarding the terms of the consent, and to confirm the number of affordable and accessible housing units to be developed.

31. Unless otherwise agreed in writing with the Council, as Planning Authority, the phasing of development shall be in accordance with the Phasing/Build Route Plan (drawing number 1125(PL)SL-07 Rev. B).

Reason – In order to ensure the timeous provision of the affordable housing units.



**GUIDANCE NOTE PRODUCED FOR PLANNING & REGULATORY SERVICES COMMITTEE
MEETING OF 10 NOVEMBER 2020**

REPORT ON APPLICATION

“Note for guidance of the Committee where the decision of the Planning and Regulatory Services Committee is contrary to the recommendations of the Director of Environmental Services in respect to a Planning Application.”

Any Councillor putting forward a motion to refuse an application, contrary to recommendation, shall clearly state the reasons for refusal. These reasons should be based on policies contained in the approved Local Development Plan or some other material consideration. Time should be allowed to ensure that these reasons are carefully noted for minuting purposes.

Where Councillors put forward a motion to approve an application, contrary to recommendation, an indication should be given of any specific matters which should be subject of conditions along with reasons which should be based on policies in the approved Local Development Plan or some other appropriate consideration.

Note for guidance where the decision of the Planning and Regulatory Services Committee is to depart from the Local or Structure Plan.

Where a Councillor is convinced that there is reason to depart from Local Development Plan policy; then the Councillor's reasons for making the motion should be clearly stated for minuting purposes. Any matters which should be subject to conditions drafted subsequently by the Director of Environmental Services should be indicated. If the Committee remains of a mind to approve such an application then the whole matter will be subject to statutory procedures as apply. In such cases, Councillors should be aware that the application may require to be advertised as a departure and any objections reported to the next available meeting of the Planning and Regulatory Services Committee. It also may be necessary to convene a hearing to consider the views of objectors.

There are three potential consequences if Committee takes a decision where the proper procedures have not been followed in whole or in part. Firstly, the person aggrieved by a decision may apply to the Supreme Courts in Scotland for an Order either compelling the Council to act according to law, quashing the decision altogether or declaring a decision to be unlawful coupled with an order to prevent the decision being implemented. A referral to the Supreme Courts in these circumstances is known as applying for Judicial Review.

Secondly, in addition to the application for Judicial Review when questions of alleged failure, negligence or misconduct by individuals or local authorities in the management of public funds arise and are raised either by or with the External Auditor of the Council and where an individual can be blamed the sanctions available are:-

Censure of a Councillor or an Officer

Suspension of a Councillor for up to one year

Disqualification of a Councillor for up to five years

In the case of the Council being to blame, recommendations may be made to the Scottish Ministers about rectification of the authorities accounts. Ministers can make an order giving effect to these recommendations.

Thirdly, whilst the Ombudsman accepts that Planning authorities have the freedom to determine planning applications as they wish procedural impropriety may be interpreted as maladministration. This can also lead to recommendations by the Ombudsman that compensation be paid.

Consistent implementation of departure procedures maintains public confidence in the planning system and is consistent with the time and effort invested in preparing the Local Development Plan.

WARD 04_17

20/00679/APP
5th June 2020

Section 42 application to vary condition 11 (retention of trees on line A-B) and variation of condition 9 (Landscape) of planning permission ref 17/00808/APP for installation of photovoltaic solar panel farm and ancillary works at Speyslaw Farm Urquhart Elgin Moray for Elgin Energy EsCo Ltd

Comments:

- The application is reported to Committee because the original application was previously reported to Committee and the appointed officer considers that significant amendments are proposed to this consent.
- The proposal has been advertised for neighbour notification purposes.
- No representations received.

Procedure:

- None

Recommendation - Approve subject to conditions

Conditions/Reasons

- 1 This planning permission shall expire and cease to have effect after a period of 31 years from the date when electricity is first exported from any of the approved solar panels to the electricity grid network (the "First Export Date"). Upon the expiration of a period of 30 years from the First Export Date, the solar panels shall be decommissioned and removed from the site, with all decommissioning and restoration works undertaken in accordance with the terms of condition 3 of this permission. Written confirmation of the First Export Date shall be submitted in writing to the Council, as Planning Authority within one month of the said date.

Reason: In recognition of the temporary nature of the proposed development and to secure removal.

- 2 Following the First Export Date, a continuous record of information regarding the monthly supply of electricity to the national grid from each array within the development hereby granted shall be maintained and retained for a period of at least 24 months. The information shall be made available to the Council, as Planning Authority within one month of any request being made.

In the event that any array(s) installed and commissioned fail(s) to supply electricity on a commercial basis to the grid for a continuous period of 6

months, or is no longer required, the array(s) in question shall be deemed to have ceased to be required. Under such circumstances, the array(s) along with all ancillary equipment, fixtures and fittings no longer required in connection with the retained array(s) shall, within 3 months of the end of the said continuous six month period or when ceasing to be required, be dismantled and removed from the site and the surrounding land shall be re-instated in accordance with a re-instatement scheme which shall previously have been submitted to and approved by the Council, as Planning Authority.

Reason: To ensure that any redundant or non-functioning solar array(s) and ancillary equipment, etc. is/are removed from the site in the interests of public safety, amenity and environmental protection and to ensure acceptable arrangements for the reinstatement of the ground are provided.

- 3 No development shall commence until a draft Decommissioning and Restoration Plan (DRP) for the site has been submitted to, and approved in writing by the Council, as Planning Authority in consultation with SNH and SEPA. Thereafter:
- a) no later than 3 years prior to the decommissioning of the development, the draft DRP shall be reviewed by the Solar Farm Operator and a copy submitted to the Council, as Planning Authority for their written approval, in consultation with SNH and SEPA; and
 - b) no later than 12 months prior to the decommissioning of the development, a detailed DRP, based upon the principles of the approved draft DRP, shall be submitted to, and approved in writing by, the Council as Planning Authority, in consultation with SNH and SEPA and thereafter, the detailed DRP shall be implemented in accordance with the approved details.

The DRP shall include the removal of all above-ground elements of the development, the treatment of ground surfaces, management and timing of the works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period.

Reason: To ensure that the decommissioning of the development and restoration of the site are carried out in an appropriate and environmentally acceptable manner.

- 4 No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority regarding evidence of a bond or other similar financial provision to be put in place to cover all decommissioning and site restoration costs on the expiry of the permission or where all solar arrays cease to be required, whichever is the sooner. The required bond or equivalent shall:
- I. be based on the DRP (as required by Condition 3); and
 - II. include documentary evidence to demonstrate that the amount of the bond or financial provision is sufficient to meet the full estimated costs

- of decommissioning, including dismantling, removal, disposal, site restoration, remediation and all other incidental works and professional costs; and
- III. include details to ensure that the proposed financial arrangements will be maintained and be subject to periodic review throughout the lifetime of the development. The review period shall be not less than 5 yearly intervals from commencement of the development, or such other period as may be agreed in writing with the Council, as Planning Authority and the findings of the review shall be submitted to and approved by the Council, as Planning Authority.

Thereafter, the development shall not commence until written evidence has been provided to the Council, as Planning Authority to confirm that the approved bond or financial provision arrangement has been put in place.

Reason: To ensure that sufficient funds are available to address the expected full costs of decommissioning and re-instatement and restoration of the site.

- 5 No development shall commence until details have been submitted to and approved by the Council, as Planning Authority regarding:
- I. the make, model, design and power rating of the solar panels to be used together with evidence to confirm that the energy generation capacity (output) of the development is not greater than 50MW ;
 - II. the arrangement and layout of all solar panels to be installed; and
 - III. the, design specifications and external material finishes and colour of the substation and inverter stations. Both the substation and inverter stations shall be finished in green or other similar recessive colour and shall have a mat, non-reflective, finish.

All details shall be in accordance with the details shown on approved drawing WSP-0832-GA-600-ST-242 PO8. The development shall be implemented in accordance with the approved details.

Reason: Details of the matters specified are lacking from the submission and to ensure an acceptable form of development in landscape, visual and environmental impacts.

- 6 No development shall commence until a Habitat Management Plan (HMP) has been submitted to, and approved in writing by, the Council as Planning Authority in consultation with SNH and RSPB. The HMP shall provide for measures to protect and manage habitat and species within and adjoining the application site and include:
- I. the identification of management methods and opportunities to mitigate for any adverse impacts on sensitive habitats as identified in the Extended Phase One Habitat and Protected Species Survey, the Breeding Bird Survey or other documentation as submitted and/or approved as part of the permission hereby granted;
 - II. a breeding bird protection plan; and

- III. targeted management for corn bunting and lapwing species and other farmland wildlife.

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

Reason: To protect and enhance the nature conservation interests of the area, including the management of vegetation and woodland on the site, mitigate any effects on breeding birds and their habitat and avoid adverse effects on other identified species of nature conservation interest.

- 7 No development or works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which shall be submitted to and approved by the Council, as Planning Authority in consultation with Aberdeenshire Archaeology Service. The scheme shall provide for a trial trenching evaluation within part of the site area i.e. within Field 3 as defined on Figure 1 of the applicant's submitted "Historic Environment Desk-Based Assessment NGR: NJ2853 6663, Report No. 1191, v.1.0, May 2017 (by Foundations Archaeology) and a watching brief over ground-breaking works. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council, as Planning Authority and Aberdeenshire Archaeology Service.

Reason: To safeguard and record the archaeological potential of the area.

- 8 No development or work shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:
- I. duration of works;
 - II. construction programme;
 - III. number of vehicle movements (i.e. materials, plant, staff, components);
 - IV. anticipated schedule for delivery of materials and plant;
 - V. full details of any temporary construction access;
 - VI. route of construction and delivery traffic between the site and the A96;
 - VII. measures to be put in place to prevent material being deposited on the public road; measures to be put in place to safeguard the movements of pedestrians;
 - VIII. traffic management measures to be put in place during works including any specific instructions to drivers; and
 - IX. parking provision, loading and unloading areas for construction traffic.

Thereafter, the development shall not be implemented except in accordance with the approved details.

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

- 9 All landscaping works shall be carried out in accordance with the details contained in the submitted Landscape and Visual Impact Assessment and approved plan WSP-0832-GA-600-ST-242 PO8.

Prior to any development commencing, a scheme for the planting of a hedgerow of native species between points A and B on approved plan WSP-0832-GA-600-ST-242 PO8, which specifies the location, spacing and species of the hedgerow, shall be submitted to and approved in writing by the Council.

All planting, seeding or turfing forming part of the approved landscape schemes shall be carried out not later than the end of the first planting and seeding seasons following the commencement of development.

Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless otherwise approved by the Council, as Planning Authority.

Reason: To ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.

- 10 The rating level of noise emitted from the proposed development shall, at all times, not exceed the existing background sound level by more than 5dB. The noise levels shall be determined at the nearest noise sensitive premises. Measurements and assessments shall be made according to BS 4142: 2014 Method for rating and assessing industrial and commercial sound.

Reason: In the interests of residential amenity.

Reason(s) for Decision

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

The proposed variation to condition 9 and removal of condition 11 of planning permission 17/00808/APP are considered suitable in light of the recent felling of trees on the site, which complies with the requirements of the Moray Local Development Plan 2020. There are no material considerations that indicate otherwise.

List of Informatives:

THE CONTAMINATED LAND SECTION has commented that:-

This development lies close to the World War II "Kingston Bombing Range". The developer should consider investigating this matter further prior to proceeding with any groundworks.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Prior to the commencement of deliveries or construction work a Section 96 Wear and Tear Agreement under the Roads (Scotland) Act 1984 will be required to be approved between the developer and the Roads Authority. This is to ensure that the costs to repair any damage to the public roads as a result of the construction work traffic are met by the applicant.

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

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at: 28 Perimeter Road, Pinefield, Elgin IV30 6AF Tel: 01343 547663

ABERDEENSHIRE ARCHAEOLOGY SERVICES has commented that:

The proposed development will have a significant direct impact on the archaeology site NJ26NE0040, an area of cropmarks indicating human activity likely to date to the prehistoric period (which, on checking aerial photographs, actually extends eastwards beyond the area recorded to date), located within "Field 3" of the proposed plan.

If this area is not excluded from the development, this area would need to be subject to a 5% trial trenching evaluation and a watching brief is required for the formation of access tracks, cabling trenches and substations.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No. WSP-0832-GA-600-ST- 242 PO8	Title/Description Site layout



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
20/00679/APP

Site Address:
Speyslaw Farm
Urquhart

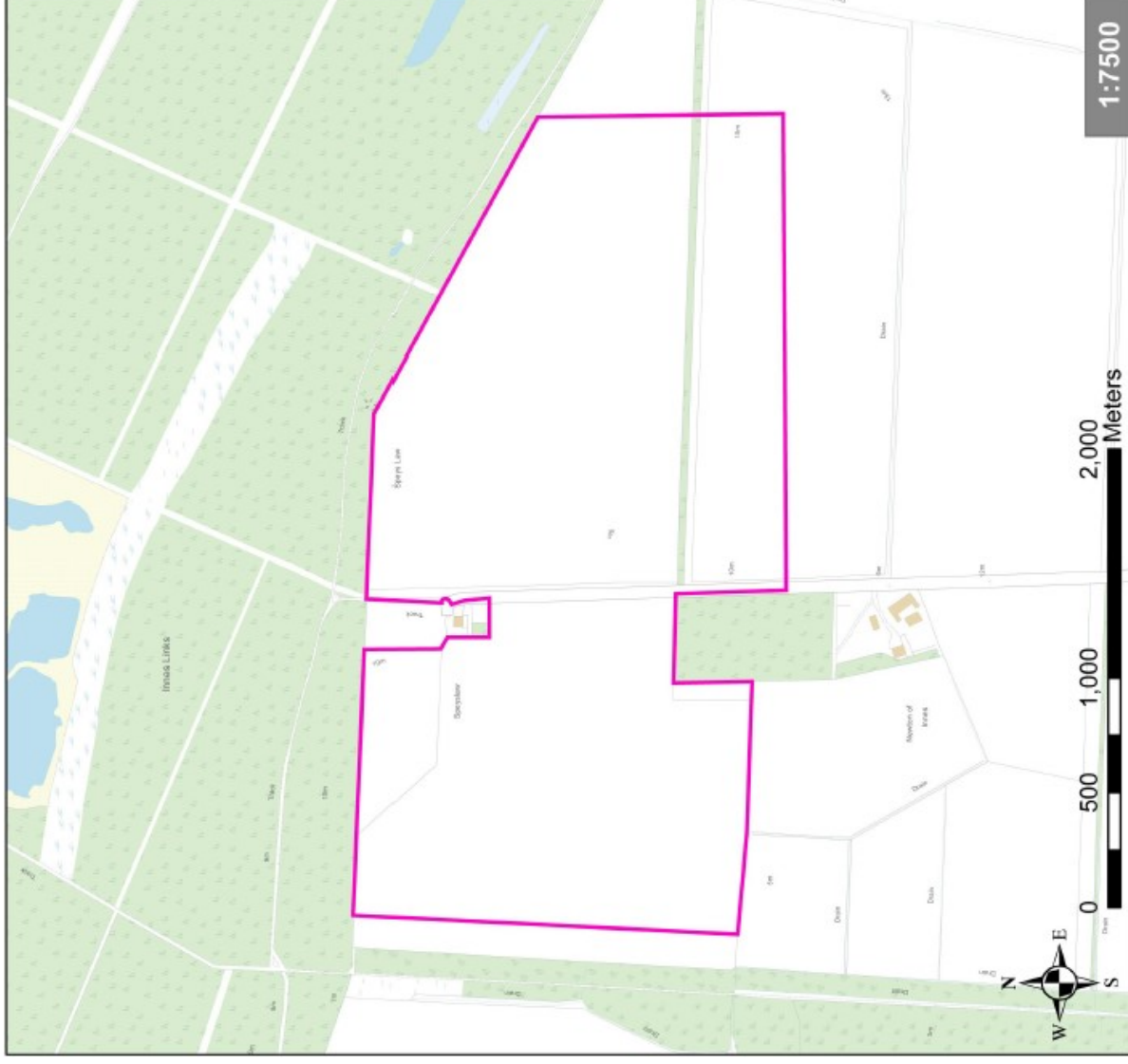
Applicant Name:
Elgin Energy EsCo Ltd

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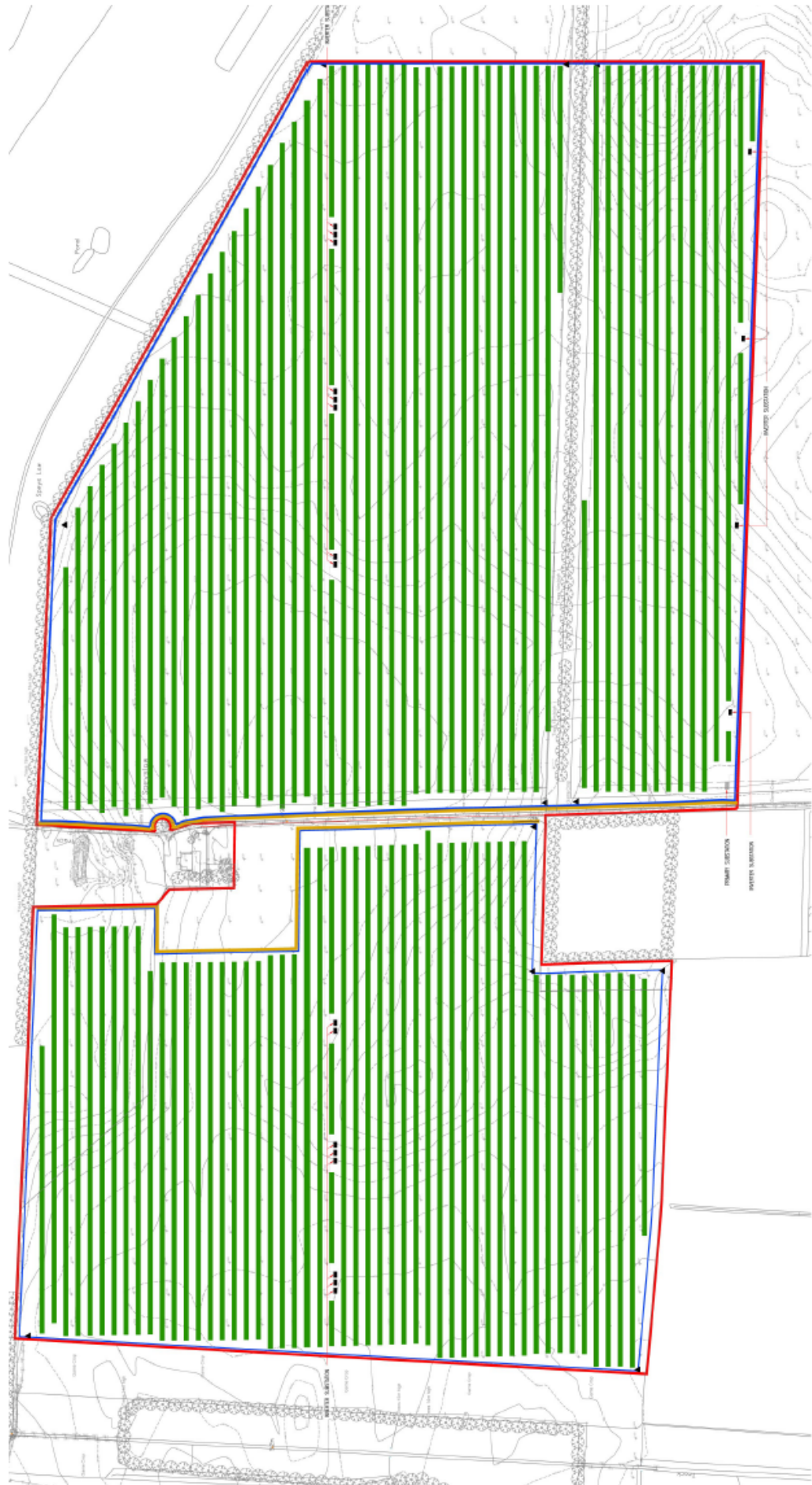
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Location Plan

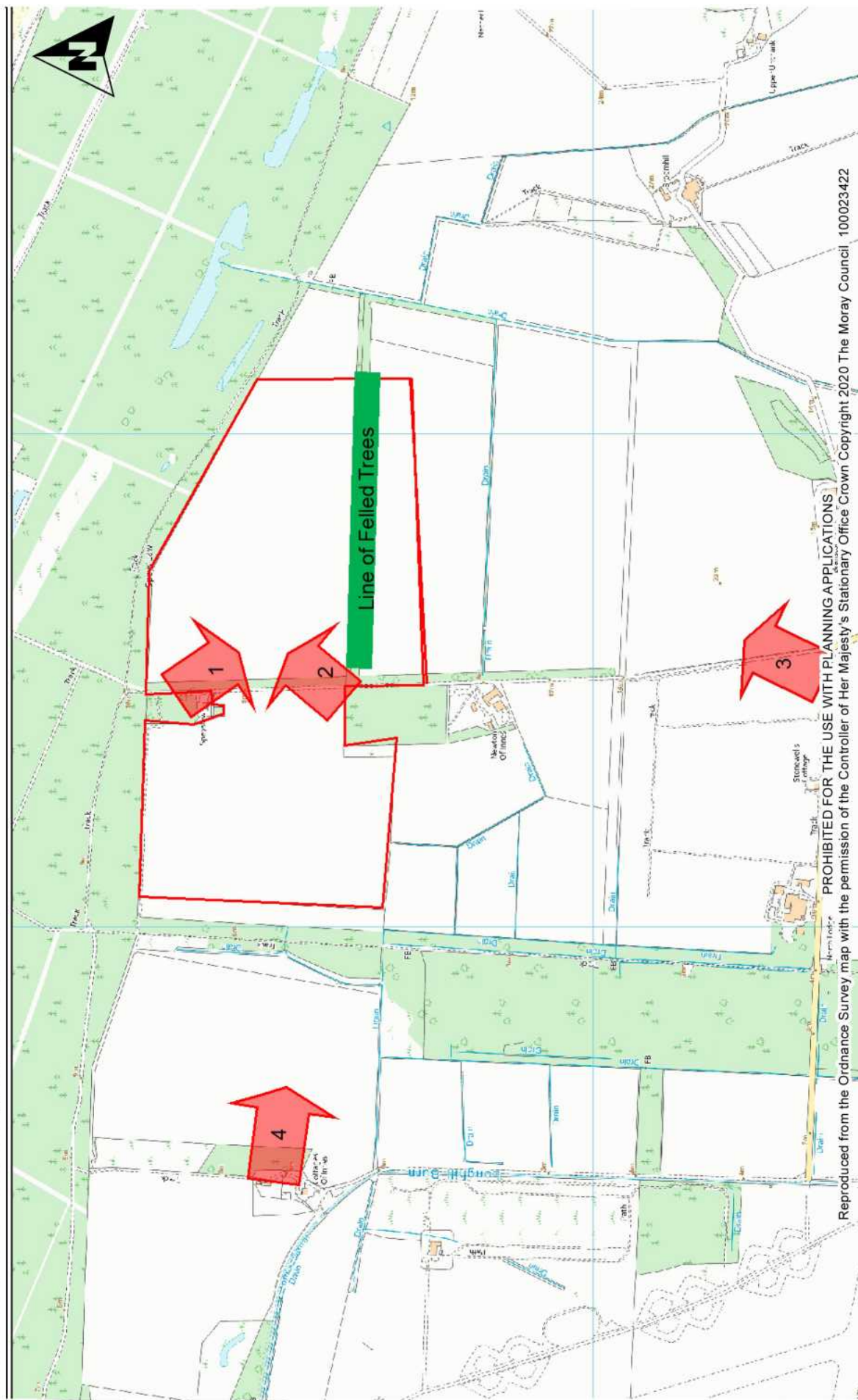


Site Location





20/00679/APP - Photograph Positions



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Map Description: Arrows point in direction photograph was taken.









PLANNING APPLICATION: 20/00679/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

- Application under section 42 of the Town and Country Planning Act (Scotland) (1997) (as amended) to remove condition 11 and vary condition 9 of planning consent 17/00808/APP.
- Planning approval 17/00808/APP granted consent for a solar photovoltaic (PV) farm with associated infrastructure (including substation).
- Condition 11 of 17/00808/APP requires the retention of trees, shrubs and planting on a specified tree belt that bisects the eastern half of the site.
- Condition 9 requires landscaping to be undertaken in accordance with a landscaping scheme approved as part of the application.
- This application proposes to remove condition 11 on the basis the tree belt to be replaced is no longer in place, and amend condition 9 to require a row of hedge along the belt where trees were felled.

THE SITE

- The site is approx. 47 ha of farmland extending over two field areas located on either side of an existing track leading between Lochhill and Speyslaw Cottage.
- The site is enclosed to the north and west by mature trees and some tree cover to the south-west and east of the site.
- The site is largely flat but becomes more undulating to the south.
- There are individual houses and farm buildings around the site to the south, east and west with the nearest property, Speyslaw sitting approx. mid-way along the northern boundary of the site and between the two field areas that form the application site. This property, owned by Innes Estate, effectively lies within the solar PV farm.
- The Scheduled Monument, "Innes Links, anti-invasion defences, Kingston to Lossiemouth" is located to the north of the site within an area of woodland extending along the coastline.
- Knight's Hillock Motte is a Scheduled Monument located to the south of the site.
- Innes House, a Category A Listed Building set within a Designed Landscape, is located to the south of the site. There are a number of Category B and C listed buildings associated with Innes House, also to the south of the site.
- The Loch Spynie Special Protection Area (SPA) and RAMSAR designation is located to the west of the site and the Moray and Nairn Coast SPA and RAMSAR designation is located to the north and east of the site. In addition, the Lower River Spey - Spey Bay Special Conservation Area (SAC) is located to the north east of the site.

HISTORY

15/01040/PE - Erect 50MW ground mounted solar PV array with associated infrastructure on land at Milltown Airfield, and erect up to 20MW ground mounted solar PV array with associated infrastructure on land at Speyslaw - following a pre-application meeting, the response (1 October 2015) identifies information requirements for any formal application for planning permission and recommends further pre-application consultation with consultees.

15/02014/SCN - [Screening opinion] Install solar PV array at Speyslaw - formal Screening Opinion adopted/issued on 22 December 2015 where, under the Environmental Impact Assessment Regulations 2011 (EIA) and after taking account of the characteristics and location of the development and the characteristics of its potential impact, the proposal, as a 'Schedule 2 development', would not be likely to result in significant environmental effects, hence the proposal is not EIA development and formal EIA procedures are not required.

17/00452/SCN - [Screening opinion] Install Solar PV Array (approx. 80,000 fixed solar panels) at Speyslaw - formal Screening Opinion adopted/issued on 12 April 2017 where, under the Environmental Impact Assessment Regulations 2011 (EIA) and after taking account of the characteristics and location of the development and the characteristics of its potential impact, the proposal, as a 'Schedule 2 development', would not be likely to result in significant environmental effects, hence the proposal is not EIA development and formal EIA procedures are not required.

17/00165/PAN - Proposal of Application Notice to erect photovoltaic solar farm on land at Speyslaw - response (9 February 2017) confirms requirements for consultation with the local Community Councils and the proposed public event. Following consideration, the Planning & Regulatory Services Committee advised (on 26 February 2016) that there were no provisional views/relevant issues which they wished to raise about the proposed development.

17/00808/APP – Planning permission for a solar PV farm comprising ground mounted fixed solar modules, primary and inverter substations, access tracks, perimeter deer fences and pole mounted CCTV cameras granted planning permission by the Planning and Regulatory Services Committee on 21 August 2017. Members resolved to grant consent per the recommendation with two minor amendments to conditions 7 and 9, as well as the inclusion of condition 11 to ensure trees are retained (i.e. those trees that have since been removed).

17/01185/S36 – Application to Scottish Ministers for Section 36 consent under the Electricity Act 1989 for the erection of solar panels and associated works including the installation of a primary substation inverter substation internal access track and other ancillary equipment at former Milltown Airfield. Members of the Planning & Regulatory Services Committee resolved that Moray Council raise no objections to the application on 5 December 2017, with Scottish Ministers granting Section 36 consent on 25 May 2018.

20/01196/APP – Application under section 42 to vary condition 1 of the planning permission 17/00808/APP. This application seeks to vary the period limiting the siting of the solar farm from 31 years to 41 years, and is currently pending consideration.

POLICY - SEE APPENDIX

ADVERTISEMENTS

Advertised for neighbour notification purposes.

CONSULTATIONS

Developer Obligations – No obligations sought.

OBJECTIONS-REPRESENTATIONS

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

[REDACTED]

The Matters Raised in the representation can be summarised as follows:

Issue: Developer should ensure flora and fauna are protected, including bats, and plant trees and wildflowers.

Comment (PO): Whilst mature trees have been felled, this was outwith the planning controls. The applicant has proposed to plant a hedgerow to replace the felled trees, and it is hoped this will improve biodiversity.

Issue: Work to listed buildings and within conservation areas should be to the strictest standards.

Comment (PO): The development is not located within a conservation area, nor does it involve works to a listed building.

OBSERVATIONS

Legislative Matters

Section 42 of the Town and Country Planning (Scotland) Act 1997 as amended allows applicants to apply to develop land without compliance with conditions previous attached to a planning consent. In determining such an application, the Council, as Planning Authority can only consider the conditions subject to which planning permission should be granted and may:

- grant permission unconditionally (i.e. remove the conditions attached to the planning consent);
- grant permission conditionally with differing conditions; or
- refuse the application (i.e. keep the conditions attached to the planning consent).

The principle of the development as a whole is not therefore to be re-considered, but if the Section 42 application were refused, the applicant would need to address the landscaping issue, which cannot be progressed under the extant planning conditions.

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

Background

The existing consent 17/00808/APP for the erection of a solar PV farm (as outlined in the history above) has not been implemented. That consent requires the retention of a belt of trees that bisects the eastern half of the site which had been proposed by the applicant and was specifically sought by Elected Members in their discussions at committee in August 2017. Since consent was granted, the trees have been felled (prior to the applicant taking control of the site). This application has been submitted to remove condition 11 requiring retention of these trees.

As the consent has not been implemented, there is no breach of condition. The felling of the trees in their own right does not constitute a breach of planning control as they are not covered by a condition on an implemented planning consent, nor are they protected by a conservation area or Tree Preservation Order. In a supporting letter provided by the applicant, it notes they do not control the land and the tree felling has been undertaken as part of wider land management of the site by the current land owner.

Policy Considerations

In determining whether the proposed alternative condition is acceptable, consideration must only be given to whether or not the proposed variation to conditions complies with planning policy. The planning principles of the wider development are not open for consideration.

Policy from a national to local level creates a presumption in favour of tree retention as part of any development, or where this is not possible, replacement/compensatory planting should be undertaken. With reference to the Moray Local Development Plan 2020, where it is apparent development may have an impact on trees, policy EP7 requires any proposal to retain and incorporate healthy trees unless it is technically unfeasible for their retention.

Policies DP1 (Development Principles) and DP9 (Renewable Energy) both echo the requirement of policy EP7, presuming retention of trees and their replacement where retention is not feasible as part of wider requirements to minimise the impact of development on the natural environment. Policy EP2 (Biodiversity) requires all development to preserve and enhance features of biological interest where possible.

Since the trees required to be retained under condition 11 have been felled retention is obviously impossible. The applicant proposes to replace the trees with a hedgerow of native species. The applicant states that the planting of a hedgerow would increase biodiversity by introducing native species and offering habitat for wildlife. From an operational perspective, it would allow for greater dust control compared to the trees, as well as minimising overshadowing of the solar farm. It is noted from previous visits to the site that the tree belt that was removed over little in the way of ground or low level shrub cover with the tree belt comprising mainly of a single row of coniferous trees.

Whilst the loss of mature trees is regrettable, the benefits of replacing the tree line with a hedgerow are recognised from a biodiversity perspective. In addition, the subsequent minimising of overshadowing will allow for greater renewable energy output from the solar

farm, particularly during the winter months of lower sun level, greater shadow cover and limited hours of sunshine.

From a landscape impact perspective, an alternative condition requiring the planting of a hedgerow will break up what would otherwise continuous view of solar panels in the rural landscape. From various low lying vantage points a hedge would provide in the long term a more appropriate visual barrier than the single row of trees.

Accordingly, the revised condition is considered to comply with the requirements of policies DP1, DP9, EP2 and EP7.

Six Tests of Planning Conditions

Where varying conditions, or indeed imposing conditions on planning permission, they must meet the requirements of the six tests for planning conditions. These are set out in Planning Circular 4/1998: The Use of Conditions in Planning Permissions. The six tests are:

- Need for a Condition – would permission have to be refused if the condition were not imposed?
- Relevance to Planning – the condition must serve a planning purpose.
- Relevance to the Development to be permitted – it must deal with the impact of the development.
- Enforceability – a condition should not be imposed if it is not practical to enforce it.
- Precision – the applicant must be able to understand exactly what the condition requires.
- Reasonableness – the condition must be reasonable in all other respects and must not be unduly restrictive.

Condition 11 is no longer required on the basis the trees it seeks to protect no longer exist, therefore it fails to meet the six tests.

With reference to the proposed variation to condition 9, the proposed hedgerow is considered to be a suitable replacement for the trees that have been felled, especially since the solar panels are not high structures. To simply not require alternative landscaping would not be acceptable, particularly from a landscape and biodiversity perspective. Therefore the need for the condition is justifiable.

The condition serves a planning purpose, there being no other legislation by means of which to secure the hedgerow required to minimise the visual impact of the solar farm. This can also be said for the relevance to the development.

In terms of enforceability and precision, the proposed variation to the condition is clear in what is required and when, therefore it can be enforced and is precise to ensure the applicant knows what is required.

Finally, in terms of reasonableness, the condition is more than reasonable on the basis mature trees required for retention were felled.

Conclusion

Whilst it is unfortunate mature trees that were to be protected were felled prior to the applicant taking control of the land and implementing their planning permission, the proposed hedgerow is considered an appropriate alternative to the row of trees that were felled. The loss of the trees would not bring about any change in view that the proposals

accord with the current local development plan, such that the conditions could not be accepted.

Recommendation

Approve subject to conditions.

REASON(S) FOR DECISION

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

The proposed variation to condition 9 and removal of condition 11 of planning permission 17/00808/APP are considered suitable in light of the recent felling of trees on the site, which complies with the requirements of the Moray Local Development Plan 2020. There are no material considerations that indicate otherwise.

Author/Contact

Andrew Miller

Ext: 01343 563274

Officer:

Planning Officer

Beverly Smith

Development Management & Building Standards Manager

APPENDIX

POLICY

Moray Local Development Plan 2020

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

(iii) Water environment, pollution, contamination

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

- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

DP9 RENEWABLE ENERGY

a) All Renewable Energy Proposals

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

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

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

b) Onshore wind turbines

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

i) The Spatial Framework

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

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

ii) Detailed Consideration

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

Landscape and visual impact:

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

Cumulative impact

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

Impact on local communities

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

Other

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

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

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

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

c) **Biomass**

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

- Applicants must confirm which form of biomass will fuel the plant and if a mixture of biomass is proposed then what percentage split will be attributed to each fuel source.

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

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

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

d) Heat

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

Where no heat network is present or planned:

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

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

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

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

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.

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.

WARD 02_17

20/00845/APP
14th July 2020

Change of use of agricultural land to create a secure dog walking field at The Lodge Drybridge Buckie Moray for Mr Alasdair Bruce

Comments:

- The application falls within the category of "major development" as defined within the Moray Council approved delegation scheme because the area of the proposed site exceeds 2 hectares.
- As the application is for a change of use, not construction, it does not fall within the category of "major" in relation to the requirements for pre application consultation with the community)
- The proposal has been advertised for neighbour notification purposes and under Schedule 3 No representations received

Procedure:

- None

Recommendation

Grant planning permission - subject to the following:

Conditions

1. Notwithstanding the submitted details the development shall not be brought into use until:
 - i) a detailed drawing (scale 1:500 or 1:1000) showing visibility splays measuring 2.4 metres by 120 metres to the east, and 2.4 metres by 90 metres to the west, and a schedule of maintenance for the splay area have been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
 - ii) the visibility splays have been provided in accordance with the approved details.

Thereafter the visibility splays shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance throughout the lifetime of the development hereby approved

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.

2. The development hereby approved shall not be brought into use until a passing place to the Moray Council standards and specification has been constructed on the section of the C11L Drybridge – Deskford Road at the agreed location, located 85m to the west of the site access (Roads Construction Consent shall be required for this element).

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

3. The development hereby approved shall not be brought into use until the first 5m of the access track, as measured from the edge of the public carriageway, has been constructed to the Moray Council specification and surfaced with bituminous macadam. The width of the surfaced vehicular access shall be minimum 3.5 metres, and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway

Reason: To ensure acceptable infrastructure at the development access.

4. Unless otherwise agreed in writing with the Planning Authority, in consultation with the Environmental Health Manager, the use of the development shall be permitted between the hours of 0700 to 2000 hours only. The use of the development shall not be permitted on National Holidays (i.e. Easter Sunday, Good Friday, Christmas Day, Boxing Day and New Year's Day).

Reason: To ensure that the development is appropriate to the surrounding area and does not have an adverse impact upon neighbouring properties in the area

5. Unless otherwise agreed in writing with the Planning Authority, in consultation with the Environmental Health Manager, the development hereby approved shall be operated in accordance with the approved documents entitled "Rules of the Field" and "Outline of Planned Use" apart from the operational hours which shall be in accordance with condition 4.

Reason: to ensure that the development is appropriate to the surrounding area and does not have an adverse impact upon neighbouring properties in the area

6. There shall be no external lighting installed at the site.

Reason: to ensure that the development is appropriate to the surrounding area and does not have an adverse impact upon neighbouring properties in the area.

7. Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe, agreed with the Roads Maintenance Manager (300mm minimum). The pipe shall be laid to a self-cleansing gradient and connected to an outfall.

Reason: To ensure the construction of an acceptable access in the interests of road safety and effective drainage infrastructure.

8. A minimum of three car parking spaces shall be provided within the site and made available for use by staff and customers throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

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

9. No water shall be permitted to drain or loose material be carried onto the public 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 access.

10. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear and retained thereafter throughout the lifetime of the development hereby approved.

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road.

Reason(s) for Decision

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

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

List of Informatives:

The TRANSPORTATION MANAGER has commented that:

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

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public

road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

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 (passing place). 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

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
1019/09-SLP C	Site and location plan
1019/09-SLP B	Site layout plan
	Sheilmuir Passing Place details
	Sheilmuir visibility splays
	Sheilmuir passing place position
	Revised Version - Rules of the Field
	Outline of Planned Use



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
20/00845/APP

Page 87

Site Address:
The Lodge
Drybridge Buckie

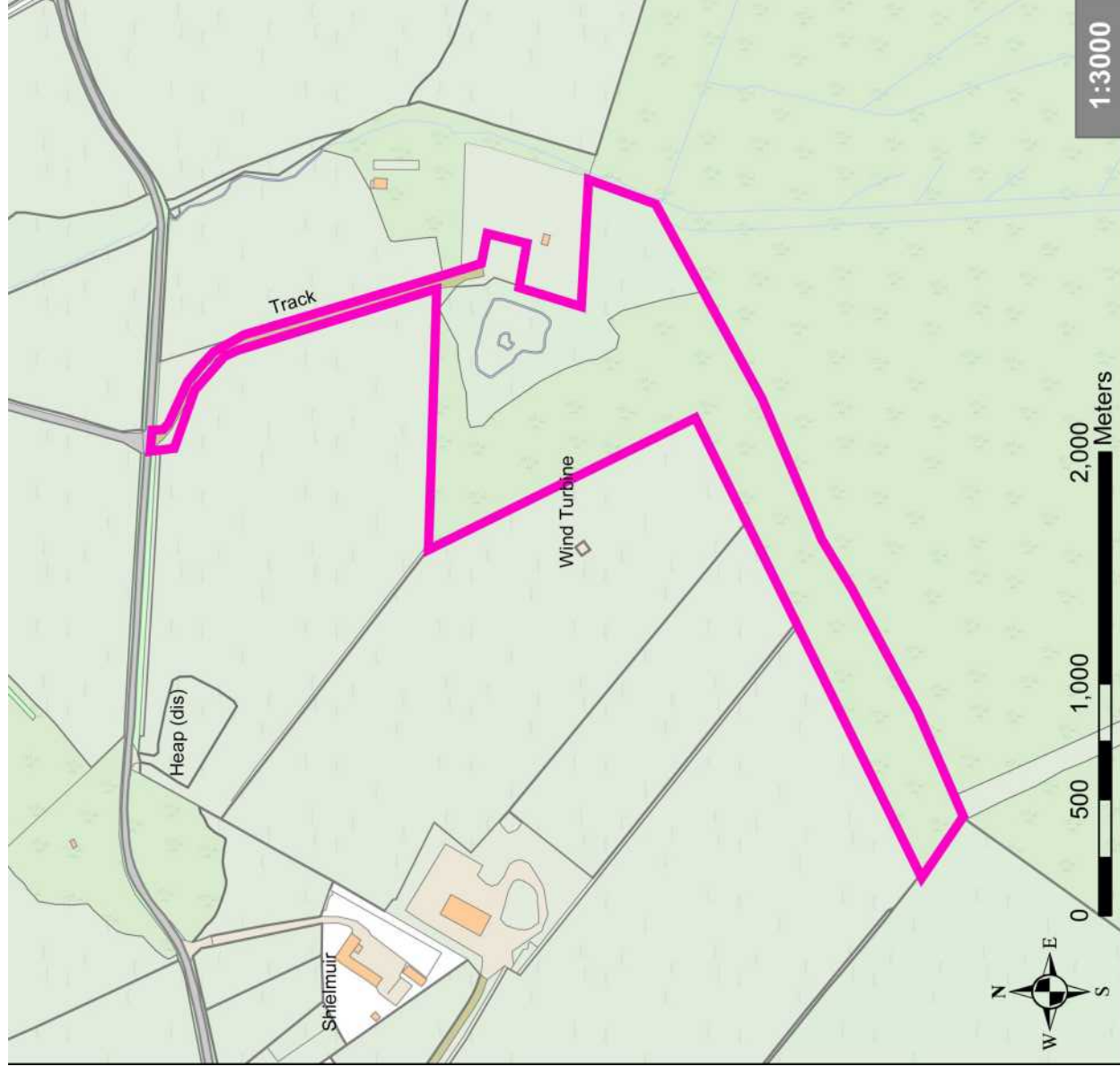
Applicant Name:
Mr Alasdair Bruce

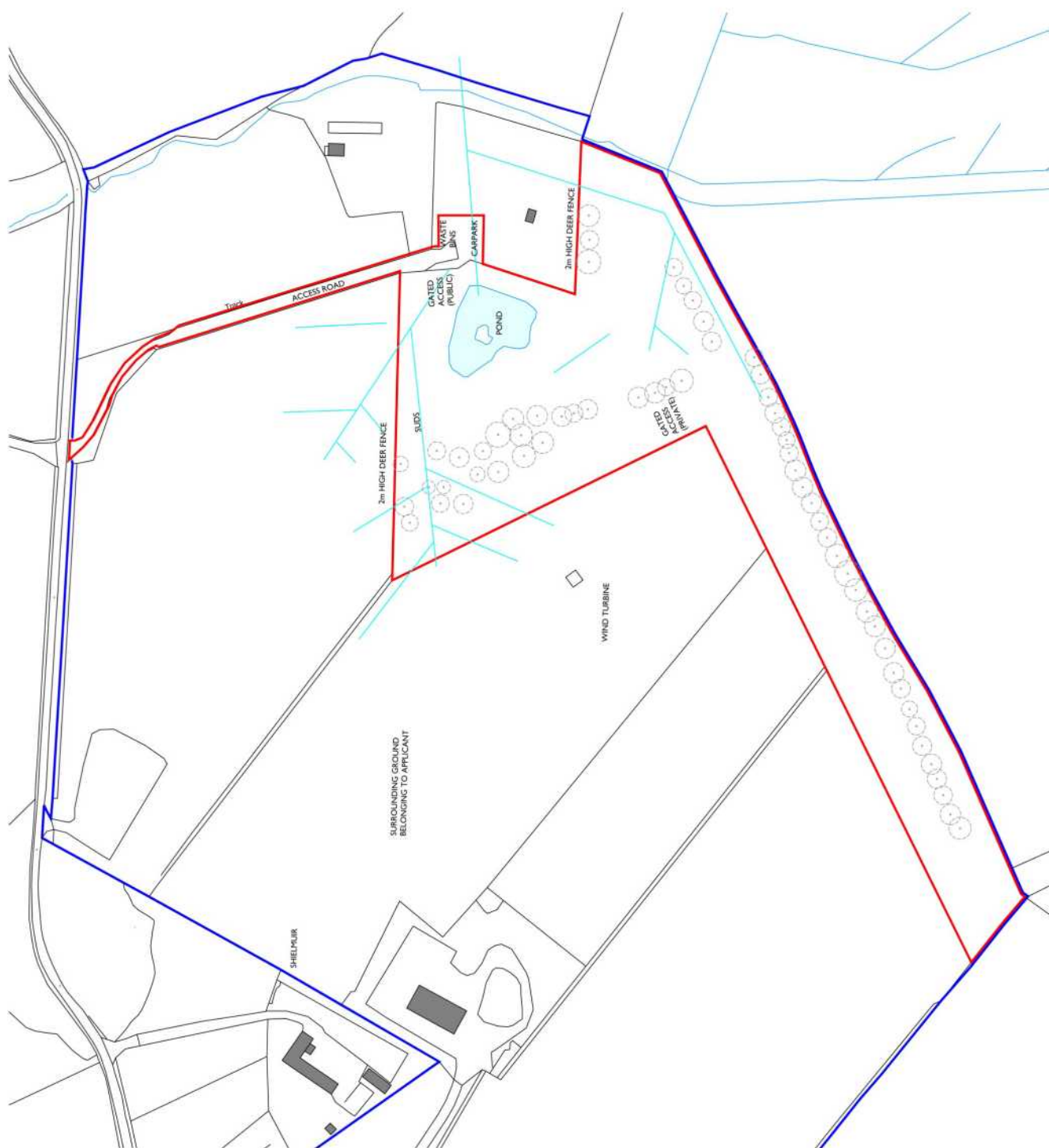
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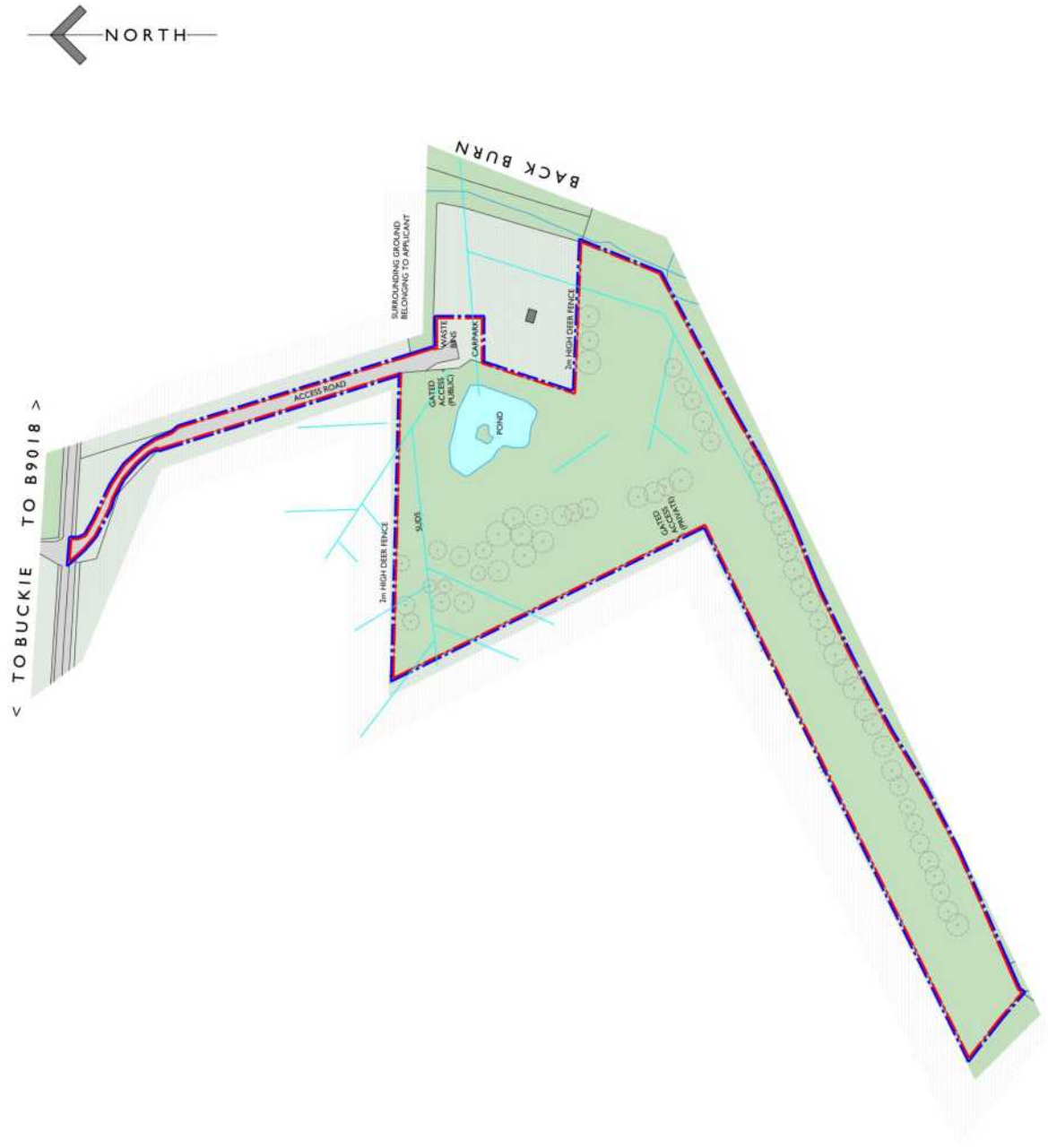
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Location Plan

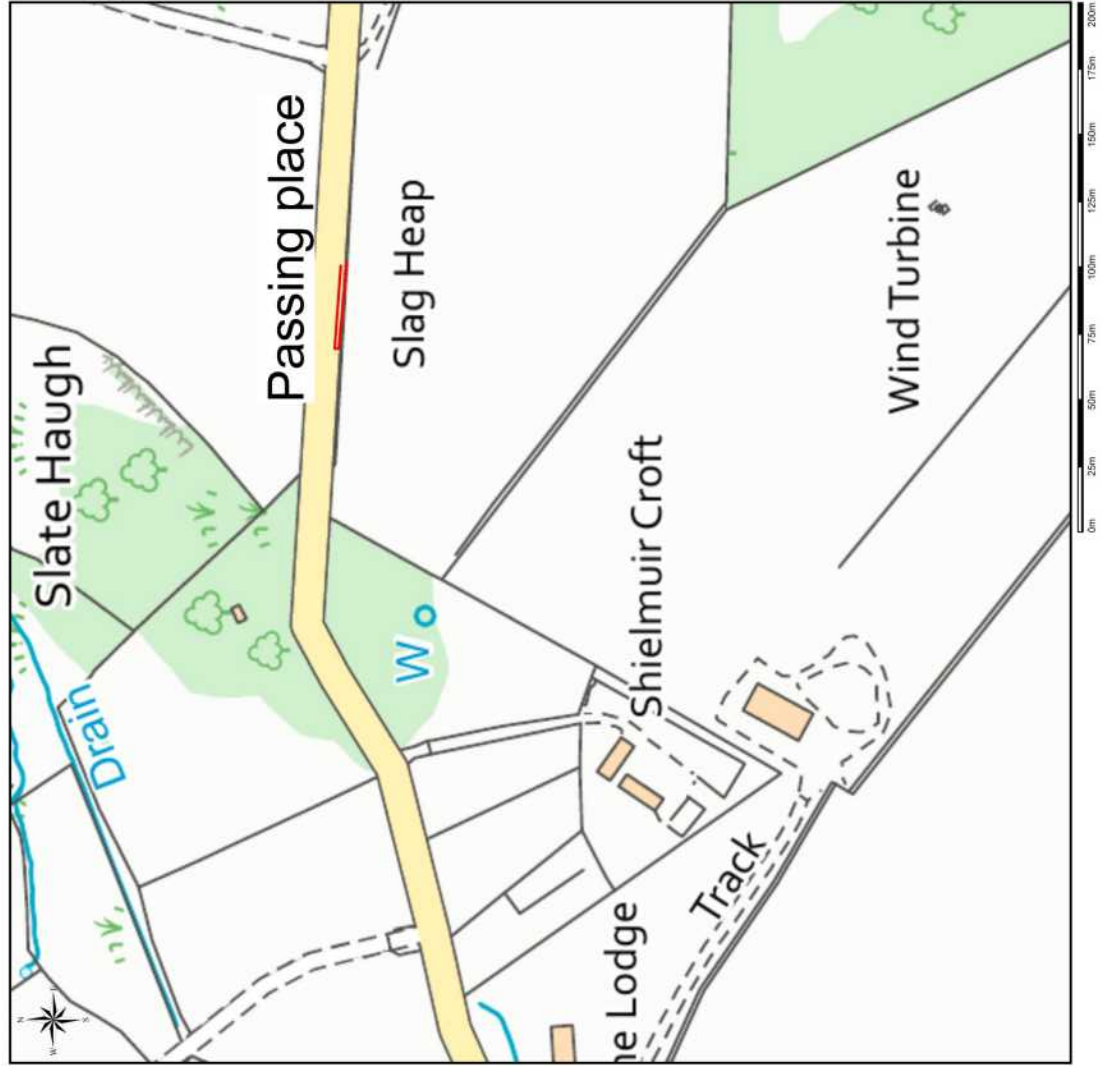






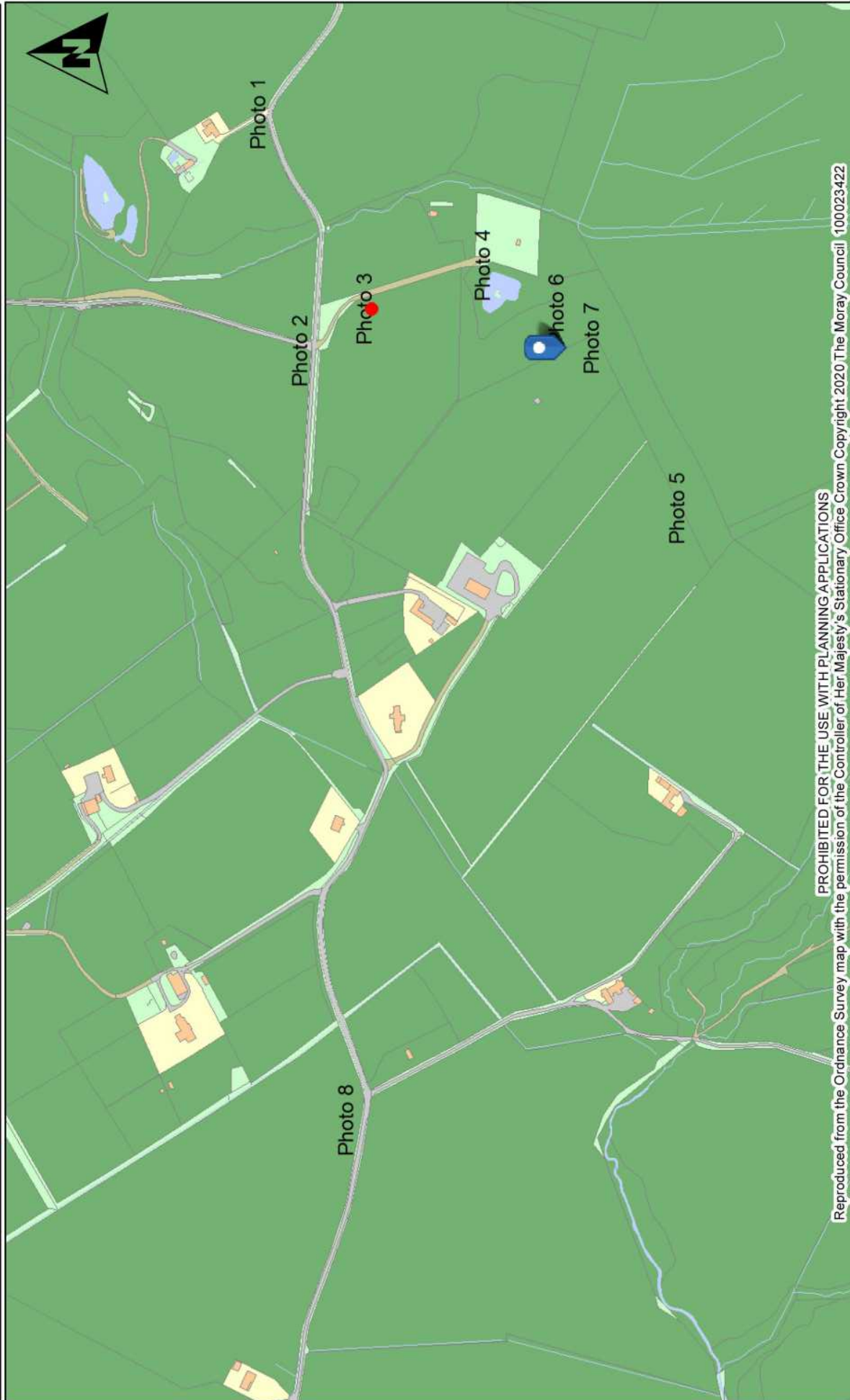
Proposed Passing Place location

Sheilmuir Passing Place



Scale: 1:2500

Position of Photographs



PROHIBITED FOR THE USE WITH PLANNING APPLICATIONS
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Photo 1





Photo 2

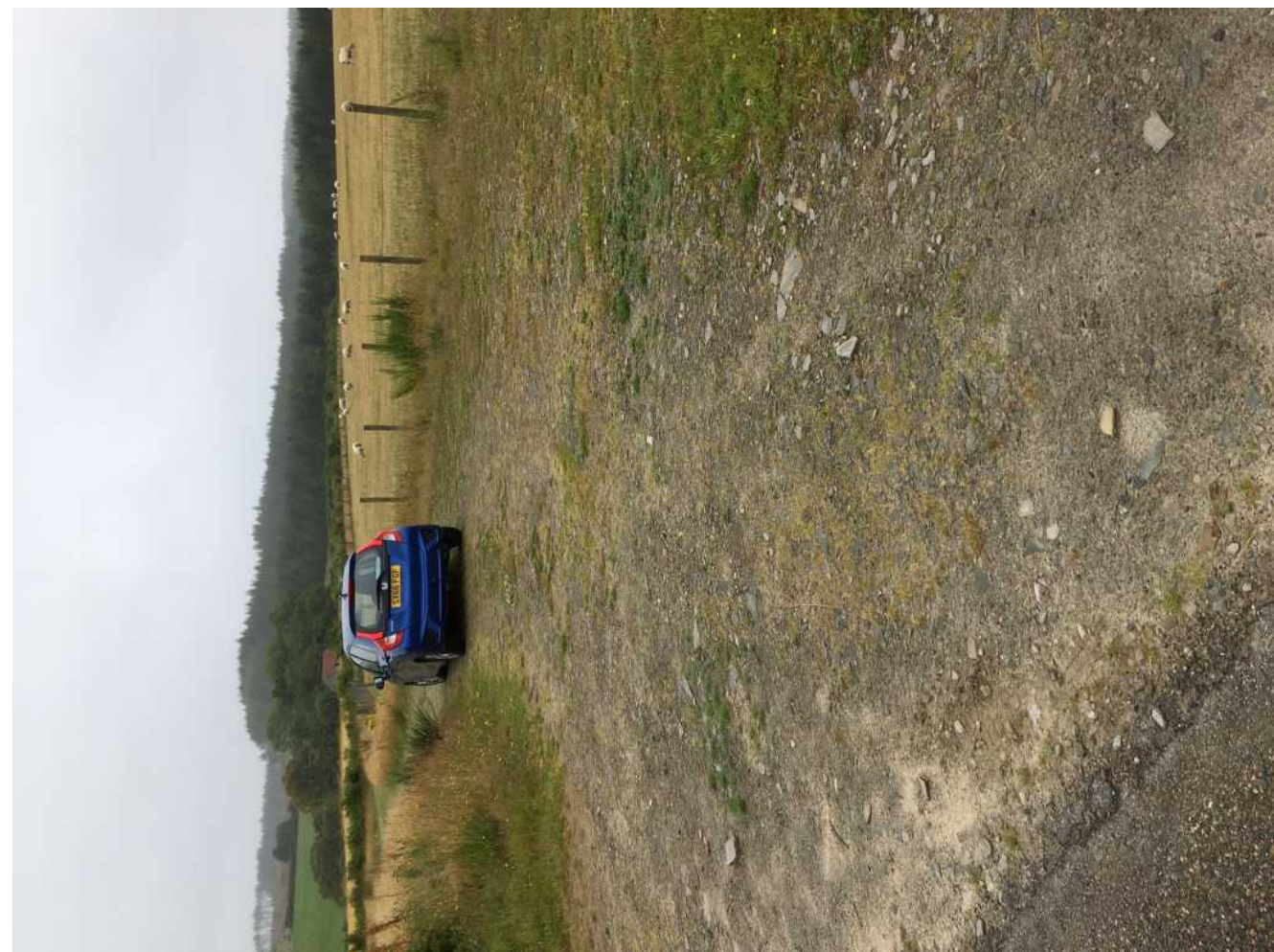


Photo 3

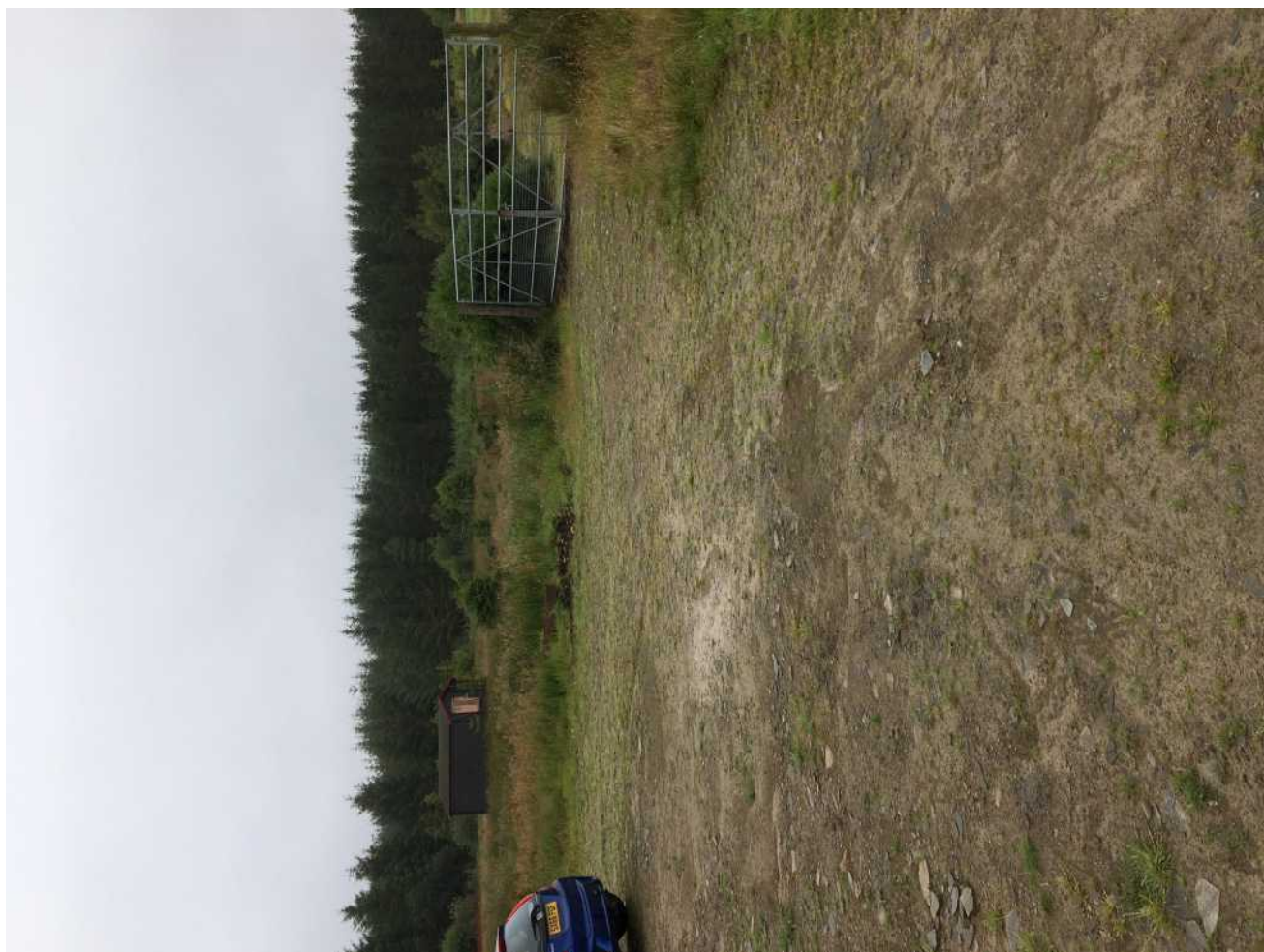


Photo 4

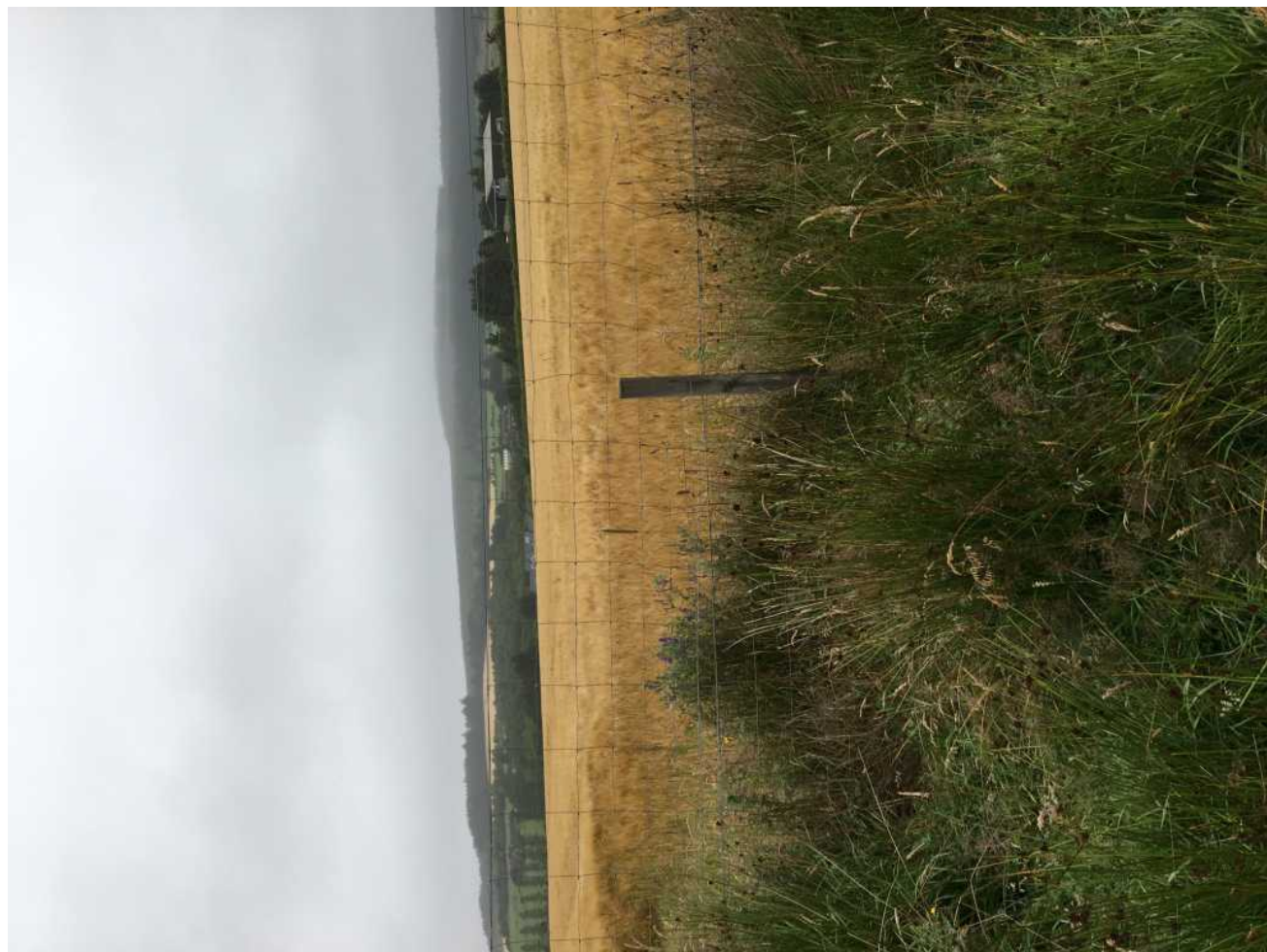


Photo 5

**Photo 6a (looking north
west towards turbine
from site boundary**



**Photo 6b (looking west
over pond and site)**



**Photo 6c (looking north
west towards turbine
from within site)**



**Photo 6d (looking east
over pond)**



Photo 7





Photo 8

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

THE PROPOSAL

This application seeks full planning permission for the change of use of an agricultural field to form a secure dog walking area for use by clients to walk and exercise their dogs, including dogs with behavioural and/or recall issues or dogs who are a prohibited breed or subject to an order. Professional dog walkers may also use the facility. The key features of the proposals are as follow:

- Field to be enclosed by 2 metre high deer type post and wire fencing – fencing in place
- Vehicular access will be via an existing access track leading southwards from the C11 Deskford to Drybridge road.
- Access track forms an unsurfaced access onto the public road. This private access track does not serve any other residential properties.
- Existing unsurfaced parking and turning facilities are located at the end of this track beside the public entrance into the proposed dog walking field.
- No foul or surface water drainage arrangements are required as no changes to the surfacing of the field or parking area are proposed.
- One public access point into the field will be used which is existing and in the form of a lockable high gate in the north east part of the site beside the access track. (There is a second private gated access in the western corner of the site).

Proposed rules of the field have been submitted together with an outline of the proposed operations. These set out how the proposal will operate. Key points are summarised as follows:

- Field to be used for 50 minute sessions by one customer and their dog(s)
- Changeover of 10 minutes between bookings should ensure maximum of two vehicles on site at any time.
- Users normally limited to single vehicle although in exceptional circumstances a second vehicle may be allowed – extra charge for this. Users can invite a friend and their dog (s) to a session.
- Bin to be provided for dog and other non-recyclable waste with hand sanitiser to be provided for use at the gate Waste will be taken weekly by the applicant to Local Authority facility as general waste for disposal thereafter.
- Hours of operation initially proposed as 7 days per week from 6 am to 10 pm from April to October and from 8 am to 8 pm during November to March. Following discussion the applicant is agreeable to reducing the opening hours to between the hours of 7 am to 8 pm, with no opening on National holidays.
- User's responsibility to act responsibly with noise kept to a minimum, highlighting that any complaints about noise and unacceptable behaviour will result in refusal of further use of the facility.

- No lighting is available on site so users must make own arrangements for personal lighting i.e. torches.
- Professional dog walkers to contact applicant in advance.
- No smoking or barbeques.

The applicant has also submitted a supporting statement which outlines the economic viability issues relating to the requirements for road access upgrading and passing place provision as sought by the Moray Council Transportation Team. This statement explains that the cost of these works will not be able to be recouped until after the development has been operating for more than 3 years and as such will put the viability of the proposal into jeopardy at a time when it is understood the Moray Council is seeking to support economic development. It explains that until the development is established use will be low. It requests that the roads requirements be reviewed after an initial 18 month period and, if deemed necessary, provided later after the development is operating in a financially sustainable manner, as opposed to having to be provided up front.

The statement also highlights that the access track has been used for the last 12 years by agricultural and private vehicles with no problems relating to debris being discharged onto the public road or any issues/incidents relating to visibility or vehicles passing each other on the public road.

THE SITE

- The application site comprises around 2.5 hectares of generally level agricultural land in a rural location to the south of the Deskford to Drybridge minor C class road which runs by the Hill of Maud toward Buckie.
- The access track is around 160 metres long, and forms an unsurfaced access onto the public road. It is lined on one side by vegetation. This track does not serve any other residential properties.
- The site is roughly L shaped with a narrow “leg” to the west. It is bounded to the north, west and east by agricultural land under the applicants’ control, and to the south by commercial woodland.
- To the north east of the site lies a small field containing the remains of a cottage with Back Burn watercourse lying to the east of this. To the immediate east of the site is land containing a small wooden shed type building.
- The site contains areas of tree planting, including areas of native trees, to create walkways and “glades” throughout the site. There is also a pond in the eastern part of the site.
- The applicant owns land around the site as shown on the submitted plans with this land leading northwards to his own house, a fairly recent property at the Lodge to the north west of site. An agricultural shed associated with the landholding is located to the south of this house, some 140 metres to the north-west of the site at its closest point. There is also a small domestic wind turbine located to the west of the site.

The surrounding area is characterised by scattered rural properties. The nearest residential properties in the area include:

- Shieltmuir – located beside the applicant’s house and some 180 metres to the north west of the application site
- Blackburn – some 270 metres to the north east on the other side of the public road
- Rosebank – some 450 metres to the far east located beside the public road
- Schoolhill – some 200 metres to the west of the westernmost portion of the site

HISTORY

There is no specific planning history on the site itself other than on part of the westernmost tip of the site and into the adjacent field where consent was refused in 2007 for the erection of a house (reference 07/01709/FUL).

In the surrounding area full planning permission was granted in 2008 for the applicant's own house at the Lodge (Reference 08/02267/FUL) adjacent to the public road and to the south west of an existing property at Shieltmuir. This consent was subject to planning conditions requiring that the first ten metres of the access be surfaced and that a surfaced parking layby be provided.

An agricultural notification application for the shed built to the rear of the applicant's house was approved in 2009 (reference 09/01466/AGR).

To east of the site, on the small field containing the remains of a cottage, planning consent was granted in outline in 2008 for a replacement house with access point indicated at the western edge of the site (reference 08/02229/OUT). At this time a parking layby was required by planning condition. This consent was renewed in 2011 (reference 11/01635/APP) and then again in 2014 (Reference 14/01099/APP.) This last consent expired in 2017.

POLICY - SEE APPENDIX

ADVERTISEMENTS

The proposal has been advertised in the local press for neighbour notification purposes and also under the terms of Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 as having the potential to potentially alter the character of an area of established amenity; cause activity and noise between the hours of 8 pm and 8 am.

No representations have been received.

CONSULTATIONS

Transportation Manager: Notes that the proposal is for a change of use of agricultural land to provide a secure dog walking area with each individual session lasting 50 minutes, 10 minute overlap between customers and ordinarily only one car visiting the site at a time. No objections to the proposal subject to conditions being attached including the requirements to secure a passing place on the C11L Drybridge to Deskford road some 85 metres to the west of the site access, surface the first 5 metres of the access track and provision of satisfactory visibility splays as the access point onto the public road.

Environmental Health: No objections subject to planning condition being attached to restrict opening hours to between 0700 and 2000 hours with no operations on National and Bank holidays. Following further discussion with the applicants it was agreed that operating on bank holidays would be permissible given the location and distance from other properties. The team also requested that an informative be attached highlighting that

the operations should be controlled in accordance with the applicant's supporting statement and rules of the field in order to prevent any noise nuisance.

Flood Risk Management: no objections - highlight that any upgrading work to the existing access track should be carried out using permeable surface.

Contaminated Land: no objections.

OBJECTIONS-REPRESENTATIONS

No representations have been received.

OBSERVATIONS

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

Background

This application falls within the category of "major development" as defined within the Moray Council approved delegation scheme because the area of the proposed site exceeds 2 hectares, hence it is being reported to Committee for determination. However as the application is for a change of use, not construction, it does not fall within the category of "major" in relation to the statutory requirements for pre application consultation with the community.

Policy Context and Assessment

Principle of Development (PP1, PP2, DP5)

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 PP2: Sustainable Economic Growth also seeks to support development proposals which support the Moray Economic Strategy to deliver sustainable economic growth where the quality of the built and natural environment is safeguarded, there is clear locational need and all potential impacts can be satisfactorily mitigated. Policy DP5: Business and Industry also applies which supports rural businesses and farm diversification, stating that proposals for new business development and extensions to existing businesses in rural locations will be supported where there is a locational need for the site and the proposal is in accordance with other relevant policies. It further notes that farm diversification proposals and business proposals that support the economic viability of the farm business are supported where they meet the requirements of all other relevant policies, highlighting that a high standard of design appropriate to the rural environment is required.

In this regard the proposed development to provide a secure dog walking facility is well suited to a rural location, where there is space to exercise the dogs. There is therefore considered to be a locational need where such space is required for this type of use. Furthermore the site is located close to the applicant's own house whereby operations can be monitored as required and involves little change other than fencing to the existing field

thereby fitting in well in principle with the agricultural setting here. Using the field productively in this way will also help to support the agricultural business and enable farm diversification here. It is therefore considered that the principle of this change of use accords with policy. It is the details of siting, design, amenity and servicing that requires to be considered now.

Landscape and Environmental Impacts (DP1 and EP2)

Policy DP1: Development Principles sets out the need for the scale, density and character of new development to be appropriate to the surrounding area, integrated into the surrounding landscape and safeguarding existing trees with detailed landscape plan provided.

The proposed development is located within a rural area where surrounding uses are agricultural and forestry with scattered houses set in this landscape. No new buildings are proposed and the fencing/gates are existing, entirely appropriate to the rural location. The deer fencing is set well back from the public road and is appropriate in design and finishes to this area. The site is already well landscaped and the proposed use takes advantage of this attractive setting by offering the opportunity for dog walkers to use the walks through this lightly wooded site, which is enhanced by the existing pond and glade effect of the walks. As such the development is not considered to have any particular landscape impacts with any small scale infrastructure (i.e. bin and hand sanitiser) to be discretely located at the parking area set back from the public road. The submitted plans indicate the areas of existing planting and this is considered to meet policy requirement for a landscape scheme.

The only other landscape impact relates to the provision of infrastructure required for road safety reasons – the passing place and the visibility splays at the access point. This should be achieved by trimming of roadside vegetation which will have limited landscape impacts which are considered to be outweighed by the road safety benefits.

Policy DP1: Development Principles also sets out that development should conserve and enhance the natural environment as does Policy EP2 Biodiversity which aims to deliver biodiversity enhancements by creating networks of high quality green spaces. The current proposals do not conflict with these requirements. Indeed the development could be considered to help deliver these requirements by securing a productive use for this site which already has biodiversity features in place by way of existing pond and planting. Furthermore it will enable more people to enjoy these benefits.

Amenity and impacts on neighbours (DP1 and EP14)

Policy DP1: Development Principles sets out the need for the scale, density and character to be appropriate to the surrounding area, with no loss of amenity for neighbouring properties. Policy EP14: Pollution, Contamination and Hazards also sets out that development proposals which may cause significant air, water, soil, light or noise pollution or exacerbate existing issues must be accompanied by detailed assessment reports on potential pollution and mitigation.

In this regard, as noted previously, there are no close neighbours to the application site. However in a rural area such as this residents may expect to enjoy reasonable levels of amenity and peace and it is important to ensure that this is the case. With a secure dog exercising proposal such as this the main likely impact upon neighbours may be from dogs barking as the other use such as walking in the field is no more intrusive than normal

agricultural operations. This matter has been assessed by the Environmental Health Manager and the applicants have agreed to restrict their opening hours in order to ensure that there is less potential for disturbance. This can be secured by planning condition. It is also considered that the applicant's own operating plan in the form of the supporting statement and "rules of the field" should ensure that there are no adverse impacts on amenity and this includes restriction on any lighting in the field which is welcomed in this rural location.

The information provided by the applicants has been sufficient to consider the impacts, and it is not considered that any impacts are of a significance requiring further detailed assessments to be provided.

Finally it is noted that following advertisement no objections to the proposals have been received.

Servicing, Access and Parking (DP1 and PP3)

Policy DP1: Development Requirements sets out the need for appropriate servicing and access arrangements.

In this case no servicing is required in terms of disposal of surface water or drainage/water supply infrastructure, whilst satisfactory arrangements are proposed for dealing with dog waste with bin to be provided and the "rules of the field" setting out behaviour for users. There is ample space within the site for the parking and turning of vehicles, and the parking area is discretely located by the entrance gate with no changes required to its layout or surfacing.

The key servicing issue is therefore access to the site. In this regard Policy DP1 requires that new development must provide safe entry and exit from the development, maximise routes/connections for cyclists and pedestrians, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Infrastructure must be provided at a level appropriate to the development with any impacts on road safety and the roads network addressed. Policy DP1 notes that this may include passing places, road widening, junction improvements etc. This is reinforced by policy PP3: Infrastructure and Services which states that development must be planned and coordinated with infrastructure to ensure that places function properly and that proposals are adequately served by infrastructure and services. PP3 also highlights that developments will be required as necessary to provide mitigation/modification to the existing transport network to address the impact of the development.

In terms of these general principles this type of development will inevitably be used by vehicles, with only limited use by cyclists/walkers. The location as noted earlier is justified in terms of locational need so the key issue here is whether the site can be satisfactorily and safely accessed by vehicles.

The proposed use has the potential to attract up to a maximum of 13 visits per day which is a considerable increase in traffic levels at this site and upon the surrounding road network. The roads network serving the site is a minor twisting C class road and new development along the road to date has been related to single houses where the access points have required to be surfaced and often layby provision required. Further west along this road close to Drybridge widening works have taken place in relation to ongoing new development in the vicinity.

The Transportation Manager has considered the ability of the roads network to accommodate the increased traffic. The Team initially sought surfacing for the first 10 metres of the access track to reduce impacts on the public road from discharge of loose material (given the length of the track whereby material could accumulate on the underside of cars) and the provision of a passing place (as opposed to a roadside service layby which would be required for a new house in recognition of the fact that the proposed development will not generate deliveries). Further discussion took place and it was agreed to reduce the extent of surfacing of the access track to 5 metres with upstand at end of surfacing to assist in removal of material from underside of cars. It should be noted that the required visibility splays can be provided within the public verge. The passing place is to be provided at a location which will provide the maximum benefit to road users, located at the top of an existing crest a short distance to the west of the access. The passing place is also located within land which is under the ownership/control of the applicant. These requirements require to be implemented before the development is brought into use.

As noted earlier, the applicant has raised serious concerns regarding the cost of providing these requirements considering that this is likely to make the development unviable, and requesting that the need for the works be reviewed in 18 months instead.

Whilst sympathising with the applicant's position, cognisance has already been taken of ensuring that the roads requirements are proportionate. These requirements have been assessed in detail by the technical consultee and are required in order to ensure that there are measures in place to accommodate the additional traffic without detriment to road safety, the road network and ultimately without incurring financial costs to the public. The applicant's wish to defer the works until a later date to assess if any damage has occurred and to allow the business to get up and running is understood. However there is no readily enforceable way of delivering this. The application is being considered in terms of the use applied for, and the roads requirements are not dissimilar to what would be required for a new house in the countryside which would be unlikely to generate the same level of traffic movements. Furthermore if the improvements are not secured before the developments opens to the public there would be a risk of damage to persons and road network contrary to the interests of road safety.

In these circumstances it is not considered that the economic issues outweigh the road safety considerations, and in order to meet with the policy requirement for safe access it is recommended that planning conditions be attached to secure these works. The applicant will of course have the option of appealing the planning conditions.

Finally in terms of servicing it is noted that the Flood risk Management team has requested that any works to upgrade the access track involve permeable surface. This potentially conflicts with the aforementioned requirement for surfacing with tarmac the first 5 metres for access track. However this is no different from the many other situations in the countryside where surfacing of tracks to new houses is sought and the requirement to make provision for drainage of the access point will address this matter with ample space around the access track to deal with any run off. Providing a small 5m section of tarred road to interface with the existing surfaced public road will not compromise the wider point being made by the Flood Risk Management Team.

Conclusion

This proposed development, which will provide a useful facility and represents farm

diversification entirely appropriate to the rural location with minimal impact on the surrounding area, is welcomed. It is considered to comply with Local Development Plan policies subject to appropriate planning conditions being attached to secure necessary road improvements and to ensure that it operates in accordance with the rules and guidance which has been developed by the applicant. Approval is therefore recommended on this basis.

REASON(S) FOR DECISION

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

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

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APPENDIX

POLICY

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.
 - 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.

PP2 SUSTAINABLE ECONOMIC GROWTH.

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

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.

(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.
- 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.

(iii) Water environment, pollution, contamination

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).
- b) New development should not be located in areas at flood risk or increase vulnerability to flooding (see Policy EP12). Exceptions to this would only be

considered in specific circumstances, e.g. extension to an existing building or change of use to an equal or less vulnerable use. Where this exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets.

- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures.
- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

DP5: BUSINESS & INDUSTRY

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

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

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

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

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

- c) **Industrial Estates**

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

- d) **Existing Business Areas**
Long established business uses will be protected from non-conforming uses (e.g. housing). The introduction or expansion of non-business uses (e.g. retail) will not be permitted, except where the total redevelopment of the site is proposed.
- e) **Other Uses**
Class 2 (business and financial), 3 (food and drink), 11 (assembly and leisure) and activities which do not fall within a specific use class (*sui generis*), including waste management facilities will be considered in relation to their suitability to the business or industrial area concerned, their compatibility with neighbouring uses and the supply of serviced employment land. Retail uses will not be permitted unless they are considered ancillary to the principal use (e.g. manufacture, wholesale). For this purpose, 'ancillary' is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area up to a total of 1,000 sq metres (gross) or where a sequential approach in accordance with town centre first principles has identified no other suitable sites and the proposal is in accordance with all other relevant policies and site requirements are met.
- f) **Areas of Mixed Use**
Proposals for a mix of uses where site specific opportunities are identified within Industrial Estate designations in the Settlement Statement, will be considered favourably where evidence is provided to the authority's satisfaction that the proposed mix will enable the servicing of employment land and will not compromise the supply of effective employment land. A Development Framework that shows the layout of the whole site, range of uses, landscaping, open space and site specific design requirements must be provided. The minimum levels of industrial use specified within designations must be achieved on the rest of the site.
- g) **Rural Businesses and Farm Diversification**
Proposals for new business development and extensions to existing businesses in rural locations including tourism and distillery operations will be supported where there is a locational need for the site and the proposal is in accordance with all other relevant policies.

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

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

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

h) **Inward Investment Sites**

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

Proposals must comply with Policy DP1 and other relevant policies.

EP2 BIODIVERSITY

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

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

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

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

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

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.

WARD 01_17

20/00197/APP
24th February 2020

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

Comments:

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

Procedure:

- None.

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

Conditions/Reasons

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In order to protect trees within the site.

Reason(s) for Decision

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

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

List of Informatives:

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

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

THE TRANSPORTATION MANAGER, has commented that:-

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

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

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

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

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

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

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

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

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

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

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at: 01343 540884.

SCOTTISH WATER, has commented that:-

See consultation response dated 2 March 2020.

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

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



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
20/00197/APP

Page 131

Site Address:
Viewfield Farm
Craigellachie

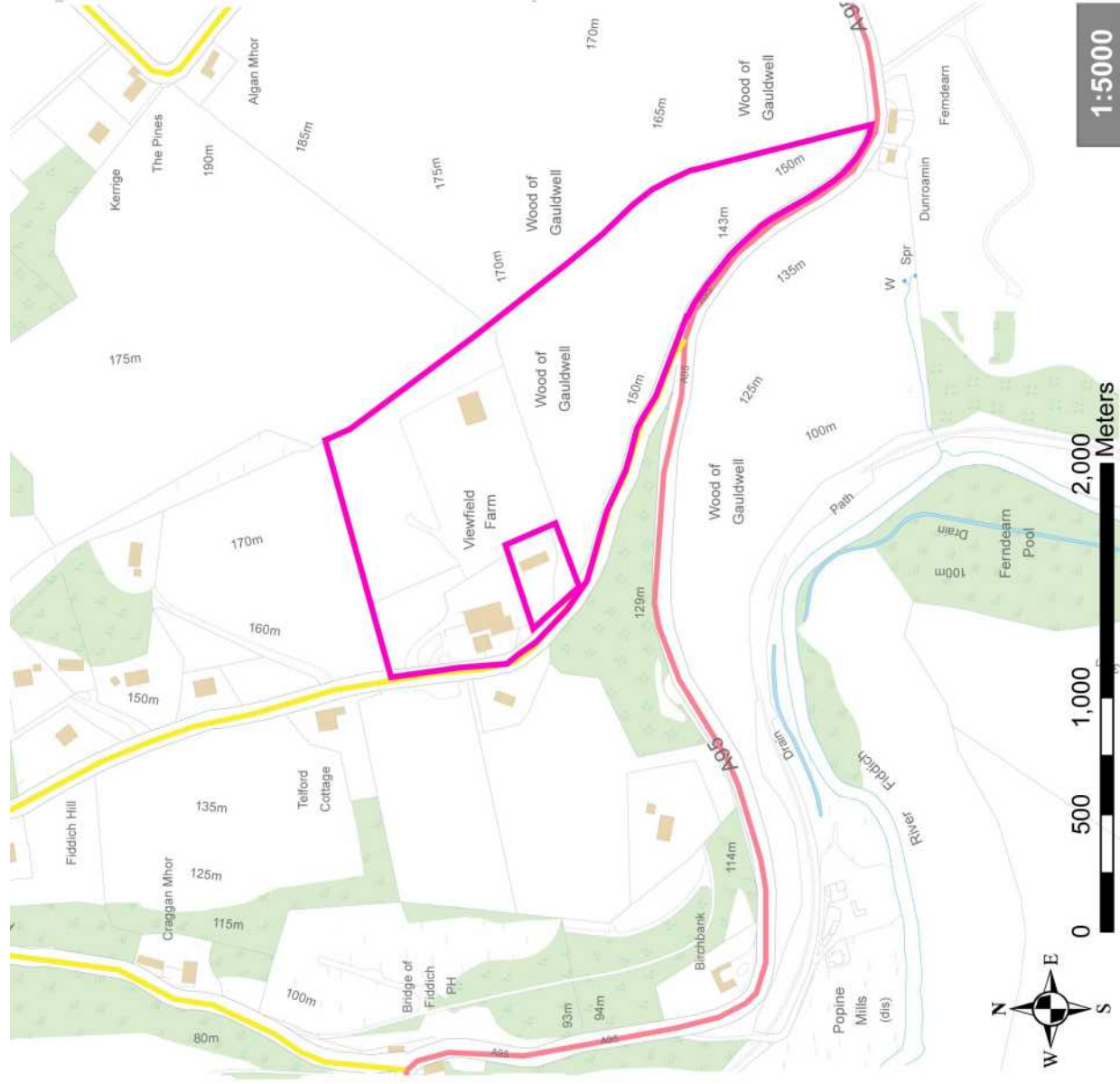
Applicant Name:
Caley Casks

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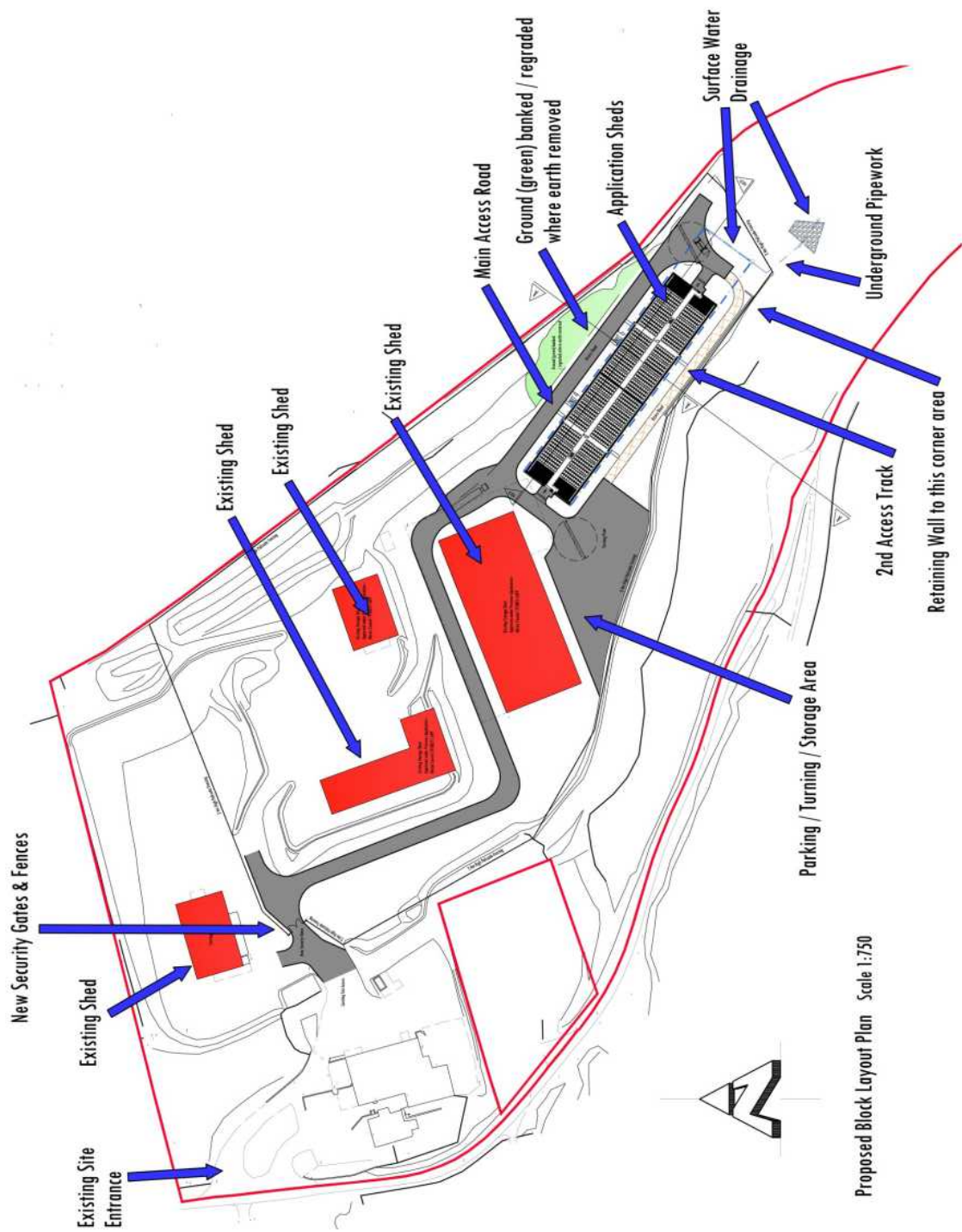
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Location Plan



Site plan



20/00197/APP - Photograph positions





Photo 1



Photo 2



Photo 3

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

THE PROPOSAL

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

THE SITE

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

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

HISTORY

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

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

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

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

POLICY - SEE APPENDIX

ADVERTISEMENTS

- Advertised for neighbour notification purposes.

CONSULTATIONS

Contaminated Land – No objections.

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

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

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

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

Transport Scotland – No objections.

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

Developer Obligations – None sought.

OBJECTIONS-REPRESENTATIONS

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

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

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

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

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

OBSERVATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

Pollution (Noise) (EP14)

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

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

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

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

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

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

Biodiversity (EP2)

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

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

Forestry, Woodland and Trees (EP7)

Policy EP7 details that proposals must retain healthy trees and incorporate them within the proposal unless it is technically unfeasible to retain these. Where trees exist on or bordering a development site, a tree survey, tree protection plan and mitigation plan must be provided with the planning application if the trees or trees bordering the site (or their roots) have the potential to be affected by development and construction activity. Proposals must identify a safeguarding distance to ensure construction works, including access and drainage arrangements, will not damage or interfere with the root systems in the short or longer term.

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

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

Access and Parking (DP1 and PP3)

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

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

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

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

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

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

Drainage and Flooding (DP1, PP3 and EP12)

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

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

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

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

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

Conclusion

Approval is recommended subject to conditions.

REASON(S) FOR DECISION

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

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

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APPENDIX

POLICY

Moray Local Development Plan 2020

PP2 SUSTAINABLE ECONOMIC GROWTH

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

PP3 INFRASTRUCTURE & SERVICES

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

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

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

b) Development proposals will not be supported where they:

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

vii) Compromise the economic viability of bus or rail facilities.

c) Harbours

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

d) Developer Obligations

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

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

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

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

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

DP1 DEVELOPMENT PRINCIPLES

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

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

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

(i) Design

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

(ii) Transportation

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

DP5 BUSINESS & INDUSTRY

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

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

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

b) Business Parks

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

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

c) Industrial Estates

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

d) Existing Business Areas

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

e) Other Uses

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

f) Areas of Mixed Use

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

g) Rural Businesses and Farm Diversification

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

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

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

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

h) Inward Investment Sites

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

Proposals must comply with Policy DP1 and other relevant policies.

EP2 BIODIVERSITY

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

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

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

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

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

EP3 SPECIAL LANDSCAPE AREAS AND LANDSCAPE CHARACTER

i) Special Landscape Areas (SLA's)

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

- a) In rural areas (outwith defined settlement and rural grouping boundaries);
 - i) Where the proposal involves an appropriate extension or change of use to existing buildings, or
 - ii) For uses directly related to distilling, agriculture, forestry and fishing which have a clear locational need and demonstrate that there is no alternative location, or
 - iii) For nationally significant infrastructure developments identified in the National Planning Framework,
- b) In urban areas (within defined settlement, rural grouping boundaries and LONG designations);
 - i) Where proposals conform with the requirements of the settlement statements, Policies PP1, DP1 and DP3 as appropriate and all other policy requirements, and
 - ii) Proposals reflect the traditional settlement character in terms of siting and design.
- c) The Coastal (Culbin to Burghead, Burghead to Lossiemouth, Lossiemouth to Portgordon, Portgordon to Cullen Coast), Cluny Hill, Spynie, Quarrywood and Pluscarden SLA's are classed as "sensitive" in terms of Policy DP4 and no new housing in the open countryside will be permitted within these SLA's.

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

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

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

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

EP7 FORESTRY, WOODLANDS AND TREES

a) Moray Forestry and Woodland Strategy

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

b) Tree Retention and Survey

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

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

c) Control of Woodland Removal

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

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

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

d) Tree Preservation Orders and Conservation Areas

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

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

e) Compensatory Planting

Where trees or woodland are removed in association with development, developers must provide compensatory planting to be agreed with the planning authority either on site, or

an alternative site in Moray which is in the applicant's control or through a commuted payment to the planning authority to deliver compensatory planting and recreational greenspace.

GUIDANCE TREES AND DEVELOPMENT

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

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

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

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

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

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

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

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

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

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

Landscape Scheme

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

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

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

EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT

a) Flooding

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

c) Water Environment

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

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

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

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

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

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

EP14 POLLUTION, CONTAMINATION & HAZARDS

a) Pollution

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

b) Contamination

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

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

c) Hazardous sites

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



REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 10 NOVEMBER 2020

SUBJECT: 20/01220/PAN BATTERY ENERGY STORAGE SCHEME INCLUDING CONTAINERISED BATTERY UNITS (27NO) INVERTERS AND TRANSFORMERS MOUNTED IN SKIDS GRID CONNECTION CONTAINER GRID CONNECTION COMPOUND WELFARE AND PARTS CONTAINERS SECURITY COLUMNS WITH CCTV CAMERAS AND 2M HIGH SECURITY FENCE ON LAND TO EAST OF KEITH SUBSTATION, WESTERTON ROAD, KEITH

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 22 September on behalf of Coronation Power Limited.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that:

- (i) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- (ii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

3. **BACKGROUND**

- 3.1 Scottish Government has published guidance which encourages elected members to highlight any issues with a proposed development at the pre-application stage which they would wish to see taken into account within any formal application for planning permission.
- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to applicant (paragraph 4 of the Minute refers).
- 3.3 This current report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc. Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 As described, this PAN relates to a proposal for a battery energy storage scheme which will include inverters and transformers, grid connection container and compound, welfare and parts container, CCTV and 2m high security fence. The submission states that the development would have a capacity of up to 49.99 MW.
- 3.5 The site is located immediately to the east of Keith Substation, Westerton Road, Keith. The site is on the eastern edge of Keith and is bounded by fields to the north, south and west. The land is largely flat and open. The site is served by an unadopted track which runs along the northern boundary of the site and joins Westerton Road at the entrance to the substation. The development is within the Countryside Around Town (CAT) around Keith as identified in the Moray Local Development Plan 2020. A plan is appended showing the location and extent of the site (**Appendix 1**).
- 3.6 Planning permission is required for this proposal. The proposal is for an energy installation with a capacity of between 20 and 50 MW therefore under the current hierarchy regulations the proposal would comprise a major development for planning purposes. The proposal will be subject to PAN and pre-application consultation procedures with the local community. The applicant has been advised of the Council's pre-application advice service to assist in identifying key issues and information that would be expected to accompany any formal application.
- 3.7 A formal response has been issued to the applicant's agent to confirm that the proposed arrangements for engaging with the local community are sufficient. The applicant proposes to consult with Keith Community Council and

Strathisla Community Council. In this case the applicant's agent has been advised that no additional parties require to be notified with a copy of the PAN.

- 3.8 The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 have temporarily suspended the need to hold a public event in relation to PANs from 24 April 2020 provided that the PAN was submitted before the end of the emergency period and that any formal planning application following on from the PAN is lodged within 6 months of the end of the emergency period. In line with the new regulations the agent has confirmed that a 7 day online public event will be held. This will be advertised locally prior to opening and the community councils made aware of the arrangements. In order to be valid a major application must be supported by a pre-application consultation report setting out the steps taken to consult with the local community, details of comments made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Identifying key issues at an early stage to assist with front loading major planning applications is a vital aspect of supporting and facilitating the Council's priority for economic development in Moray.

(b) Policy and Legal

Scottish Government guidance on the role of councillors in pre-application procedures affords elected members the opportunity to offer general provisional views on forthcoming developments which are the subject of a PAN where the details of the development have yet to be finalised.

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the

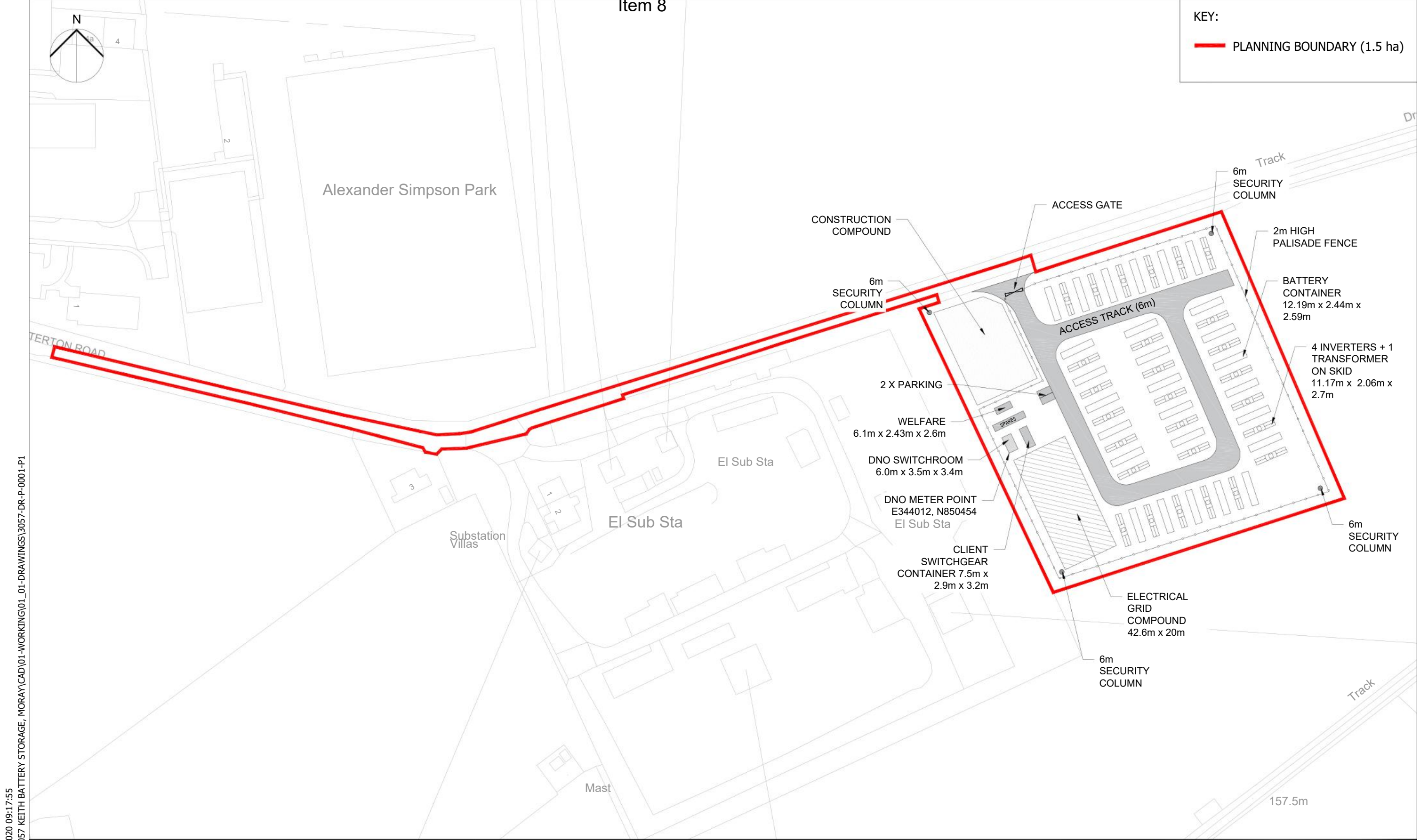
Development Management and Building Standards Manager, the Equal Opportunities Officer, the Strategic Planning and Delivery Manager and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

Members of Moray Council who are not on this Committee have also been consulted and any views received on the proposal will be made known at the meeting.


5. CONCLUSION

- 5.1 The Council has received a PAN intimating that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for a battery energy storage scheme at Land to the East of Keith Substation, Westerton Road, Keith. The Committee (and any other Member(s) of the Council) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.**

Author of Report:	Lisa MacDonald
Background Papers:	
Ref:	20/01220/PAN



Plot Date : 03 September 2020 09:17:55
File Name P:\PROJECTS\3057 KEITH BATTERY STORAGE, MORAY\CAD\01-WORKING\01_01-DRAWINGS\3057-DR-P-0001-P1

Project Title		Drawing Title		Purpose of issue				THIS DOCUMENT HAS BEEN PREPARED IN ACCORDANCE WITH THE SCOPE OF ARCUS' APPOINTMENT WITH ITS CLIENT AND IS SUBJECT TO THE TERMS OF THAT APPOINTMENT. ARCUS ACCEPTS NO LIABILITY FOR ANY USE OF THIS DOCUMENT OTHER THAN BY ITS CLIENT AND ONLY FOR THE PURPOSES FOR WHICH IT WAS PREPARED AND PROVIDED		Arcus Consultancy Services 7th Floor 144 West George Street Glasgow, G2 2HG Tel: +44 (0)141 221 9997 Fax: +44 (0)141 221 5610 www.arcusconsulting.co.uk			
KEITH BATTERY STORAGE				PRELIMINARY									
Client				Designed KB	Drawn KB	Checked DB	Approved AM						
				Arcus Internal Project No. 3057		Date 27/08/20							
CORONATION POWER				Scale @ A3 1:1000		Drawing Number 3057-DR-P-0001				Rev 1			



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
10 NOVEMBER 2020**

**SUBJECT: PERFORMANCE REPORT (ECONOMIC GROWTH AND
DEVELOPMENT SERVICES) – HALF YEAR TO MARCH 2020**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee of the performance of the service for the period from 1 October 2019 to 31 March 2020.
- 1.2 This report is submitted to Committee in terms of Section III (A) (4) and (E) (19) of the Council's Scheme of Administration relating to contributing to public performance reporting and the development and monitoring of the Council's Performance Management Framework.

2. RECOMMENDATION

2.1 It is recommended that Committee:

- (i) scrutinises performance of the Service Plan, Operational Performance Indicators and Complaints to the end of March 2020;**
- (ii) welcomes good performance; and**
- (iii) notes the actions being taken to improve performance where required.**

3. BACKGROUND

- 3.1 On 7 August 2019, the Moray Council, approved a revised Performance Management Framework for services (para 5 of the minute refers). The framework introduced new arrangements for Managing, Delivering and Reporting of Performance with the aim of increasing focus on priority areas, reducing the level of reporting on lower priority indicators and directing scrutiny towards areas of strategic importance trends. Whilst the key performance trends in operational performance will continue to be reported,

the focus of committee scrutiny will be on the delivery of priorities in the Local Outcome Improvement Plan (LOIP), Corporate Plan and Service Plan. This report covers progress in achieving the Economic Growth and Development Services' Service Plan priorities, as well as the important trends in the key Economic Growth and Development Services' performance indicators.

- 3.2 The Performance Monitoring Statements document was developed to support the Performance Management Framework. This half-yearly performance report refers to this document. The document includes tabular updates on actions, indicators relating to Service Plan priorities as well as complaints data, and can be found at:
http://www.moray.gov.uk/moray_standard/page_92321.html

4. SUMMARY OF PERFORMANCE

- 4.1 At a meeting of this Committee on 10 December 2019, approval was given for the Economic Growth and Development Services Service Plan covering the period 2019-2021 (para 9 of the minute refers). As per the Performance Management Framework, this Service Plan consists of two distinct sections;
- Strategic Outcomes - locked down against commitments in National Outcomes, the Local Outcome Improvement Plan and the Corporate Plan.
 - Service Level Outcomes – reflecting service priorities not covered in higher level plans.
- 4.2 A total of 9 actions, relevant to the Planning and Regulatory Services (excluding those reported to Economic Growth, Housing and Environmental Sustainability Committee), were included in the Economic Growth and Development Services Service Plan; overall the Plan is 79% complete. Four actions were due for completion by the end of 2019/20, 3 have been completed and one has recorded progress of 10%. Three actions not yet due for completion at the end of 2019/20 were completed by year end.

Level of Action	Number of Actions	Expected completion by end of 2019/20	Actual completion by end 2019/20
Strategic Outcome	0	0	0
Service Level Outcomes	9	4	6

Service Level Outcomes - successes

- 4.3 In maintaining an efficient process and approach to Planning and Building Standards, the Planning Performance Framework was submitted to the Scottish Government in July 2019 and reported to this committee on 25 February 2020 (para 14 of the minute refers). Performance continues to be monitored, benchmarked and reported annually. The Building Standards Annual Performance Report was presented to this committee on 10 December 2019 (para 8 of the minute refers) where it was reported that they had been reappointed as Verifiers for the Moray area by the Scottish Government for a further 6-year period. Performance at the end of the year

shows continued improvements with the percentages of building warrant and amended first reports issued within the 20-day timescale rising to 99% and those issued within 10 days rising to over 95%. The average number of days taken to respond to amended plans fell from 5.5 days in 2018/19 to 4.4 days in 2019/20 - EG&D19-20.SL-01 & 05.

- 4.4 The Development Plan Scheme 2020 for the Moray Development Plan 2020 was agreed at this committee on 25 February 2020 (para 18 of the minute refers) and submitted to the Scottish Government contributing to a strong policy base for the quality and sustainability of development in Moray. EG&D19-20.SL-03.
- 4.5 Contributing to providing valuable services to communities; encouraging biodiversity and sustainable food growth, the Food Growing Strategy as required by the Community Empowerment Act. was completed, presented and approved at a Special Meeting of the Moray Council on 3 March 2020 (para 7 of the minute refers) and delegated to this Committee in reference to planning applications for Food Growing Areas. EG&D19-20.SL-07.
- 4.6 Supporting the corporate objective to protect communities and provide sustainable services a new Private Water Supply team with dedicated areas has been established. In addition outstanding actions from the Food Standards Scotland Audit have been completed. EG&D19-20.SL-08 and EG&D19-20.SL-09.

Service Level Outcomes – challenges and actions to support

- 4.7 Aiming to promote the service and drive improvements, a review of Building Standards customer engagement was not completed by March as anticipated. This will be carried forward as an action in 2020/21 and will be extended to include Development Management, who share the same customers. (10% complete). EG&D19-20.SL-04.

Operational Indicators – successes

- 4.8 In line with the Performance Management Framework, operational performance is reviewed quarterly by departmental management (DMT). Areas performing well and/or areas subject to a decreasing trend or where benchmarking results show performance is below comparators, will be reported to this committee for member scrutiny.
- 4.9 The average time to deal with Development Management local planning applications in quarter 4 was well within the 10.4 week target at 8.7 weeks. However, the number of planning applications has fallen over the last couple of years (from 706 in 2017/18 to 559 in 2019/20).
- 4.10 In the year to March 2020, 97% of low-priority pest control service responses met the national target, an improvement from 88% last year. No high priority pest responses have been required in the last 3 years.
- 4.11 Land area measures remain positive with the most recent Housing Land Audit indicating there is 13.6 years of effective housing land supply against the 5-year target; the area of immediately available serviced employment land

remained at 39.3 hectares; and employment (marketable / effective land available rising to 129.68 hectares from 79.84 hectares last year.

Operational Indicators - challenges and actions to support

- 4.12 Food Safety indicators have not been presented since quarter 1. A new national code of practice is now in place and work is ongoing to amend and align the current risk assessment and monitoring reports process.

Complaints & MP/MSP Enquiries

- 4.13 Between October 2019 and March 2020, Economic Growth and Development Services received 20 complaints; a rise of 25% compared to the same period last year albeit based on low numbers. 11 complaints were closed with 4 (36%) dealt with as frontline and 7 as investigative. Three complaints (27%) were upheld or part upheld, compared to 7 upheld or part upheld in quarter 3 and 4 last year. In addition, 22 MP/MSP enquiries were dealt with in the same period.

5. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Performance measurement is used to ensure the efficient and sustainable delivery of services to meet the Council's priorities in both the Corporate Plan and the LOIP.

(b) Policy and Legal

The Council has a statutory requirement to publish a range of information that will demonstrate that it is securing best value and assist in comparing performance both over time and between authorities where appropriate.

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

An Equality Impact Assessment is not needed because the report is to inform the Committee on performance.

(h) Consultations

The Head of Economic Growth and Development Services, the Depute Chief Executive (Economy, Environment and Finance), the Development Management and Building Standards Manager, Environmental Health and Trading Standards Manager, Strategic Planning and Delivery Manager, the Legal Services Manager, the Equal Opportunities Officer, and Lissa Rowan, Committee Services Officer have been consulted with any comments received incorporated into this report.

6. CONCLUSION

- 6.1 At the end of March 2020, of the 4 Service Plan outcomes due to be completed in 2019/20, 3 have been achieved and 3 additional actions have been completed ahead of time so the overall plan is 79% complete. Economic Growth and Development Services indicator performance has remained positive with no exceptions to report.**

Author of Report:	Catriona Campbell, Research & Information Officer
Background Papers:	Held by Author
Ref:	



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
10 NOVEMBER 2020**

SUBJECT: BIODIVERSITY DUTY REPORTING 2018-2020

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 This report asks Committee to agree the content of the Biodiversity Duty Report for 2018-2020 and note publication of the Edinburgh Declaration.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the Review and Preparation of Strategic and Local Plans.

2. RECOMMENDATION

2.1 It is recommended that Committee agree:

- (i) **the content of the Biodiversity Duty Report 2018-2020 set out in Appendix 1 that will be issued to the Scottish Government; and**
- (ii) **to note the publication of the Edinburgh Declaration.**

3. BACKGROUND

- 3.1 The public sector can play a key role in leading by example and make a real contribution to Scotland's efforts to halt the loss of biodiversity. The Wildlife and Natural Environment (Scotland) Act 2011 introduced a requirement for all public bodies in Scotland to make a report publicly available on compliance with their biodiversity duty. Biodiversity duty reports are required every three years, and are not only about protecting biodiversity through managing specific sites, habitats and species but also aim to:

- Increase the level of understanding and connection between people and the living environment.

- Promote consideration of all our impacts on the natural world through our actions and decisions, including through procurement and use of resources.
- Encourage staff, partners and customers to engage with and understand and consider biodiversity.

The Biodiversity Report set out in **Appendix 1** will be issued to the Scottish Government and made publicly available on the Council's website on 1 January 2021.

- 3.2 Biodiversity is important as it provides many vital services that enrich our lives and that we depend on. Biodiversity underpins much of our food and drink production through maintaining healthy soils and pollination, it captures carbon and helps to clean and cool the air, it protects us against flooding and it regulates our supply of fresh water.
- 3.3 Human activity is causing biodiversity to be lost at a greatly accelerated rate and these losses can be irreversible, impoverish us all and damage the life systems we all rely on. Biodiversity loss and the climate emergency are intimately linked. Climate change increases the pressure on biodiversity while the living world provides us with nature-based solutions to climate change.

4. HIGHLIGHTS OF BIODIVERSITY REPORT

- 4.1 The completed reporting template provides an overview of the range of work the Council has undertaken to meet its biodiversity duty from 2018 to 2020.
- 4.2 A summary of the actions undertaken to conserve and enhance biodiversity is set out below.
- Biodiversity was identified as a key issue in the Local Development Plan Main Issues Report.
 - The Moray Local Development Plan (LDP) 2020 includes a specific biodiversity policy requiring all new development to conserve and enhance biodiversity with larger developments providing a Biodiversity Plan.
 - Placemaking and Open Space policies within the LDP also support biodiversity requiring delivery of high quality multi-functional green spaces with integrated green and blue infrastructure such as swales, permeable paving, SUDS ponds, alongside green roofs and walls and grass/wildflower verges in streets.
 - Draft Planning Policy Guidance has been prepared to support the LDP and provides examples of how development sites can improve biodiversity.
 - Adoption of the Open Space Strategy and Woodland and Forestry Strategy Supplementary Guidance which embed biodiversity enhancement.
 - NatureScot participate in the Quality Audit process for housing developments to provide expertise to improve biodiversity outcomes by identifying opportunities to protect and enhance biodiversity at the earliest stage.

- The LDP includes green network mapping to support the creation of connected green infrastructure and avoid habitat fragmentation.
- The Council's Draft Climate Change Action Plan includes actions linked to the LDP to enhance biodiversity.
- The Council's Food Growing Strategy sets out guidance on how food growing spaces can contribute to biodiversity by attracting pollinators.
- The Council is a member of the North East Scotland Biodiversity Partnership (NESBiP) alongside Aberdeen City and Aberdeenshire. The Partnership promotes knowledge sharing and joined-up approaches to tackling threats to biodiversity, and facilitating conservation action for local biodiversity.
- In partnership with NESBiP a grassland management workshop was hosted in Moray to explore benefits of grassland management to create wildflower areas based on experience elsewhere.
- Two pilot grassland management/wildflower pilot areas in Forres were developed as a result of the workshop session.
- Ranger Service community engagement including a programme of events including pond dipping, mini beast hunts and guided walks. A junior ranger programme with Speyside High School and involving local schools in non-native species control.

4.3 While the Council is becoming more active on biodiversity issues, resources constrain how much can be done. The indicative Regional Spatial Strategy approved by this Committee on 15 September 2020 (para 14 of the minute refers) included a number of strategic level projects, some relating to biodiversity such as promoting native woodland expansion in the south of Moray, a new natural heritage park along the Moray Coast and peatland management. To deliver these projects and to build upon current activity will require additional resource.

5. **EDINBURGH DECLARATION**

- 5.1 On 31 August 2020 the Scottish Government published the Edinburgh Declaration (**Appendix 2**). The declaration seeks agreement between subnational, regional and local governments across the world calling on the United Nations Convention on Biological Diversity (CBD) to elevate ambition in order to halt biodiversity loss. It urges greater prominence be given to the role subnational authorities' play in delivering on the new global targets to be agreed next year.
- 5.2 In recognition of the key role of local authorities in delivering biodiversity protection the Declaration is open for signing by parties working at the local level. This is currently being considered by COSLA.

6. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Protecting and enhancing biodiversity is important to building a better future for our children and young people in Moray, supporting their health and wellbeing and connecting them with nature.

(b) Policy and Legal

The Wildlife and Natural Environment (Scotland) Act 2011 requires all public bodies in Scotland to prepare and publish a Biodiversity Duty Report.

(c) Financial implications

There are no financial implications arising directly from the report.

(d) Risk Implications

None.

(e) Staffing Implications

The preparation of the Biodiversity Duty Report has been absorbed within existing Strategic Planning and Development workloads with input from the Lands and Parks Service. While considerably more action could be undertaken on biodiversity as outlined in para 4.3, additional staffing resource would be required.

(f) Property

None.

(g) Equalities/Socio Economic Impact

The Equalities Officer has raised no equalities or socio-economic impact issues.

(h) Consultations

The Depute Chief Executive (Economy, Environment and Finance), Head of Economic Growth and Development, the Legal Services Manager, Lissa Rowan (Committee Services Officer), the Environmental Protection Manager and the Equalities Officer have been consulted and comments received incorporated into the report.

7. CONCLUSION

7.1 A Biodiversity Duty Report covering 2018 to 2020 has been prepared and sets out the range of actions undertaken by the Council to conserve and enhance biodiversity.

7.2 Significant progress has been made in mainstreaming biodiversity into the Moray Local Development Plan including requiring developers to demonstrate retention, protection and enhancement of features of biological interest within all development sites.

Author of Report: Emma Gordon, Planning Officer

Background Papers:

Ref:

THE BIODIVERSITY DUTY REPORTING TEMPLATE: LEVEL ONE ORGANISATIONS

Report Outline

Bodies are encouraged to use the following structure for their report. This is set out in the template below, which you can either type directly into, or copy into a separate document.

- Section 1: Introductory information about your public body
- Section 2: Actions to protect biodiversity and connect people with nature
- Section 3: Mainstreaming biodiversity
- Section 4: Nature-based solutions, climate change and biodiversity
- Section 5: Public engagement and workforce development
- Section 6: Research and monitoring
- Section 7: Biodiversity highlights and challenges

Completion Notes

These completion notes offer guidance to support your public body to complete your Biodiversity Duty Report. Taken together with the associated hyperlinks, they provide suggestions on the breadth of actions that could be included in your report. They may also assist with forward planning on how biodiversity can be taken into account in future.

While they incorporate the key elements on which you may wish to report, they are not an exhaustive list and it is likely that there will be a range of additional work that your organisation carried out in support of biodiversity on which you may also wish to report. To find out more on the Biodiversity Duty see the [NatureScot website](#).



SECTION 1: INTRODUCTORY INFORMATION ABOUT YOUR PUBLIC BODY

Please describe your organisation's role and purpose, including any particular environmental responsibilities

Guidance on completing this section	<p>Summarise your organisation's role and purpose, including a brief outline of governance and management structures.</p> <p>Summarise any relevance and impacts of biodiversity to your organisation, including your role in:</p> <ul style="list-style-type: none">• Land and estate management;• Regulation of land use and development;• Providing public information, community learning and education around nature and the environment;• Any key environmental impacts from your operations.
Text Field	<p>Moray Council has a broad regulatory remit that impacts on biodiversity. As a Planning Authority the Council is responsible for the preparation of a Local Development Plan which outlines plans and policies which aim to protect and enhance biodiversity and also administers Tree Preservation Orders.</p> <p>The Council is also responsible for the management and maintenance of all Council open spaces including parks, woodlands, cemeteries, school grounds, road verges and play areas. The Moray Ranger Service supports environmental management, community engagement and education. In preparing a Core Paths Plan the Council promotes access to nature, supporting health and wellbeing alongside positively managing these routes to enhance biodiversity.</p>



SECTION 2: ACTIONS TO PROTECT BIODIVERSITY AND CONNECT PEOPLE WITH NATURE

Please describe and explain any actions that your organisation has undertaken alone or as part of a partnership to benefit biodiversity directly, to tackle the main drivers of biodiversity loss, or to achieve wider outcomes for nature and people

Guidance on completing this section	<p>As a Level One reporting organisation, you may wish to report on activities across your organisation, including any actions that you have undertaken on the ground on land that you manage alone or with others.</p> <p>Please explain how these actions have benefited biodiversity, noting successes and challenges, and any plans for future or follow-up work. These might include:</p> <p>The creation, enhancement and protection of wildlife and natural habitat. Please include quantitative measures where possible (e.g. ha of raised bog restored, ha of new woodland planted, areas managed to enhance biodiversity).</p> <p>Involvement in key partnerships such as the Local Biodiversity Action Plan Partnership, relevant Community Planning groups, running a Local Records Centre.</p> <p>Addressing the key drivers of biodiversity loss, which might include work or projects to tackle:</p> <ul style="list-style-type: none">• Land use change;• Exploitation;• Invasive Non Native Species;• Pollution. <p>Enhancing biodiversity at your premises through actions in and around offices such as:</p> <ul style="list-style-type: none">• providing bird boxes / feeders;• creating a habitat for wildlife, such as wildflower areas;• installing green roofs;• organising staff volunteering days.
Links to related resources	<ul style="list-style-type: none">• Guidance on the Key pressures on biodiversity.• Guidance for Planners and developers on legally Protected Areas and Protected Species.• Guidance for all bodies on highest priority species and habitats for targeted conservation action



	<ul style="list-style-type: none">• Guidance on biodiversity and the Planning system including creating, enhancing and protecting wildlife and natural habitats through Habitat management and Habitat networks.• Guidance on Buildings and biodiversity - how to make space for nature in the built environment.• Information on Local Biodiversity Action Plan Partnerships (LBAPs).• Collecting and managing biodiversity data, including from Local Records Centres Biodiversity - where to find data.• Information on Placemaking, open space and green infrastructure.• Case studies:<ul style="list-style-type: none">○ Greening parks and creating urban meadows in Edinburgh.○ Scottish Water Volunteering Programme• Guidance on Managing freshwater, including pollution and on Coastal development and marine pollution.• Examples of smaller actions that can be enacted in the office or staff homes - Biodiversity - what can you do?
Text Field	<p>Moray Council has undertaken the following actions to directly benefit biodiversity.</p> <ul style="list-style-type: none">• Participate in the North of Scotland Biodiversity Partnership (NESBiP). The partnership undertakes a wide range of projects to raise the profile of locally and nationally important species and habitats, encourage data recording and facilitate joint working on Local Biodiversity Action Plan (LBAP) priorities across the region.• 2 wildflower pilot areas have been developed, these projects were developed in partnership with Forres Green Space Users Group.• Hogweed control along the Moray flood alleviation schemes and Council owned/promoted paths.• Himalayan Balsam and Japanese Knotweed control, pond reed cutting and invasive weed control in various locations.• Installation of bat boxes and bird feeders at various locations.• Design work and consultation on the development of community orchard in Buckie.



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SECTION 3: MAINSTREAMING BIODIVERSITY

Please outline any steps your organisation has taken to incorporate biodiversity measures into its wider policies, plans or strategies. This should include decision-making structures and staff and organisational roles and responsibilities.

Guidance on completing this section	<p>Describe and explain any of your own body's policies, plans and strategies that refer to biodiversity or may affect biodiversity positively or negatively, and how these are reflected in the structure of your organisation.</p> <p>These may include policies on managing green spaces, Open Space Strategies, Supplementary Planning Guidance, consideration of biodiversity in estate management, procurement policies and purchasing decisions, use of an Environmental Management System, Sustainability and Climate Change commitments or actions such as installing a Sustainable Urban Drainage System (SuDS).</p> <p>Detail any areas in which your organisation has most successfully implemented mainstreaming of biodiversity, or has demonstrated leadership in a local or national context, including through working with others, raising awareness, or delivering landmark projects or activities.</p>
Links to related resources	<ul style="list-style-type: none"> • Information on Green Infrastructure, placemaking, and open space strategies. • Guidance on Buildings and biodiversity and SuDs - how to make space for nature in the built environment. • Guidance on Buildings, Highways and Infrastructure - Maintenance & biodiversity, • Research on Maximising the benefits of green infrastructure in social housing. • The Place Standard tool and associated Strategic Plan 2020-2023 provides a simple framework to structure conversations about place. • Guidance on managing Local Nature Conservation Sites systems. • Case study - Procurement by the Scottish Courts and Tribunal (SCTS) Services. • The Forest Stewardship Council global forest certification system. • Guidance on Scotland's Pollinator Strategy, projects, resources • Case studies: <ul style="list-style-type: none"> ○ Local Nature Conservation Sites systems in North Lanarkshire and Aberdeenshire. ○ A Pollinator Action Plan in Aberdeenshire



Text Field	<ul style="list-style-type: none">• During the preparation of the Moray LDP 2020 biodiversity was identified as a key issue at Main Issues Report (MIR) stage. An environment topic was prepared that specifically set out options for protecting and enhancing biodiversity. http://www.moray.gov.uk/downloads/file117300.pdf• The Moray Local Development Plan 2020 contains a suite of policies that collectively promote biodiversity enhancement including a specific biodiversity policy that requires all new development to enhance biodiversity with developments of 10 or more houses required to submit a biodiversity plan. http://www.moray.gov.uk/downloads/file133546.pdf• Quality Audit process adapted from the Place Standard Tool to score new housing development over 10 houses on a host of issues including biodiversity. Nature Scot contribute expertise on how to enhance biodiversity.• Additional Planning Policy Guidance is being drafted that provides further information on planting schedules and plant selection for promoting seasonal variation and attracting pollinators.• Preparation of an Open Space Strategy that promotes biodiversity enhancement across our green spaces.• Green network mapping in Moray's main towns to promote habitat connectivity and avoid fragmentation.• Moray Woodland and Forestry Strategy identifies areas for woodland expansion and native species planting. http://www.moray.gov.uk/downloads/file117645.pdf• Development of a compensatory woodland planting scheme to deliver woodland planting associated with new development on identified sites in Moray.• Food Growing Strategy incorporating a section on enhancing biodiversity in food growing spaces.
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<http://www.moray.gov.uk/downloads/file132750.pdf>

- Voluntary management guidelines prepared for the Findhorn Nature Reserve which aims to create a balance between the needs of wildfowlers and protecting the welfare of the wildfowl population.

SECTION 4: NATURE-BASED SOLUTIONS, CLIMATE CHANGE AND BIODIVERSITY

How has your organisation integrated biodiversity into nature based solutions to the climate emergency and other socio-economic outcomes?

<p>Guidance on completing this section</p>	<p>Climate change is a direct driver of biodiversity loss. Some species are dying out while others are being displaced due to warmer air temperatures, extreme weather patterns, and higher sea levels. As well as being a direct driver of biodiversity loss, climate change also worsens the other drivers. For example it enables quicker spread of non-native invasive species. Combined action for biodiversity loss and climate change can be achieved through nature-based solutions.</p> <p>This reporting section provides the opportunity for your organisation to provide details on how you are supporting the positive contribution biodiversity can make to building resilience, and helping nature to mitigate and adapt to climate change.</p> <p>Nature-based solutions can play a vital role in helping us to protect and enhance biodiversity, achieve net zero targets, and improve quality of life.</p> <p>You may wish to report on a range of specific processes or activities that your organisation has undertaken, including on land you own or manage, within your buildings and workforce, and projects that you have delivered.</p> <p>Integration might include incorporating biodiversity into nature-based solutions to:</p> <ul style="list-style-type: none"> • The climate emergency, for example by developing climate change strategies that include nature, investing in green infrastructure, and taking action for pollinators. • Inclusive economic growth, for example by growing nature based industries, or investing in key natural visitor attractions. • Health and wellbeing, for example by improving access to nature for all.
<p>Links to related resources</p>	<ul style="list-style-type: none"> • Information on how urban nature-based solutions can help Scotland's towns and cities mitigate and adapt to climate change providing guidance and examples.



	<ul style="list-style-type: none">• The Helping nature to adapt webpage contains useful information on making use of nature's capacity to adapt to change as one of our best tools for managing climate change impacts, including through managing native woodlands and restoring peatlands.• The publication People, Place and the Climate Emergency includes examples and information on local nature-based solutions to deliver a range of socio-economic outcomes.
Text Field	<ul style="list-style-type: none">• The Council declared a Climate Change and Ecological Emergency in 2019 and has prepared a Draft Climate Change Action Plan which includes land use and biodiversity enhancement as one of the key themes. Public consultation on the strategy and supporting Action Plan was undertaken between September and October 2020.• Ranger led health walks connect people with nature and promote health and wellbeing and upgrades of Speyside Way has improved access for all.



What steps has your organisation taken to incorporate biodiversity outcomes into partnership initiatives, wider strategies or initiatives of relevance to climate change?

Guidance on completing this section	<p>Strategies or initiatives might include:</p> <ul style="list-style-type: none">• a Green Infrastructure Strategy;• a Pollinator Strategy;• Maintaining a Local Nature Conservation Sites system;• Participating in the Local Biodiversity Action Plan Partnership;• Developing a soil management strategy;• Co-operating in collecting, managing and using biodiversity data.
Links to related resources	<ul style="list-style-type: none">• NatureScot's overview of Green Infrastructure.• Information on Pollinator strategies, managing Local Nature Conservation Sites systems, and on Local Biodiversity Action Plan Partnerships (LBAPs).• Guidance on Soil Management including soil carbon management.• Information on biodiversity data, including obtaining and sharing data from Local Records Centres Biodiversity - where to find data.• NatureScot provides various ideas and case studies on partnership approaches.
Text Field	<ul style="list-style-type: none">• Participate in the North of Scotland Biodiversity Partnership (NESBiP). The group undertakes a wide range of projects to raise the profile of locally and nationally important species and habitats, encourage data recording and facilitate joint working on Local Biodiversity Action Plan (LBAP) priorities across the region.



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Looking ahead, what do you think will be the main climate change related challenges for biodiversity over the next three years?

Guidance on completing this section	You may wish to detail any arrangements that your organisation has in place to review or monitor the implications from modelling biodiversity on land that you own or manage under future climate scenarios.
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Text Field	<p>The impacts of climate change including the increased frequency of extreme weather events will impact on biodiversity and pose significant challenges. Small changes in average temperatures can also have a significant effect on ecosystems and knock on effects upon a range of ecosystem functions. Climate change is affecting the habitat of various species which must either adapt or migrate to other areas and the inter-connected nature of ecosystems means the loss of species can have knock on impacts.</p>
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SECTION 5: PUBLIC ENGAGEMENT AND WORKFORCE DEVELOPMENT

Public Engagement

Guidance on completing this section	<p>Detail communications and education activities have you undertaken to inform or engage directly or indirectly with communities, young people and the public. This might include actions to raise staff, customer and public enjoyment and understanding of, and connection with, biodiversity and nature, such as:</p> <ul style="list-style-type: none">• Supporting volunteering;• Exhibitions and events;• School outreach;• Outdoor learning;• Citizen Science initiatives;• Provision of ranger services or public education programmes;• Information hosted on your webpage;• Blogs and press releases.
Links to related resources	<ul style="list-style-type: none">• Ideas on volunteering outdoors.• Stats, stories, activities and inspiration to help bring nature and landscapes to life for young people and learners through education, including Beyond your boundary: easy steps to learning in local greenspace, and the Outdoor Learning Directory is a useful source of information and resources.• Ideas on citizen science activities that can increase public enjoyment, understanding and connection with nature.• Information on how to make more use of Scotland's outdoors as 'Our Natural Health Service'
Text Field	<p>The Council has sought to engage with communities on biodiversity by undertaking the following activities.</p> <ul style="list-style-type: none">• Extensive public consultation was undertaken during preparation of Moray Local Development Plan 2020 (where biodiversity was identified as a key issue) including numerous public exhibitions and a short film on the environment and biodiversity with contributions from SEPA, Scottish Forestry and NatureScot.• Local schools involved in non-native species control including pulling Himalayan balsam.



	<ul style="list-style-type: none">• Programme of summer ranger events including pond dipping, mini beast hunts and walks.• Engagement with user groups on the Council core path network & Speyside Way promoting biodiversity• Programme of nature based walks for Moray Walking Festival.• Outreach to local schools in Speyside to raise awareness of biodiversity including junior ranger programme with Speyside High School.
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Workforce skills and training

Guidance on completing this section	<p>Detail activities that have been undertaken to support the development of your workforce, particularly in relation to skills relevant to biodiversity, nature, outdoor learning and community engagement in the natural environment.</p> <p>Activities might include:</p> <ul style="list-style-type: none">• Staff training, education and capacity building;• Hosting conferences, exhibitions and events;• Ranger services;• Collaborative working with other organisations and sharing best practice.
Text Field	<ul style="list-style-type: none">• Lands and Parks, Community Support Unit and Planning staff attended a wildflower workshop event hosted with the North East Scotland Biodiversity Partnership.• Disseminating best practice highlighted by Keep Scotland Beautiful.



Identify any opportunities that are available to your staff to take part in practical actions

Guidance on completing this section	Activities might include: <ul style="list-style-type: none">• Volunteering days, for example with environmental Non-Governmental Organisations;• Participation in staff networks that aim to deliver on or promote biodiversity objectives;• Opportunities for secondments to other organisations working on biodiversity and conservation.
Text Field	

SECTION 6: RESEARCH AND MONITORING

Describe any research activities that your organisation has undertaken to help develop understanding and awareness of biodiversity

Guidance on completing this section	<p>Detail relevant research activities undertaken to raise awareness and understanding of nature and biodiversity both internally and externally, either alone or in partnership with others. Where relevant, summarise the key changes that this research has supported within your public body.</p> <p>This might include research papers, surveys or reports undertaken by your organisation.</p>
Text Field	

What follow-up actions or monitoring have you undertaken to assess the impacts of the actions you have taken? How have you measured this? If you do not carry out any monitoring activities, please explain why.

Guidance on completing this section	<p>Where appropriate, you may wish to report on monitoring of:</p> <ul style="list-style-type: none"> • Activities relating to recording biodiversity on land you own or manage; • Your contribution in meeting national and international biodiversity targets; • Biodiversity programmes or projects that you have delivered either alone or in partnership with others; • Implementation of relevant strategies or policies; • Relevant physical conditions, such as soil and water; • Organisational capability or development in relation to biodiversity.
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Links to related resources	<ul style="list-style-type: none">• Information on biodiversity data, including obtaining and sharing data from Local Records Centres Biodiversity - where to find data.• The State of Scotland's Nature report provides a useful overview.• The National Biodiversity Network provides a single hub for biodiversity data management in the UK.• Biological Recording in Scotland is a useful source of information on surveys and biodiversity data management in Scotland.
Text Field	

Does your monitoring show any significant trends or highlight any areas of concern?

Guidance on completing this section	<p>Trends or areas of concern might include those related to:</p> <ul style="list-style-type: none">• The conservation status of habitats that you manage or deliver programmes to protect;• The ecological health of land that you own or manage;• Adverse recordings of water or soil quality;• Increases or decreases in species present.
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Text Field

Have you added any data collected to the National Biodiversity Network or your Local Records Centre?

Text Field

SECTION 7: BIODIVERSITY HIGHLIGHTS AND CHALLENGES

Describe your organisation's main achievements for biodiversity over the reporting period and what you are most proud of (this can include processes, plans, projects, partnerships, events and actions).

Guidance on completing this section	<p>As a Level One reporting organisation, it is likely that you will own or manage land, regulate land use, or have biodiversity as one of your main responsibilities. Examples of key achievements in this context might include:</p> <ul style="list-style-type: none"> • Leading or contributing to programmes or projects that directly support the key steps in the Scottish Biodiversity Strategy, or contribute to international Biodiversity targets; • Demonstrating national or international leadership or expertise in relation to biodiversity; • Meeting your strategic aims in relation to biodiversity; • Improvement in habitat or ecological status; • Notable species present or recorded; • Completion of key projects; • Funding achieved or delivered; • Volunteering days or time invested; • Provision of successful education or public engagement activities.
Text Field	<p>Significant progress has been made by mainstreaming biodiversity into the Moray Local Development Plan 2020. Developers are now required to demonstrate retention, protection and enhancement of features of biological interest within all development sites.</p> <p>Developments of over 10 houses must provide a biodiversity plan setting out actions undertaken to enhance biodiversity. The biodiversity policy is also strongly linked to and contributes to achieving the aims of the primary policy on Placemaking, through the delivery of integrated blue and green networks, innovative SUDs features, planting for pollinators and connecting people with nature.</p>



The Plan was formally adopted in July 2020 and various measure to enhance biodiversity from wildflower grassland to hedgehog highways and amphibian ladders are being identified and will be delivered.

Looking ahead, what do you think will be the main challenges over the next three years?

**Guidance on
completing this
section**

Challenges might include:

- Economic and resource pressures;
- Delivery of cross-cutting actions;
- Preventing further loss of habitats and species;
- Effective management of invasive non-native species;
- Pressures for space;
- Need to meet targets;
- Encouraging enhanced partnership working.



Text Field	<p>Pressure on Council budgets has the potential to impact on activities which benefit biodiversity. Non-statutory duties, which deliver much for biodiversity are likely to be under greater threat than statutory ones.</p> <p>There will still be pressures on biodiversity resulting from built development and proposals to increase the diversity the economy could result in increased development in some sectors, such as tourism or renewable energy for example.</p> <p>The impacts of climate change on communities, businesses and the Council will increase over time and will impact on biodiversity directly.</p>
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EDINBURGH DECLARATION

For subnational governments, cities and local authorities on the post-2020 global biodiversity framework

31 August 2020

Preamble

We, subnational governments, cities and local authorities - as participants and contributors to the *Edinburgh Process for Subnational and Local Governments on the development of the post-2020 global biodiversity framework*, and supported by the Secretariat and some Parties to the Convention on Biological Diversity - are **deeply concerned** about the significant implications that the loss of biodiversity and climate change has on our livelihood and communities. The impacts on our environment, infrastructure, economy, health and wellbeing, and our enjoyment of nature are already visible. Indeed, the COVID-19 global pandemic has reminded us how important it is to live in harmony with nature. Healthy biodiversity and the ecosystem services that it provides are key for human well-being and to build the resilience of our cities and regions, both during and after the pandemic, and it should be central to our recovery.

We **are concerned** that, as outlined in the fifth edition of the Global Biodiversity Outlook, none of the 20 Aichi Biodiversity Targets have been fully met; that action by CBD Parties alone is insufficient to put us on a path to the 2050 vision of 'living in harmony with nature' or to achieving the UN Sustainable Development Goals (SDGs); and that convergence across multilateral environment agreements (MEA's) is progressing at too slow a pace.

We **acknowledge** that the IPBES *Global Assessment Report on Biodiversity and Ecosystem Services* concludes that, despite insufficient action, it is not too late for the climate or for biodiversity, but that transformative action is needed at all levels.

We **recognise** the need for transformative change across terrestrial and marine ecosystems, and across urban development and all productive sectors to ensure enhanced food security, human health and sustainable livelihoods whilst avoiding, mitigating or minimising the negative impact on biodiversity. We also **recognise** the role that many indigenous peoples and local communities have in the management of their territories, through effective biodiversity mainstreaming across all sectors.

We **note** the need to develop effective policy, governance and financing solutions at all levels of government and to ensure vertical integration across national, subnational, city and local levels to effect transformative change. These should address both the direct and indirect drivers of biodiversity loss, and integrate all dimensions of sustainable development (environmental, economic, cultural and social).

We **also note** the vital role that indigenous peoples and local communities, women and youth, non-governmental organisations, and wider society, play in decision making and in taking action at

subnational, city and local levels, and that there should be a fully collaborative approach to ensure active participation of these groups.

We **highlight** the key role of the private sector, including the financial sector, and **encourage** them to catalyse the transformative change needed through full, active and responsible engagement, in support of biodiversity conservation, ecosystem restoration and sustainable use.

We **emphasise** the key role that subnational governments, cities and local authorities already play in protecting and enhancing biodiversity and in delivering actions across planning, implementation, and monitoring.

We **welcome** the endorsement of the *Plan of Action on Subnational Governments, Cities, and Other Local Authorities for Biodiversity (2011-2020)* under Decision X/22 and **recognise** the productive role that this has played in the last decade mobilising subnational, city and local authority actions towards implementing the goals of the Convention; and in fostering an increased recognition on the critical role of our constituency in the CBD.

We **celebrate** the commitments and statements already issued by subnational governments, cities and local authorities including recent declarations of intent¹², and in particular the results achieved through the outputs of the 5th and 6th Global Biodiversity Summit of Cities and Subnational Governments – the *Quintana Roo Communique on Mainstreaming Local and Subnational Biodiversity* (2016) and the *Sharm El-Sheikh Communique for Local and Subnational Action for Nature and People* (2018).

We **acknowledge** the need to build upon the existing *Plan of Action* under Decision X/22, and the advocacy agenda of subnational governments, cities and local authorities over the past decade, and **collectively commit** to raising our ambition and action in the coming decade.

Development of the post-2020 global biodiversity framework

We **welcome** the development of the post-2020 global biodiversity framework, in particular clear, action based, SMART (Specific, Measurable, Achievable, Relevant, Time-bound) targets and the inclusion of an integrated monitoring framework.

We **thank** the Co-Chairs of the Open-ended Working Group on the post-2020 global biodiversity framework for taking an inclusive and participatory approach in developing the framework; and **welcome** the ‘whole of government’ approach embodied in the framework, which captures the principle of governance across all levels of government, including at the level of subnational governments, cities and local authorities.

¹ [Aburra Valley – Medellin Declaration of Metropolitan Areas to the post-2020 global biodiversity framework \(2019\)](#)

² [Carta de São Paulo - BIO2020 – Brazilian Perspectives for the Post-2020 Global Biodiversity Framework \(2020\)](#)

We continue to **support** the 2050 vision “*living in harmony with nature*” and stand ready with a raised ambition to make a contribution that will deliver a local to global impact, and meaningfully contribute to the long term goals.

We **share the ambition** of the 2030 Mission as was set out in the Zero Draft version of the post-2020 global biodiversity framework, ‘*To take urgent action across society to put biodiversity on a path to recovery for the benefit of the planet and people.*’ This ensures a clear pathway towards the 2050 Vision and corresponds with the ambition of subnational governments, cities and local authorities towards addressing the most pressing global challenges, including climate change, disaster risk reduction, health and poverty alleviation, as well as biodiversity.

Implementation of the post-2020 global biodiversity framework

We **welcome** the inclusion of subnational governments, cities and local authorities, as key enablers for the implementation of the post-2020 global biodiversity framework. However, we **recognise** that our role extends beyond the provision of enabling conditions.

Subnational governments, cities and local authorities play key roles in conserving, restoring and reducing threats to biodiversity, in meeting people’s needs through sustainable use and equitable benefit-sharing, in developing the tools and solutions needed for implementing biodiversity protection actions, and in monitoring and reporting.

We **recognise** that our actions in implementing and mainstreaming biodiversity ensure that support mechanisms and enabling conditions are in place at subnational, city and local levels - and that a vertically integrated and cross-cutting governance approach would enhance these efforts.

We **highlight** the significant role that subnational governments, cities and local authorities play in resource mobilisation for implementation and mainstreaming of biodiversity actions. We **stress** the need for immediate and increased efforts to mobilise financial resources at all levels of government and from the private sector.

We are uniquely and most effectively positioned to deliver the outreach, awareness, and uptake of the framework across the whole of society, facilitating engagement with key stakeholders to implement the framework at subnational, city and local levels. Nevertheless, we **recognise** that more can be done to build upon already existing policies and frameworks to ensure the full participation of the whole of society in delivering the post-2020 global biodiversity framework.

COMMITMENT FOR THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK

Subnational governments, cities and local authorities will continue to build upon our previous efforts, to deliver transformative actions by:

- Recognising the overall value of nature and integrating it into subnational, city and local planning, management and governance instruments;

- Implementing appropriate actions that deliver on the post-2020 global biodiversity framework goals and action targets;
- Aligning biodiversity strategies and actions, and our monitoring and reporting efforts with National Biodiversity Strategies and Action Plans (NBSAPs), within our subnational, city and local competencies;
- Increasing resource mobilisation for investment in biodiversity action at subnational, city and local levels, and providing incentives to ensure positive outcomes;
- Mainstreaming biodiversity across public, private and business sectors to achieve greater environmental, societal and economic resilience;
- Communicating, educating and raising public awareness with specific efforts to make knowledge available in several languages;
- Strengthening capacity building in order to implement nature-based solutions (NBS) and green and blue infrastructure, particularly through ecosystem based approaches and as a contribution to a green recovery from COVID-19;
- Providing opportunities for knowledge exchange across subnational, city and local levels, and between all sectors of society;
- Sharing best practices across subnational, city and local levels, to efficiently implement transformative actions;
- Delivering convergence with other intergovernmental agreements and processes, taking forward bold and innovative actions at the subnational, city and local level which result in mutually beneficial outcomes.

CALL FOR ACTION

We subnational governments, cities and local authorities therefore **call upon** Parties to the Convention on Biological Diversity to;

- I. Take strong and bold actions to bring about transformative change, as outlined in the IPBES global assessment report, in order to halt biodiversity loss.
- II. Recognise the vital role of subnational governments, cities and local authorities, in delivering the 2050 vision of the post-2020 global biodiversity framework, and the 2030 mission as set out in the Zero Draft document; and to explicitly place that recognition throughout the framework text, including the monitoring framework for the goals and targets.
- III. Support the adoption at COP15, of a new dedicated Decision for the greater inclusion of subnational governments, cities and local authorities within the post-2020 global biodiversity framework; that builds upon and renews the *Plan of Action on Subnational Governments, Cities and Other Local Authorities for Biodiversity (2011-2020)* as endorsed under Decision X/22; and that significantly raises ambition for subnational, city and local implementation of the post-2020 global biodiversity framework throughout the next decade.
- IV. Establish a multi-stakeholder platform that ensures representation of subnational governments, cities and local authorities to support the implementation of the post-2020 global biodiversity framework.

We, subnational governments, cities and local authorities, ***stand ready*** to meet the challenge of delivering, alongside Parties, the post-2020 global biodiversity framework, to ensure investment, and play a stronger role in the implementation of the framework through a renewed and significantly stepped-up *Plan of Action for subnational governments, cities and local authorities* for the coming decade.

EDINBURGH PROCESS PARTNERS

A handwritten signature in black ink, reading "R. Cunningham".

Ms Roseanna Cunningham, MSP
Cabinet Secretary for Environment, Climate
Change and Land Reform
On behalf of the Scottish Government

A handwritten signature in black ink, reading "Lesley Griffiths".

Ms Lesley Griffiths AS/MS
Gweinidog yr Amgylchedd, Ynni a Materion
Gwledig
Minister for Environment, Energy and Rural
Affairs
On behalf of Welsh Government



Llywodraeth Cymru
Welsh Government

A handwritten signature in black ink, reading "Ashok Sridharan".

Mr Ashok Sridharan
ICLEI President
On behalf of ICLEI - Local Governments
for Sustainability

A handwritten signature in black ink, reading "Cheryl Jones Fur".

Ms Cheryl Jones Fur
Deputy Lord Mayor of Växjö, Sweden
On behalf of ICLEI Europe

A handwritten signature in blue ink, reading "Elena Moreno".

Ms Elena Moreno
Regions4 President
Basque Deputy Minister for Environment
On behalf of Regions4 Sustainable
Development

A handwritten signature in blue ink, reading "Benoit Charette".

Mr Benoit Charette
Ministre de l'Environnement et de la Lutte
contre les changements climatiques
On behalf of Gouvernement du Québec



A handwritten signature in black ink, reading "Hideaki Ohmura".

Mr Hideaki Ohmura

Governor of Aichi Prefecture

On behalf of the Group of Leading Subnational Governments toward the Aichi Biodiversity Targets (GoLS)



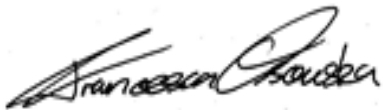
Under consideration

On Behalf of the European Committee of the Regions



**European Committee
of the Regions**

Supported by:

A handwritten signature in black ink, reading "Francesca Osowska".

Ms Francesca Osowska

Chief Executive

On behalf of NatureScot

A handwritten signature in black ink, reading "Simon Milne".

Mr Simon Milne MBE

Regius Keeper

On Behalf of Royal Botanic Garden Edinburgh



**Royal
Botanic Garden
Edinburgh**

Dated: 31 August 2020

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SIGNATORIES

SUBNATIONAL, CITY AND LOCAL AUTHORITIES

Name	Position Organisation	Date Signed
<i>Example: Jo Blogs</i>	<i>Head of Environment and Nature Division Local Council</i>	<i>Xx/Month/2020</i>

ADDITIONAL SUPPORTERS

Name	Position Organisation	Date Signed
<i>Example: Nat Ure</i>	<i>Director, Nature Company</i>	<i>Xx/Month/2020</i>



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
10 NOVEMBER 2020**

**SUBJECT: PLANNING POLICY GUIDANCE - MORAY LOCAL
DEVELOPMENT PLAN 2020**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT &
FINANCE)**

1. REASON FOR REPORT

- 1.1 This report asks the Committee to approve planning policy guidance which will be used to clarify the requirements of Primary Policy 1 (PP1) Placemaking of the recently adopted Moray Local Development Plan (MLDP) 2020.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the Review and Preparation of Strategic and Local Plans.

2. RECOMMENDATION

2.1 It is recommended that the Committee:

- (i) **approves the planning policy guidance for the MLDP 2020 as set out in Appendix 1;**
- (ii) **agrees the planning policy guidance will be used as a material consideration in the determination of planning applications;**
- (iii) **delegates authority to the Head of Development Services to finalise graphics, clarify details on tree sizing with the Woodland Trust and update if necessary, and update the planning policy guidance with images/diagrams of good placemaking; and,**
- (iv) **notes that this planning policy guidance will be combined with the guidance approved by the Planning & Regulatory Services Committee on 15 September 2020 into one document.**

3. BACKGROUND

- 3.1 At a meeting of the Emergency Cabinet on 3 June 2020 a report summarising the Examination of the LDP 2020 was considered (para 6 of the minute refers). The Emergency Cabinet agreed the modifications arising from the Examination Report and following subsequent confirmation from the Scottish Government the MLDP 2020 was formally adopted on 27 July 2020 replacing the Moray Local Development Plan 2015.
- 3.2 The report stated that additional policy guidance would be provided to clarify certain policy aspects in the MLDP 2020. Planning policy guidance on EV charging points and car sharing spaces, trees and woodland removal, cycle parking and storage, private water supplies, low intensity recreational and tourism uses, and the restoration and aftercare of excavated mineral sites was approved at a meeting of this Committee on 15 September 2020 (paragraph 16 of the minute refers). The report set out that further guidance would be presented to the November meeting of this Committee on PP1 Placemaking in terms of what will be expected from applicants to achieve 'green' in the Quality Audit (QA). **Appendix 1** provides clarity as to what is expected from agents, developers and members of the public in terms of meeting the new policy requirements of PP1 (Placemaking).

4. STATUS

- 4.1 The guidance is intended as a technical guide/aid for developers and officers rather than supplementary guidance to the MLDP 2020. As such, the guidance is not being publically consulted upon but once agreed, will be used as a material consideration in the determination of planning applications.

5. PROPOSALS

- 5.1 Scottish Planning Policy (SPP) sets out that the purpose of planning is to create better places. The Scottish Government and COSLA recognise the far-reaching and lasting impacts that good placemaking has on people's physical and mental health, climate change, and the public sector. Placemaking is key to delivering many national and local strategies, plans and policies.
- 5.2 The guidance focuses on PP1 Placemaking as this is the overarching policy of the MLDP 2020 that brings together the various elements required for good placemaking. The guidance is set out in the format of the QA addressing each category in turn, and providing illustrative examples and website links, to help explain to developers and agents what is expected in order to achieve 'green' in the QA. The format is intended to provide a template for the Placemaking Statement which must be submitted with applications for residential development of 10 units and above to understand how the proposal complies with policy PP1, and other relevant policies to result in good placemaking. The 9 categories of the QA which reflect PP1 are:
- Character & Identity

- Healthier, Safer Environments
- Housing Mix
- Biodiversity
- Open Space and Landscaping
- Parking
- Street Structure
- Street Layout
- Street Detail

5.3 Images and diagrams have been used in the guidance to illustrate good examples of placemaking. As higher quality development is delivered locally and nationally, further images will become available. The report asks that the guidance is updated to incorporate these examples as and when they materialise.

6. **SUMMARY OF IMPLICATIONS**

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The LDP is a vital aspect of supporting and facilitating the Council's priority for economic growth. The Plan also aims to deliver other key aspects of Moray 2026 including the delivery of affordable housing and conservation and enhancement of our high quality natural and historic environment. The additional guidance aims to support these key aims.

(b) Policy and Legal

The LDP is a statutory plan which brings together and helps deliver key aspects of Moray 2026 and other national and local plans, strategies and policies. This guidance helps to deliver high quality places which is fundamental to achieving both national and local aspirations.

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

Quality Auditing involves staff from a number of services across the Council.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising from this report.

(h) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, the Senior Engineer Transportation, Paul Connor (Principal Accountant) and Lissa Rowan (Committee Services Officer) have been consulted and comments received have been incorporated into the report.

7. CONCLUSION

- 7.1 The new Moray Local Development Plan 2020 was recently adopted on 27 July. The planning guidance seeks to provide clarification and guidance on the requirements of primary policy 1 (PP1) of the MLDP 2020 as this is the overarching policy of the Plan. The guidance provides clarity to developers and agents on what is required to achieve 'green' in the associated Quality Audit (QA) to create high quality places.**

Author of Report: Eily Webster, Principal Planning Officer

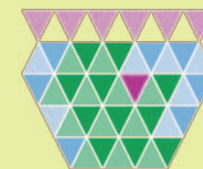
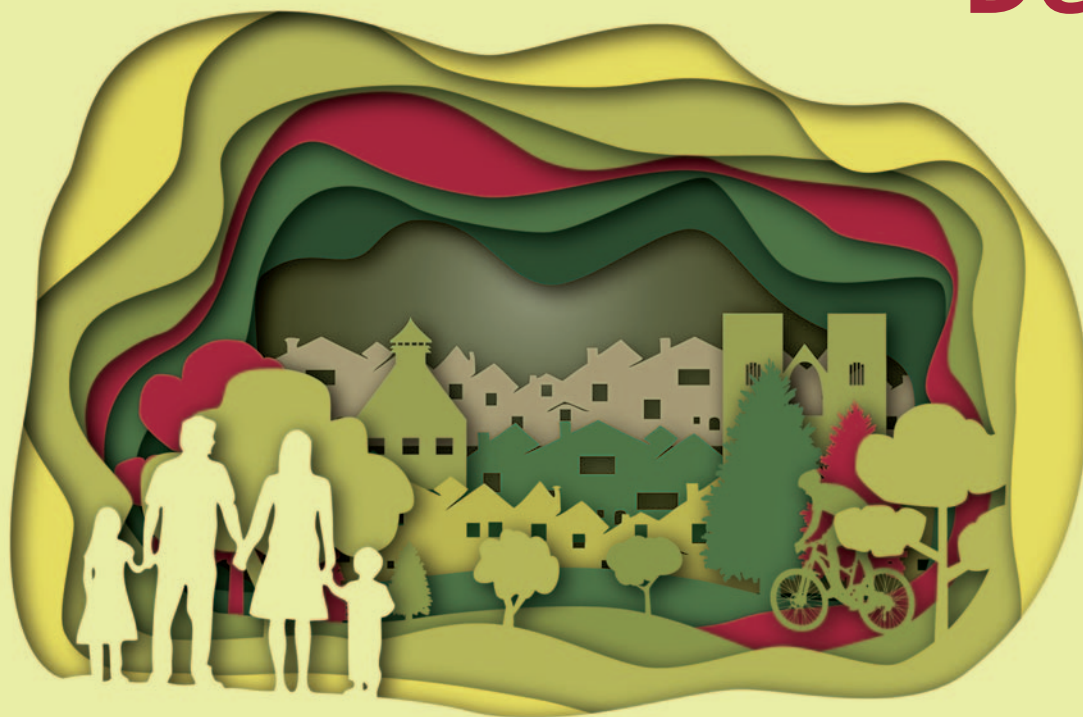
Background Papers:

Ref:

Moray Local Development Plan 2020

PLANNING POLICY GUIDANCE

PART 2



moray
council



The Moray Local
Development Plan 2020
was formally adopted
on 27th July 2020

Introduction

This Guidance sets out how to interpret Moray Local Development Plan 2020 (MLDP2020) policies, specifically PP1 Placemaking which is the primary, overarching policy of the Plan. This reflects that Placemaking brings together and is key to delivering a wide variety of Scottish Government aspirations set out in national policies, plans and strategies which are reflected at a local level.

The purpose of planning is create better places which has far-reaching benefits shown in the 'Benefits of placemaking' diagram opposite.

The Scottish Government and COSLA agree that the places in which we live have an impact on our physical and mental health and well-being (i.e. access to a range of high quality green spaces encourage more active lifestyles which has a positive and lasting impact on physical health whilst creating distinctive places that are easy to find your way around and establish a sense of community and belonging help to combat mental health issues). Public Health Priorities for Scotland (www.gov.scot/publications/scotlands-public-health-priorities/) sets out that partnership working across organisations (public and private) at all levels is essential to delivering healthier lifestyles, supporting the prevention agenda and maximising efficiencies in the public sector. Planning is considered to have a significant role in realising these aspirations.



Purpose

This Guidance sets out how to interpret Moray Local Development Plan 2020 (MLDP2020) policies on:

● Delivering Successful Places: A Guide on How to Achieve 'Green' in the Quality Audit (PP1 Placemaking);	3
● Character and Identity	5
● Healthier, Safer Environments	12
● Housing Mix	17
● Open Space/Landscaping	18
● Biodiversity	33
● Parking	39
● Street Layout and Detail	41

This is a 'live' document that will be updated to include additional guidance should this be required. An online version of the Guidance is available to view at www.moray.gov.uk/PlanningPolicyGuidance

We would like to thank the following for the use of their photos:

Collective Architecture, Cheviot Trees, David Findlay Wilson, Victoria Westaway, Forres Footpaths Trust, Oasis Plants, Makar, Optimised Environments (OPEN), Land Use Consultants (LUC)



Primary Policy 1 (PP1) Placemaking - Delivering Successful Places

Placemaking Statement

A Placemaking Statement must be submitted with a planning application. This guidance sets out the information to be included in a Placemaking Statement and how to achieve 'green' in the associated Quality Audit (QA) (see below) which will be used to assess whether proposals comply with primary policy 1 (PP1) Placemaking and other relevant policies and guidance.

A Placemaking Statement is required:

- For residential developments of 10 units and above;
- To demonstrate how the proposal satisfies the requirements of PP1 (and other relevant policies and guidance of the LDP2020) which are reflected in the 9 categories of the Quality Audit (QA) – to create a successful, healthy place that supports physical and mental health and well-being, reduces health inequalities, creates mixed communities, reduces carbon emissions, safeguards the environment and enhances biodiversity, and promotes economic development; and,
- To be set out in the format of the QA categories to show how each of the policy requirements have been addressed through the design and layout of the proposal.

The Placemaking Statement must set out how the development promotes opportunities for healthy living and working and reduces carbon emissions. The Statement must include a Landscaping Plan, Biodiversity Plan, Topographical Survey, Slope Analysis, Site Sections, 3D Visualisations, and a Street Engineering Review (SER) where considered appropriate by the Council. One plan can be used to show the landscaping and biodiversity elements of the proposal. The Council will take into consideration the nature and scale of the proposed development and site circumstances when determining whether this information is necessary.

Development proposals must incorporate the fundamental principles of PP1 which reflect Scottish Government policies, Creating Places and Designing Streets.



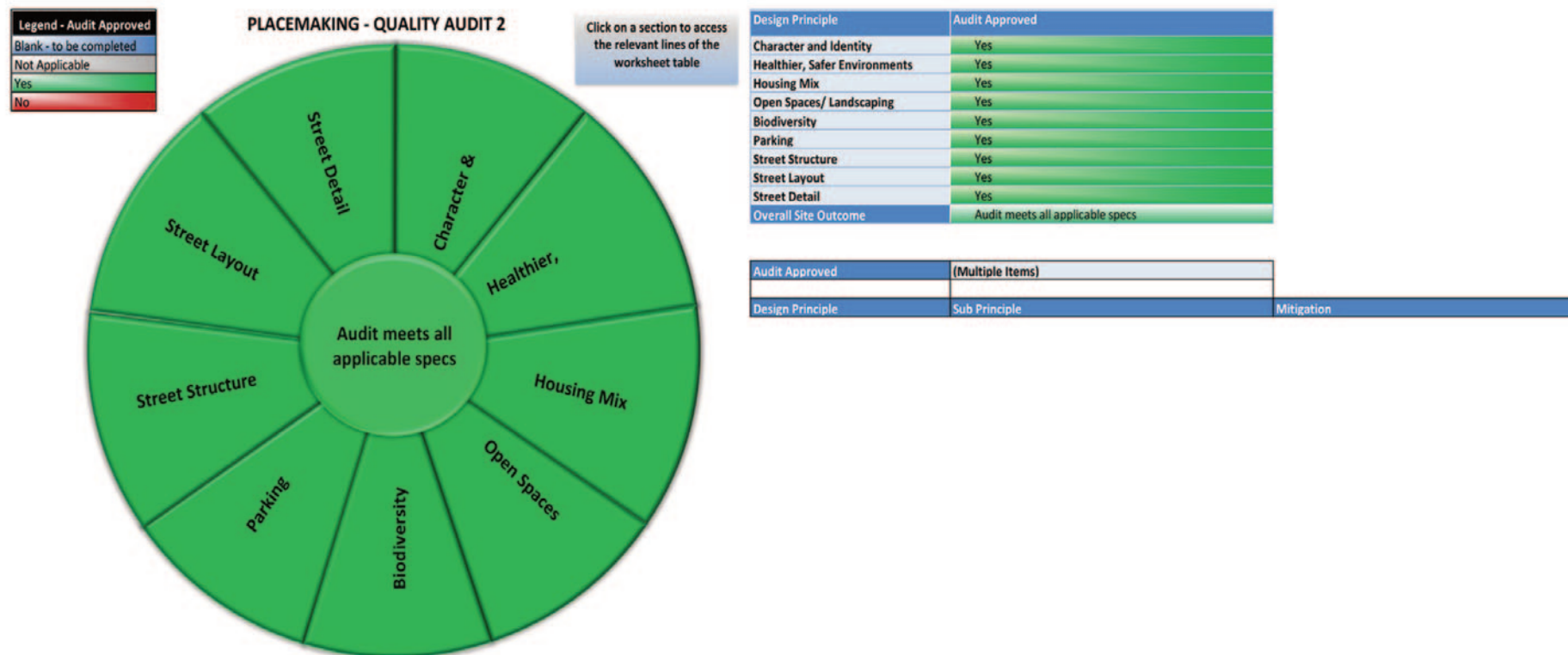
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Quality Audit (QA)

The QA (www.moray.gov.uk/designquality) is used to assess compliance with PP1 (and other relevant policies and guidance). The Placemaking Statement should be set out in the format of the QA to clearly explain how the PP1 requirements for each of the categories have been addressed and reflected in the design of the proposal.

Proposals are assessed against the 9 categories of the QA wheel by a multi-disciplinary team led by Strategic Planning & Development, and consisting of officers from Development Management, Transportation, Housing, Flood Risk Management, NatureScot and NHS Grampian. Categories are scored red or green. The QA reflects the views of these internal teams and external bodies in terms of placemaking. Whilst consultees may not object to an application on technical grounds through their individual consultation responses the QA reflects whether they consider that the proposal complies with PP1.



CHARACTER AND IDENTITY

Placemaking Statement

Distinctive development that has its own character and identity supports healthier lifestyles (both physically and mentally), reduces health and social inequalities, helps tackle climate change, enhances biodiversity, and supports economic development. Well-connected developments with high quality open space and access to nature encourage physical activity whilst places that are easy to find your way around and provide opportunities for social interaction help combat mental health issues.

The character and identity of a development is derived from a variety of design elements that collectively create a distinctive place. The fundamental principles for creating these elements are set out in PP1 and reflected in the 9 categories of the QA. The overarching aim is to create places with character and identity which support healthier lifestyles and tackle climate change, to which the other design principles feed into. This is reflected in the guidance through the cross-referencing of QA categories.

Distinctive development derives its character and identity from paying cognisance to the local vernacular and site characteristics and reflecting this in the design in a contemporary manner. Character areas with their own distinctive identity and that are clearly distinguishable are required in larger developments. These must form part of a cohesive design strategy for the whole development with variation provided between and in each character area.

To achieve 'green' in the Character and Identity category of the QA, the Placemaking Statement must demonstrate:

- The local vernacular is reflected in the design and layout to create a development that is distinctive to the town or village in which it is located and avoid becoming 'anywhere' development. Local characteristics should be reflected through modern, contemporary or innovative design;
- Landform and natural features have been incorporated sympathetically, unless technically unfeasible;
- Variety and colour in building and surface materials and landscaping;
- Boundary treatments relate to character areas;
- Historic or locally important buildings/features have been incorporated;
- Local historic and cultural associations through street naming and public art;
- A cohesive design strategy for the development as a whole with variety provided between and in each character areas.

Examples are provided to illustrate design principles however these will depend on the location of the development and site characteristics.



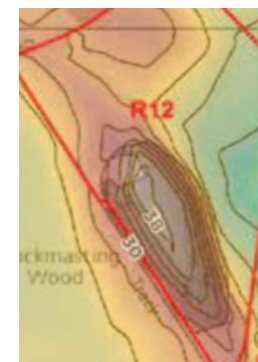
Natural Features & Landform



Wooded knoll is a key feature in the landscape to be sensitively integrated into the development.



Established hedgerows are a key feature to be retained, where possible, and the species choice reflected in new hedging within the development.



Topographical
Survey/Elevation



Slope
Analysis



Incorporating
topography/natural
features into the
development

Urban Form, Street Structure & Buildings

Local Vernacular



Contemporary



Development that reflects characteristics of the local vernacular will be distinctive to the place in which it is located and avoid becoming 'anywhere' development. Developers are required to provide an analysis of the key features of the local vernacular and reflect this in their proposals in a contemporary manner.



Variety & Colour



Example of colour palette based on natural and built environment

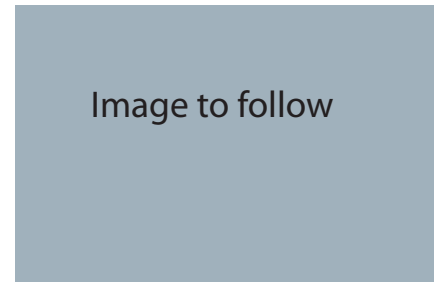


Frontage treatments and accent features such as porches are important design elements that add to the character and identity of character areas and the development as a whole.

Examples of variation in surface materials
(see also Street Structure, Layout and Detail, and Parking)



Examples of variation of colour in landscaping/planting
(see also Landscaping and Open Space, and Biodiversity)



Boundary Treatments



Local Historic & Cultural Associations
(see also Healthier, Safer Environments)



Character Areas

Character areas must be provided within larger developments. Variation must be provided between and in each character area. A cohesive design strategy for the development as a whole must be provided. A plan showing the character areas and their design elements must form part of the Placemaking Statement. The following must be included:

- Building design/materials/colour/detailing & accent features;
- Hard surface materials/colours;
- Open space and soft landscaping - (trees, hedges, plants/shrubs) - species/colour/flowering season;
- Boundary treatments/street furniture.



HEALTHIER, SAFER ENVIRONMENTS

Placemaking Statement

Development must be designed to create safe and healthy places. The physical environment has a significant impact on health and well-being, both physically and mentally. Well-connected developments with safe and easy to use walking and cycling routes and access to high quality open space/nature have a positive and lasting impact on health. Distinctive places that have their own character are easy to find your way around and promote a sense of identity, community and personal belonging which helps tackle mental health issues.

Mental health issues associated with loneliness and isolation are a quiet and persistent challenge, particularly for older generations. This is pertinent to Moray given the ageing population. The University of Edinburgh's Mobility, Mood and Place (<https://sites.eca.ed.ac.uk/mmp/>) research identifies 13 key elements for age-friendly environments which sets out a clear message that developments should be designed to enable access for all ages and abilities - to green spaces and nature, people (social interaction), light (internally and externally) and different functions (i.e. to rest and reflect and activities). Together these elements create a sense of place and community which is important for the health and well-being of all generations.

13 key elements for age-friendly environments

- 1 Well lit places
- 2 Legible Environments
- 3 Access to Services
- 4 Access to Nature
- 5 Social Opportunity
- 6 Compacting the City
- 7 Optimising Mobility
- 8 Mix of uses
- 9 Safety and Security
- 10 Enhancing Cultural Memories
- 11 Design for the Senses
- 12 Enhancing Rituals
- 13 Adaptability and Goal Setting



The creation of healthier, safer environments underpins many of the policy requirements within PP1. Cross-references have been provided to relevant sub-sections/QA categories.

To achieve 'green' in the Healthier, Safer Environments category of the QA, the Placemaking Statement must demonstrate development has been designed to create a:

- **Safe Place** where crime, the fear of crime and opportunities for anti-social behaviour have been prevented through the design and layout and by providing good levels of natural surveillance and lighting via:
 - dual frontages (principal rooms);
 - overlooked by principal rooms and well-lit routes and spaces;
 - low boundary treatments (unbroken high boundary treatments such as wooden fencing and blank gables onto routes, open spaces and communal areas will not be acceptable) (see also Character and Identity);
 - safe streets that influence driver behaviour to reduce vehicle speeds (see also Street Layout and Detail); and,
 - no 'left-over' spaces (see also Open Spaces/Landscaping).
- **Healthy Place** that supports physical and mental health and well-being for people of all abilities and ages through:
 - access to high quality open space and nature (see also Open Spaces/Landscaping);
 - play facilities, seating, paths and spaces for all mobility's to interact (see also Open Spaces/Landscaping);
 - well-connected permeable layouts that incorporate desire lines (see also Street Layout and Detail);
 - compatible uses such as shops integrated into the fabric of the building in the street to create walkable neighbourhoods;
 - key buildings, landmarks, vistas, gateways and public art to make it easy to find your way around and to reinforce character and identity of the Place (see also Character and Identity and Street Layout and Detail)
 - maximising environmental benefits via the orientation of buildings, streets and open space for solar gain and wind shelter.

Examples of how to provide these requirements are illustrated below.

Safer Places



Dual frontage with windows of principle rooms on both elevations



Overlooked and well-lit routes and spaces. No 'left over' space.

Image to follow

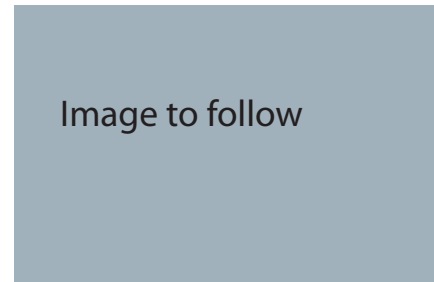


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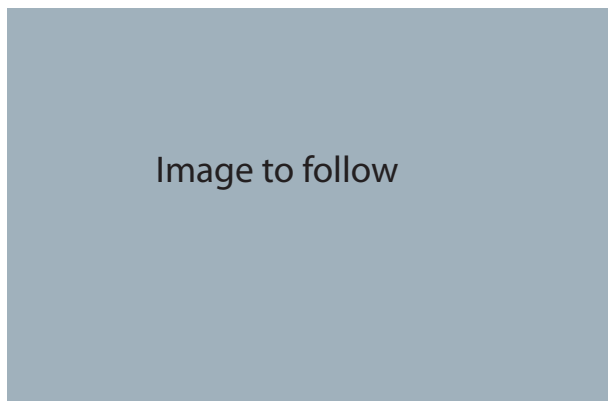
Safe streets that influence driver behaviour to reduce vehicle speeds, e.g. shorter streets, reduced visibility and varying the building line.



Healthier Places



Provide high quality open space incorporating SUDS features to encourage people to interact and connect with nature.



Design facilities, spaces and routes for people of all ages and mobility.



Provide seating opportunities – these can be standalone or designed into a feature of the development.



Integrate compatible uses into the fabric of the building within the street.





Provide key buildings and landmarks in well-thought out locations and incorporate vistas where possible. Provide gateways particularly where a roundabout forms the entrance to a development.



Provide public art either as a standalone feature or built into the fabric of the development. Public art can be used to create gateways and landmarks.

HOUSING MIX

Placemaking Statement

'Mixed' communities are important to the creation of sustainable and successful places. A range of tenures, house types and plots sizes that are well-integrated with equal access to facilities will help reduce social and health inequalities, and allow people to move within the development during their lifetime (i.e. upsize or downsize).

To achieve 'green' in the Housing Mix category of the QA, the Placemaking Statement must demonstrate:

- A range of tenures including a variety of house types and plot sizes for different household sizes, incomes and generations;
- The affordable and accessible housing requirements of policy DP2 Housing have been met; and,
- All tenures have equal access to amenities, greenspace and active travel routes.

Policy DP2 (part e) Housing Mix and Tenure Integration sets out that proposals must 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.

Illustration to follow



OPEN SPACES/LANDSCAPING

Placemaking Statement

Access to high quality green spaces that serve a variety of functions are essential to having a positive and lasting impact on people's physical and mental health and well-being. Physical and mental health are intrinsically linked whereby physical activity helps to address isolation, builds community cohesion and develops people's confidence by providing opportunities for people to connect with their neighbourhoods and come together in shared activities. High quality open spaces and landscaping play a key role in creating distinctive places with their own character and identity that support healthier lifestyles.

Information on the importance of high quality green spaces to health and well-being can be found in the Scottish Government/COSLA's Public Health Priorities for Scotland (www.gov.scot/publications/scotlands-public-health-priorities/), the Scottish Government's A More Active Scotland: Scotland's Physical Activity Delivery Plan (www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2018/07/active-scotland-delivery-plan/documents/00537494-pdf/00537494-pdf/govscot%3Adocument/00537494.pdf) and Let's Get Scotland Walking – The National Walking Strategy (www.gov.scot/publications/lets-scotland-walking-national-walking-strategy/), and University of Edinburgh Mobility, Mood and Place research (www.mobilitymoodplace.ac.uk/).

To achieve 'green' in the Open Spaces & Landscaping category of the QA, the Placemaking Statement must:

- Demonstrate a clear hierarchy of accessible, multi-functional open space that is integrated into the design and layout of the development and connected via an active travel network of green/blue corridors both within the development and to the surrounding area. This should be set out as an Open Space Plan and Movement Plan and the information to be included is set out in the section below;

- Include a Landscaping Plan setting out detailed information about planting, soil conditions, maintenance, street furniture and public art. The Landscaping Plan and Biodiversity Plan must be cross-referenced where planting is used to enhance biodiversity. It may be possible to show the information pertaining to biodiversity on the open space or landscaping plan which can be supplemented with written material. A Landscaping Plan will not be dealt with as a suspensive condition of planning consent given that open space and landscaping are an integral component of the character and identity of a place. The information to be included in the Landscaping Plan is set out below;
- Achieve a 'very good' quality score (75%) in the quality assessment of policy EP5 Open Spaces. This assessment will be undertaken as part of the QA process; and,
- Meet the quantity standards set out in policy EP5 Open Spaces. Only spaces with a clear multi-benefit function will count (i.e. fenced off SUDS will not).

Where the requirements of (iv) Open Spaces/Landscaping of PP1 are met this will be reflected in the corresponding requirements of PP1 and associated QA categories, as well as other relevant LDP2020 policies such as EP2 Biodiversity and Geodiversity and EP5 Open Spaces.

Open Space

The Placemaking Statement should set out a clear hierarchy of open space identifying the intended use and multiple functions. To do this, an Open Space Plan should be included showing the following information:

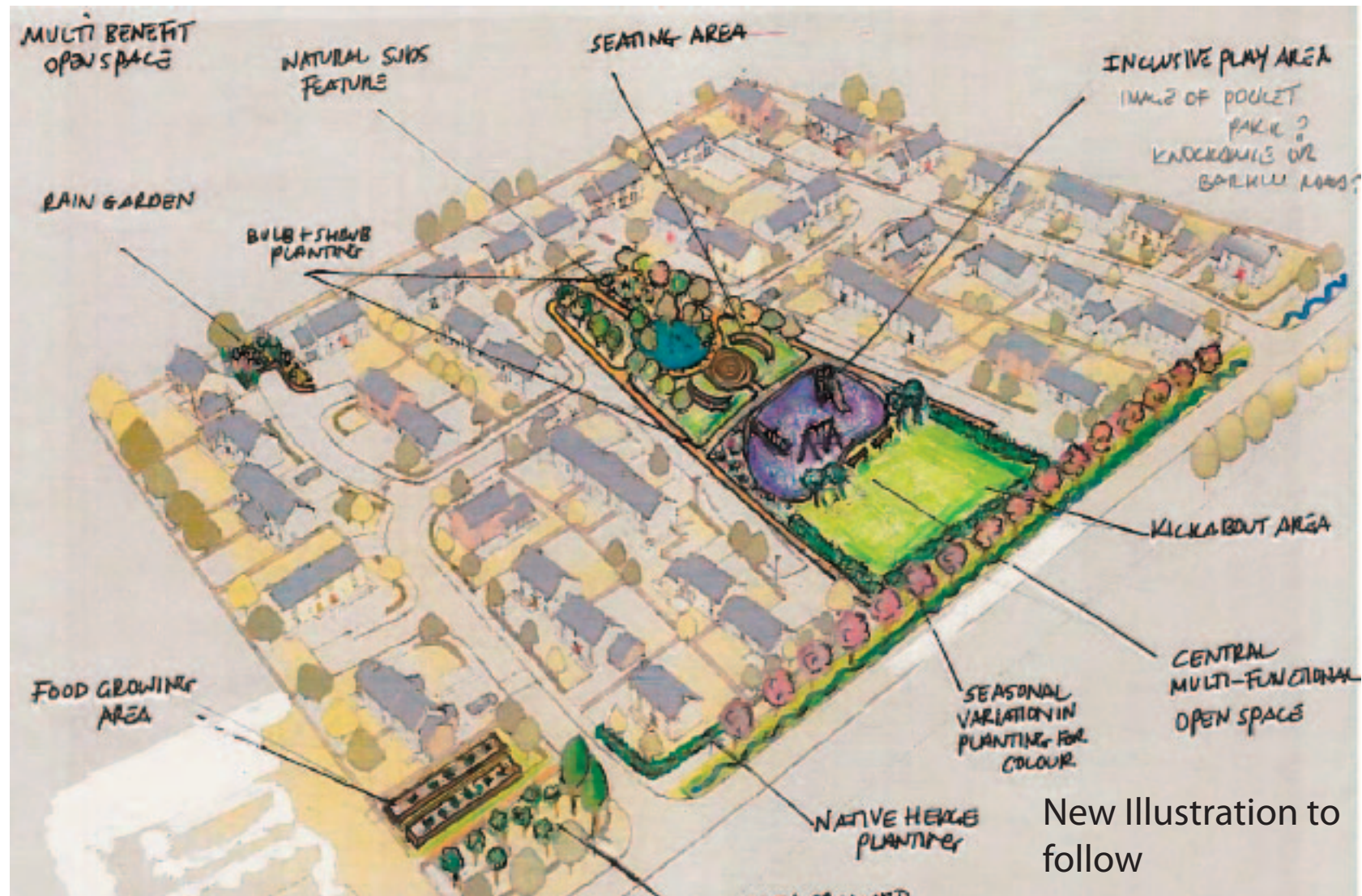
- Location and type of open space (e.g. centrally located community park, community woodland with cycling and pedestrian trails, etc.);
- Green/blue network linking/connecting open spaces (e.g. showing how people move between the open spaces); and,
- Multiple functions of each space (e.g. recreation, education, SUDS, biodiversity, food growing, etc.).

Sketches and images should be used to help visualise the concept. The Landscaping Plan and Biodiversity Plan must be cross-referenced where planting and other mechanisms have been used to enhance biodiversity. An example of an Open Space Plan are shown below.



green/blue network + open space hierarchy
illustration to follow





New Illustration to follow

Examples of Open Spaces Play and Sports Recreation

Inclusive sports and play areas with opportunities for physical activity and recreation

Image to follow

Image to follow

Image to follow

Image to follow



Landscaped Areas and Wildflower Meadows/Verges



SUDS

Sustainable urban drainage systems that are integral to the development



Food Growing

Allotment provision and food growing spaces such as community orchards, raised beds, community gardens and herb planters



Woodlands

Wooded areas incorporating recreational trails and wayfinders



Landscaping Plan

The Placemaking Statement must include a Plan setting out details on landscaping as this is an important element in creating distinctive places and providing variation between character areas. To assess development proposals, the Landscaping Plan will need to include the following information:

- Location of trees/plants/shrubs. Individual trees and hedges and their species must be identified to understand how these relate to the street hierarchy, open space and character areas. Plants and shrubs can be shown as clusters with a percentage of the total attributed to each species. Where possible, colour coding should be used as this makes it easier to understand the distribution across the site and relationship to other design elements;
- A table setting out the details for each species including their biodiversity value;
- Details on spacing between trees/plants/shrubs (including hedging) to ensure the purpose of the planting is delivered (e.g. canopy cover) and equally there is no future conflict with buildings and use of space;
- The suitability of the ground/soil conditions for the species proposed;
- Details of root and tree protection to safeguard newly planted species;
- Sustainable urban drainage proposals (e.g. rain gardens, swales) and connections to existing infrastructure;
- Details of food growing proposals (e.g. allotments, raised beds, community orchard) and the timeframe for implementation;
- Details of paths, seating, lighting and waymarkers within woodland areas (where applicable);
- Details of advance/structural planting and timeframe for implementation (where applicable);
- Location and details of man-made features such as seating, walls/fences, lighting, public art, etc.;
- Long-term management and maintenance arrangements for all of the above.

Landscaping plan Illustration to follow



Woodland & Trees

Advice on trees can be found on Scottish Forestry's website (www.scottishforestry.co.uk). The selection of species and their characteristics such as height, canopy and colour should reflect the intended purpose (e.g. structural planting, community orchard) and help define character areas and the street hierarchy. The variety of ways in which trees can enhance the distinctiveness of a development and its integration into the landscape are provided below along with a table illustrating the level of information required (see Street and Feature Trees). The examples of species referenced are a guide only and are not exhaustive.

Woodland Creation & Structural Planting

Scottish Forestry provide useful information on the type of woodland planting most appropriate to areas across Scotland. Appropriate trees must be selected for the ground conditions and trees need to be planted in their species group for successful woodland. The most suitable mixes for new native woodland planting in Moray are provided below. All trees should be 40-60cm transplants of preferably local provenance. The normal spacing for new planting of native mixed woodland is around 1600 trees per hectare, 2.5m apart. Countryside style paths and waymarkers must be provided throughout the woodland to allow access for recreational purposes and details of tree protection measures to safeguard newly planted trees must be provided along with arrangements for long term maintenance.

Species	Common Name	Scots Pine Woodland	Upland Mixed Broadleaved Woodland	Birch Woodland
<i>Alnus glutinosa</i>	Alder	-	•	•
<i>Fraxinus excelsa</i>	Ash	-	●	-
<i>Populus tremula</i>	Aspen	-	○	-
<i>Fagus sylvatica</i>	Beech	-	-	-
<i>Betula pubescens</i>	Downy Birch	○	●	●
<i>Betula pendula</i>	Silver Birch	○	-	-
<i>Malus sylvestris</i>	Crab Apple	-	-	-
<i>Ulmus glabra</i>	Wych Elm	-	•	-
<i>Acer campestre</i>	Field Maple	-	-	-
<i>Prunus avium</i>	Gean	-	-	-
<i>Prunus padus</i>	Bird Cherry	-	•	-
<i>Ilex aquifolium</i>	Holly	-	•	-
<i>Carpinus betulus</i>	Hornsbeam	-	-	-
<i>Quercus robur</i>	Common Oak	-	○	-
<i>Quercus petraea</i>	Sessile Oak	-	•	-
<i>Sorbus aucuparia</i>	Rowan	•	●	-
<i>Pinus sylvestris</i>	Scots Pine	●	-	-
<i>Sorbus aria</i>	Common Whitebeam	-	-	-
<i>Salix fragilis</i>	Crack Willow	-	-	-
<i>Salix caprea</i>	Goat Willow	-	-	•
<i>Salix alba</i>	White Willow	-	-	-
<i>Taxus baccata</i>	Yew	-	-	-

Key:

- Major Species throughout
- Minor Species throughout
- Minor Species locally or in part



Woodland Edge

The woodland edge is the transition zone from the woodland to fields or other areas of open space. Trees at the edge of a woodland often vary from those found inside the woodland and can include hedge vegetation, brambles and low growing plants. Examples include Hawthorn, Dog Rose, Rowan, Holly and Hazel.

Image to follow

Street & Feature Trees

Semi-mature trees and planting must be provided on all routes. Variation in trees help define the street hierarchy and character areas, and softens the streetscape. Feature trees can act as landmarks helping people find their way around the development. The level of information required for tree species is shown in the table below.

Species (Latin Name)	Common Name	Colour (Flowering Period, where applicable)	Girth (Semi-Mature)	Height (Semi-Mature/Height at Maturity)	Spread (at Maturity)	Suitable Soil (pH) Conditions	Native/Non-Native	Biodiversity/Food Growing & Sensory Value
Fagus sylvatica f. purpurea	Copper Beech	Smooth Grey Bark/Oval, fringed, deep purple leaves in Spring turning to copper in Autumn	12 - 20cm	2.5 to 3m (Reaches up to 30m at maturity) Time to maturity – 30+ years	23m	Calcium or lightly acidic soil.	Non-native	Source of food for caterpillars of moths, mice, voles, squirrels and birds and provides habitats for hole-nesting birds and wood-boring insects. Bark is home to fungi, mosses and lichens. Edible nuts or masts.
Betula pendula	Silver Birch	Silvery White Bark/Light Green Triangular Leaves (fade to yellow in Autumn)/Yellow-brown (male) and bright green changing to dark crimson on pollination (female) flowers (April to May)	12 - 20cm	2.0-2.5m (Reaches 30m+ at maturity) Time period for maturity - 20 years	4.5m-9m	Acid, Alkaline, Neutral. Likes moist but well-drained soils.	Native	Source of food and habitat for insects, attracts aphids and provides food for ladybirds.



<i>Tilia x europaea</i>	Small Leaved Lime	Pale Grey Brown Bark/Dark Green Heart-shaped Leaves 6-9cm Long/White-Yellow Flowers (in July)	12 - 20cm	2.0-2.5m (Reaches 20m+ at maturity). Time period for maturity -20 years	Up to 1.5m	Slightly acidic well drained soils.	Native	Source of food for hoverflies, ladybirds, bees and many species of birds. Flowers provide nectar and pollen for insects, particularly bees.
<i>Carpinus betulas</i>	Hornbeam	Pale grey bark/Oval, pleated green leaves (yellow/orange leaves in Autumn)	12 - 20cm	2.0 - 2.5m (Reaches 30m+ at maturity) Time period for maturity – 50 years.	4m-8m	Acid, Neutral, Basic (Alkaline). Likes soils with a clay content.	Non-native	Provides shelter, roosting and nesting opportunities, and food for birds, small mammals, caterpillars and moth species.
<i>Prunus yedoensis</i>	Pink Cherry	Oval light green leaves with single, pale pink, hanging cup-shaped blooms 2cm wide (in Spring).	12 - 20cm	2.0 - 2.5m (Reaches up to 8m at maturity). Time period for maturity – 10-20 years.	4-8m	Acid, Neutral, Alkaline,	Non-native	Food sources for caterpillars, leaf-mining moths and aphids.
<i>Prunus avium</i>	Gean/Wild Cherry	Red-brown bark/Oval green leaves 6-15cm long (fade to orange and deep crimson in Autumn)/White Flowers (in April)/Deep-red cherries	12 - 20cm	2.0-2.5m (Reaches up to 30m at maturity). Time period for maturity – 20 to 50 years	8m	Alkaline. Likes moist well-drained soils with a chalky, clay or loamy content.	Native	Spring flowers provide early source of nectar and pollen for bees. Cherries are a source of food for birds (blackbird and song thrush) and mammals (badgers and mice). Foliage is food source for caterpillars of many species of moth.
<i>Pinus sylvestris</i>	Scots Pine	Orange-brown bark/Blue-Green Needles/Yellow anthers (male) and red-purple flowers (female) (in May)/Grey brown cones.	12 - 20cm	2.0-2.5m (Reaches up to 35m at maturity). Time to mature – 20 to 50 years.	8m	Acid, neutral, alkaline. Likes sandy and loamy, well-drained soils.	Native	Habitat for red squirrels.



Acer campestre	Field Maple	Light brown bark/dark green shiny leaves (fade to golden yellow)/yellow-green clustered flowers followed by winged fruits.	12 - 20cm	2.0-2.5m (Reaches up to 20m at maturity). Time to mature – 10 to 20 years.	4m-8m	Neutral. Likes moist well-drained soils with sand, clay, chalk or loam content.	Non-native	Supports caterpillars and aphids and their predators such as ladybirds, hoverflies and birds. Flowers provide nectar and pollen for bees and birds and small mammals eat fruits.
Ilex aquifolium	Holly	Dark brown bark/Dark green glossy oval leaves/White flowers (in early spring to early summer)/Red berries (female).	12 - 20cm	2.0-2.5m (Reaches up to 15m at maturity). Time to mature – 20 to 30 years.	4m-8m	Acid, Neutral, Alkaline. Likes sandy, loamy and clay soils that are well-drained.	Native	Nesting opportunities for birds and hedgehogs, and food for birds, caterpillars of the holly blue butterfly and small mammals.

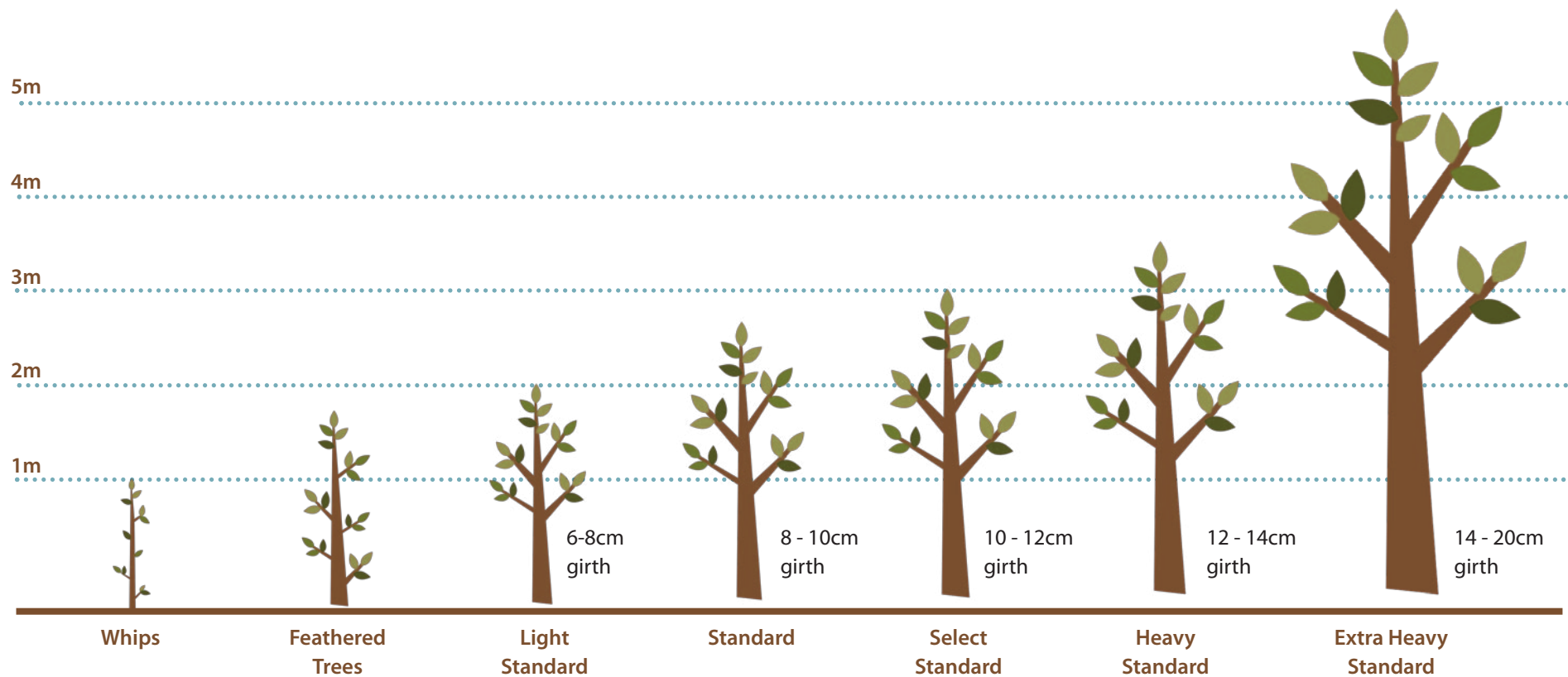
Community Orchard Planting

Community orchards have multiple benefits: act as a focal point, source of food growing, enhance biodiversity and provide opportunities for social interaction. Examples of orchard trees include apple, pear, cherry, plum and gooseberry. Further information on orchard planting can be found at <https://www.orchardrevival.org.uk/heritage/>



Tree Sizing

Semi-mature trees must be provided along all routes. Trees are specified by their girth in centimetres, measured at 1 metre above ground level. Clear stem height, that is, distance from the ground to the lowest branch, is normally 1.8 to 2.0 metres between the size ranges 12-20cm girth.



Hedges

Hedges have an important role to play in creating distinctive places and supporting biodiversity. Hedge planting helps to define character areas and the street hierarchy as well as mitigate the visual impact of car parking within the street. Hedges also provide wildlife corridors connecting fragmented habitats and are a source of food and shelter for insects, birds and mammals. The biodiversity value of the hedge species should be set out in the Biodiversity Plan. Examples are provided below of hedge species and the table sets out the level of information required in the Landscape Plan. At the time of planting, the hedge species must be semi-mature and reach maturity within a reasonable time period (i.e. 3 years).

Species/Latin Name	Common Name	Colour	Height (at time of planting)	Speed of Growth	Spacing	Native/ Non-native
Crataegus	Hawthorn	White blossom/red berries	60cm	Up to 60cm per year	30cm double row	Native
Prunus laurocerasus	Laurel	Dark green leaves (evergreen)	60cm	Up to 60cm per year	60cm	Non-native
Ligustrum Ovalifolium Aureum	Golden Privet	Oval, yellow & green leaves, white flowers (summer), black berries (winter) (semi-evergreen)	60cm	Up to 40cm per year	30cm	Non-native
Ligustrum Ovalifolium	Green Privet	Oval green leaves, white flowers (summer), black berries (winter) (semi-evergreen)	60cm	Up to 40cm per year	30cm	Non-native
Corylus	Hazel	Distinctive pale yellow catkins. Leaves turn orange/gold in autumn	60cm	40-60 cm per year	30cm double row	Native
Ilex aquifolium	Holly	Red berries	60cm	0-10 cm per year	30cm double row	Native
Rosa canina	Dog rose	Pale pink or white blooms and red berries	60cm	40-60 cm per year	30cm double row	Native
Rubus	Bramble	Berries	60cm	40-60 cm per year	30cm double row	Native
Ribes rubrum	Redcurrant	Berries	60cm	40-60 cm per year	30cm double row	Native
Ribes nigrum	Blackcurrant	Berries	60cm	40-60 cm per year	30cm double row	Native
Ribes uva-crispa	Gooseberry	Berries	60cm	40-60 cm per year	30cm double row	Native

Shrubs and Flowers

Shrubs and plants provide a variety of colours and smells that stimulate senses. They help to create a distinctive place, defines character areas and enhances biodiversity. Variation in height and flowering seasons of different species will ensure maximum coverage. Examples of shrub and flower planting that can add to the character and identity to a development are provided below along with tables setting out the level of information required to assess the proposal. The examples are provided as a guide only and are not exhaustive. Information on shrubs and plants is widely available on horticultural websites such as Royal Horticultural Society www.rhs.org.uk



Shrubs and Herbaceous Plants

Shrubs and herbaceous plants provide colour and smell which stimulate the senses. Examples include lavender, wild thyme, rock rose, butterfly bush, dogwood and daphne lilac. The table below sets out the level of information required to be included in the Landscape Plan for shrubs and plants.

Species/ Latin Name	Common Name	Height (at Maturity)	Spacing	Colour	Flowering Season	% Mix	Biodiversity Value
Lavandula	Lavender	20-25cm	0.5m	Purple	End of June to early August	10%	Attracts pollinators including bees and butterflies.
Thymus polytrichus	Wild Thyme	5cm	0.5cm	Pink	June to September	10%	Attracts bees and insects.
Cistus	Rock Rose	30-40cm	0.5m	White, Pink or Purple	Late Spring early Summer	20%	Source of nectar for bees and provides food for beetles and butterflies.
Buddleia alternifolia	Butterfly Bush	60-100cm	0.5m	Various – Purple, White	Summer	20%	Provides nectar for butterflies and moths.
Cornus alba Elegantissima	Dogwood	80-100cm	0.5m	Deep red stems with greyish green/white leaves	Later Spring/ Early Summer	20%	Leaves are eaten by caterpillars and moths and berries are eaten by mammals and birds.
Syringa microphylla superba	Daphne Lilac	80-100cm	0.5m	Rose Pink	April to May	20%	Attract butterflies and other pollinators.

Bulb Planting

Bulbs can provide an array of colour through a number of seasons (Spring to Autumn). Examples include snowdrops (January, February, March), daffodils (March, April), wild garlic (May, June), and Scottish bluebells (July, August and September) whilst Dutch crocus' provide a variety of colours throughout February to June.



Wildflower Planting

Wildflowers add colour to a variety of spaces ranging from meadows to verges. Examples include the poppy, cornflower, cowslip, birds foot trefoil, kidney vetch, knapweed, wild garlic and clover. Suggestions for wildflower mixes can be found on various horticultural websites including Gardeners World (www.gardenersworld.com/plants/six-wildflower-plant-combinations/).



SUDS Planting

Native planting provides interest and colour around the edge of SUDS features and encourages pond dwellers like toads, frogs, newts and dragonflies. The table below provides examples of SUDS planting however, this is not exhaustive and species selection must be based on the SUDS feature and site characteristics and soil conditions.

Species/Latin Name	Common Name	Colour	Flowering Season	Height (at Maturity)	% of Total Mix (e.g. 10%)
Butomus umbellatus	Flowering rush	Pink	July to August	50cm to 150cm	15%
Juncaceae	Rush	Green	N/A	100cm	15%
Typha angustifolia	Lesser Reedmace/ Lesser Bullrush	Green	July to August	200cm	10%
Lythrum salicaria	Purple Loosestrife	Purple	June to late August	60cm	10%
Caltha palustria	Marsh Marigold	Yellow	March to June	50cm	10%
Filipendula ulmaria	Meadowsweet	Pink	June to September	200cm	10%
Iris pseudacorus	Yellow Flag Iris	Yellow	May to July	150cm	10%
Mentha aquatic	Water Mint	Lilac	July to October	50cm	10%
Alopecurus geniculatus	Marsh Foxtail	Green	N/A	60cm	10%



BIODIVERSITY

Placemaking Statement

The creation of a variety of high quality green spaces and green-blue networks together with other mechanisms will deliver biodiversity enhancement and support habitats and wildlife. Habitat creation has multiple benefits for Placemaking as it helps to create distinctive places that support healthier lifestyles as well as enhancing biodiversity.

The Placemaking Statement must include a Biodiversity Plan setting out how biodiversity has been incorporated into the design and layout of a development from the outset. The guidance sets out information to be included in the Biodiversity Plan and Ecological Survey, ways in which biodiversity can be enhanced within a development, and compensatory habitats. The Biodiversity Plan must be cross-referenced to the Landscape Plan, where new planting is proposed.

To score 'green' in the Quality Audit and comply with Policy PP1 Placemaking and other relevant policies such as EP2 Biodiversity and Geodiversity and EP5 Open Spaces the information provided below must be taken into account and demonstrated through the design and layout of the development and associated Biodiversity Plan.

Biodiversity Plan

The Biodiversity Plan must:

- Demonstrate a significant gain in biodiversity across the site (i.e. after development biodiversity is in a better state than before development), halts the loss of biodiversity, and creates blue-green networks;
- Demonstrate that planting for biodiversity contributes to the character and identity of the place through colour, variation and species selection;
- Demonstrate how the proposal supports the Pollinator Strategy for Scotland;
- Demonstrate compensatory habitats have been created on-site for any loss in habitats of ecological amenity value as a result of the development;
- Include an Ecological Survey where proposals result in the loss of valuable habitats to evidence that the most suitable actions have been identified.

Increasing Biodiversity within Development

Mechanism

Native Species Hedgerow Planting



Biodiversity Benefit

- Provides nesting sites.
- Food and shelter for birds, insects and small mammals.
- Provides corridors for wildlife linking areas of habitat.

Insect Boxes/Bee Hotel



- Provides shelter and nesting sites for invertebrate including bees.

Bat and Bird Boxes



- Encourages bats to areas with suitable habitats but few roosts.
- Encourages and supports nesting birds and can be incorporated into roof space.



Mechanism

Natural SUDS



Biodiversity Benefit

- Creation of SUDS ponds or wetland habitats to support a variety of wetland plants and attract birds and insects. Valuable for amphibians especially where there is standing water.
- Innovative use of swales, rain gardens and living roofs.
- Create or enhance blue and green networks on site to provide multi-benefit open space.

Amphibian Friendly Drainage



- Examples of amphibian friendly drainage include amphibian gully pot ladders and amphibian kerbing.

Woodpiles/Log Shelter



- Provides shelter for frogs, toads, hedgehogs, beetles and other insects.

Mechanism

Native Tree and Shrub Species in Landscaping. Use of Street Trees, Feature Trees and Small Wood Copses. Use of Hedges rather than Fences.



Biodiversity Benefit

- Provides shelter for small mammals and screening.
- Provides nesting sites and food for birds and insects.
- Helps with natural flood management.

Swift Bricks/Internal Nest Boxes



- Provides access to nesting sites for swifts and other birds which use buildings.

Nectar Rich Species and Planting for Pollinators in Landscaping



- Provides for bees and butterflies, moths and other insects.

Mechanism

Green Walls/Habitat Walls and Green Roofs/Willow Fedge (Fence/Hedge)



Biodiversity Benefit

- Provides shelter, food and nesting sites for birds. Provide excellent visual features which contribute to character/identity and legibility. Living roofs can provide habitat for insects and birds.
- Green roofs and living walls with wildflowers or pollinator-friendly plug plants can provide vital habitats for pollinators in urban environments where space is limited and food sources are sparse.
- Climbing plants such as ivy and honeysuckle on fences and walls can brighten up vertical spaces and provide food sources for bumblebees before they go into hibernation.
- Provide food for butterflies and other insects.

Wildflowers in Verges



Mechanism

Incorporate Habitat Features within Open Space to create Green Corridors



Habitat Creation and Restoration of Existing Habitats



Provide Habitat for Wildlife and Corridors for the Movement of Wildlife



Wildlife Crossing Points



Biodiversity Benefit

- Provides for movement of wildlife along corridors by retaining existing wildlife habitat and creating linkages with other natural areas within and on the edge of the development site.
- Create/restore high quality open space to enhance development. Consider providing wildflower grassland, native species woodland and wetland habitats.
- Provide generous green buffers.
- Reduce car-animal collisions and provide paths that more reticent animals will follow.

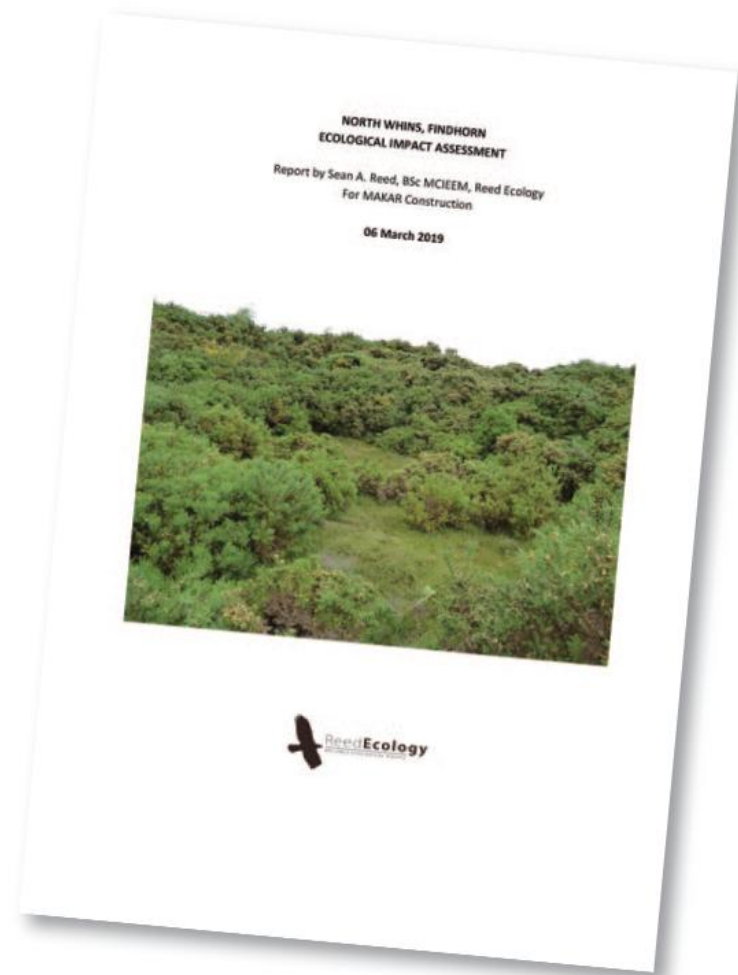


Ecological Surveys

Ecological Surveys must be provided for proposals that involve the loss of valuable habitats and include:

- Adequate survey information gathered before preparing detailed site layouts for masterplans; and,
- Schedule surveys into the development timetable given that many surveys can only be taken at specific times of the year www.nesbiodiversity.org.uk/wp-content/uploads/2019/07/SNHSurveyCalendar-modifiedforACCFINAL.pdf

Further information is contained within the Developer Hub section of the North East Scotland Biodiversity Partnership website: www.nesbiodiversity.org.uk/get-involved-in-biodiversity/biodiversity-information-for-developers/



Planting for Pollinators

Pollinators (i.e. bees, beetles, birds) are vital to creating and maintaining habitats and ecosystems that many animals rely on for food and shelter. Bee populations are dwindling with over one third of the UK's bee population disappearing over the past decade. To help address this, development proposals must include planting for pollinators with details provided in the Biodiversity Plan. Further information on the importance of pollinators can be found here:

<https://www.growingagreenerworld.com/the-importance-of-pollinators/>.

Development proposals must include plant species with overlapping flowering periods to ensure there is food for pollinators throughout their lifecycle. Examples of trees, shrubs, wildflower mixes and bulbs suitable for pollinators are shown in the table below:

Plant Type	Spring	Summer	Autumn
Ornamental plants and herbs	Bluebell, Bugle, Comfrey, Crocus, Hellebores, Lungwort, Spring-flowering heather	Allium, Aquilegia, Borage, Catmint, Columbine, Cosmos, Delphinium, Foxglove, Globe thistle, Lavender, Lupin, Nasturtium, Oregano, Poppy, Scabious, Snapdragon, Sweet pea, Thyme, Verbena, Viper's bugloss	Aster, Button snakewort, Cornflower, Sedum
Flowering trees and shrubs	Berberis, Blackthorn, Broom, Crab apple, Forsythia, Hawthorn, Hazel, Mahonia, Wild Cherry, Rowan, Willow	Buddleia, Bramble, Cotoneaster, Honeysuckle, Laburnum, Rock-rose, Viburnum	Hebe, Ivy
Wildflowers in long grass areas	Cowslip, Dandelion, Dead-nettle	Bird's-foot trefoil, Clovers, Devil's-bit scabious, Geranium, Knapweed, Oxeye daisy, Speedwell, Thistle, Vetch, Yarrow, Yellow Rattle	Autumn hawkbit, Clovers, Vetch

Further information on planting for pollinators can be found at the following website:

- NatureScot: www.nature.scot/sites/default/files/2019-11/Pollinators%20-%20Planting%20for%20pollinators%20leaflet.pdf



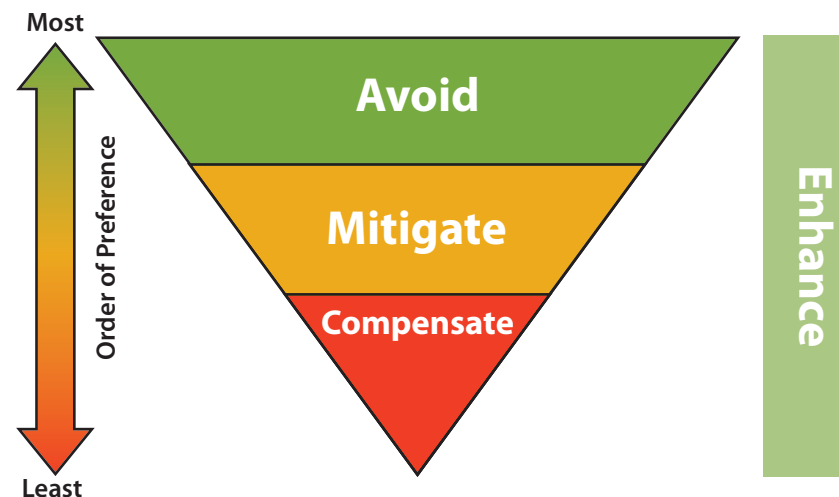
Compensatory Habitat Creation

Valuable habitats will be protected from development, and where these cannot be satisfactorily compensated then planning permission will be refused. Where habitats can be compensated then this must be provided on-site, and only where this cannot be achieved then off-site compensation will be considered.

Where compensatory habitats are proposed, the Biodiversity Plan must:

- Demonstrate all efforts have been made to avoid any impact on habitat and/or appropriate mitigation has been undertaken to minimise biodiversity loss.
- Submit ecological survey information undertaken by a suitably qualified professional to demonstrate biodiversity loss cannot be avoided or mitigated onsite and commensurate offsite habitat compensation is the only option.
- Where a developer is unable to provide compensatory habitats on a site within their ownership in Moray, a commuted payment towards provision elsewhere in Moray will be sought.

Compensatory habitat creation does not apply to woodland removal which must meet the requirements set out in Policy EP7 Forestry, Woodlands and Trees.



PARKING

Placemaking Statement

Parking must not visually dominate the street as it has a negative impact on the character and identity of a place, discourages healthier lifestyle choices, reduces security and limits opportunities for social interaction. Scottish Government policy on Designing Streets sets out a commitment to move away from streets that result in a poor sense of place and promotes a design-led approach which encourages walking and cycling to deliver positive, attractive places (www.gov.scot/publications/designing-streets-policy-statement-scotland/).

To achieve 'green' in the Parking category of the QA, the Placemaking Statement must demonstrate that:

- On all streets a minimum of 50% of car parking must be located to the side or rear and behind the building line;
- On all streets, a maximum of 50% car parking within the front curtilage or on street will be permitted, subject to the visual impact of the cars being mitigated by an acceptable boundary treatment such as hedging or low stone boundary walls;
- Communal private and public/visitor parking areas and on street parking is broken up by semi-mature trees and planting such as evergreen shrubs at a maximum interval of 4 car parking spaces (see also QA category on Landscaping/Open Space);
- The visual impact of parking areas is reduced by a variation in materials (see also Character & Identity and Street Layout & Detail);
- Secure and covered cycle parking and storage, car sharing spaces and electric vehicle (EV) charging points are provided in accordance with policy PP3 of the LDP2020 and satisfactory information/plans regarding this infrastructure is submitted with the planning application. Further guidance on EV charging points and car sharing spaces is provided separately within this guidance.

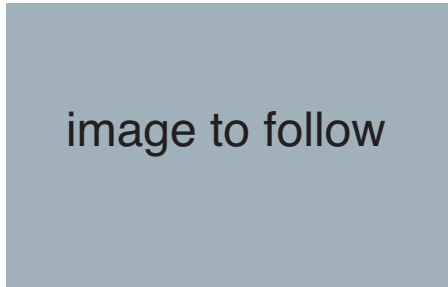
The quantitative parking requirements are for each street in a development. They do not apply to the development as a whole as this could result in a number of streets continuing to be visually dominated by parking. Cul-de-sacs and lanes will be considered to be streets. Integral garages will not count towards the requirement for a minimum of 50% within the curtilage to the rear of side of the building and behind the building line as this undermines the intent of the policy.

Impractical parking arrangements such as stacking a number of cars (e.g. more than 2) at the side of a property will not be acceptable given that it is likely to lead to cars being parked on the street to avoid manoeuvring.

Further illustrations and diagrams on design approaches and communal parking areas are shown on page 29 of Volume 1 of the LDP2020.



Parking Behind the Building Line



Communal/Private Parking Areas



Parking Mitigated within the Front Curtilage



Parking On-Street



STREET LAYOUT AND DETAIL

Placemaking Statement

A design-led (rather than a standardised) approach to street design is a crucial component in creating a distinctive place. This is supported by Scottish Government policy on Designing Streets

(www.gov.scot/publications/designing-streets-policy-statement-scotland/).

Streets that are designed to prioritise people rather than vehicles create safer and healthier places. Street design needs to respond to the local and site specific context. Well-designed, inclusive streets (or 'spaces between buildings') create a 'positive sense of place' which encourages physical activity and supports mental health by making it easy to find your way around and providing opportunities for social interaction.

To achieve 'green' in the Street Structure, Street Layout and Street Detail categories of the QA, the Placemaking Statement must demonstrate:

- A clear hierarchy of streets through variation in street widths, materials, and hard/soft landscaping (trees, hedges and shrubs) that reflects the local and site specific context. The hierarchy must be reinforced by building density and design with distinctiveness reinforced on main thoroughfares and around places people may congregate (e.g. shops, open spaces) (see also Character and Identity, Open Space and Landscaping, and Biodiversity);
- Permeable layouts that are well-connected internally and externally to the surrounding area that are safe and appealing to encourage walking and cycling over the use of the private car (see also Healthier, Safer Environments);
- A street design that creates safer places by influencing driver behaviour to reduce vehicle speed through shorter streets, reduced visibility and varying the building line (see also Healthier, Safer Environments);
- Junction design that prioritises pedestrians, accommodates active travel and public transport and service/emergency vehicles without resulting in a standardised street pattern (see also Character and Identity and Healthier, Safer Environments);
- Design principles for the street layout are informed by a Street Engineering Review (SER) and aligned with Roads Construction Consent (RCC). The SER and technical details (e.g. swept path analysis, utilities plan) set out in the respective QA categories must be submitted with the planning application. Information on the SER requirements are provided below within this Guidance;
- Dead-end streets or cul-de-sacs are short (no more than 10 units) and include walking and cycling through routes to maximise connectivity. These should only be selectively proposed on rural edges or where topography, site size, shape or relationship to adjacent developments prevent an alternative more permeable layout;
- Roundabouts that form a gateway into, or a landmark within, a town and/or development are designed to create a gateway feature or contribute positively to the character of the area (see also Healthier, Safer Environments, Open Space and Landscaping, and Biodiversity).



Street Hierarchy

Primary Streets



image to follow

Secondary Streets



image to follow

Smaller Streets or Lanes



image to follow

Variation in Street Layout



Variation in Materials



Street Engineering Review (SER) Guidance

The Street Engineering Review is identified in Designing Streets (Page 57) as part of the residential street approval process which is intended to better integrate the Planning and Roads Construction Consent processes. This SER guidance is not prescriptive and should be adapted to suit the scale and requirements of each development where it is appropriate. Advice can be sought from the Transport Development team, (email: transport.develop@moray.gov.uk) if developers are unsure about the requirements for their particular development.

The SER is a collaborative tool to support the design process. SER Approval does not constitute consent but should be considered a key milestone in the design process. Used as part of the residential street approval process, the SER is intended to provide a degree of certainty in the formal consent process. In order to achieve this, a greater emphasis on the design details is required at the planning stages.

Throughout the Street Engineering Review process designers must ensure that their designs comply with Construction (Design and Management) Regulations 2015 and that their respective duties are carried out. In order to be effective it is essential that the designers ensure the SER identifies all relevant design elements, in particular where the planning proposals depart from Transportation Policy and/or Design Standards and Guidance.

The supporting information for the SER should be gathered throughout the design process with the key decisions and supporting information noted at each stage to build and update the SER on a continuous basis until it is submitted. This approach will help to streamline consultation and decision making and provide a record of the key design decisions.

A tabular style for concise presentation of the SER is recommended, however this may be adapted to suit individual application requirements. The following example is provided to illustrate how this might be presented.

image to follow



Design Element	Proposed (Include Drawing Ref where appropriate)	Standard/Guidance	Departure/Mitigation	Moray Council Comment
Visibility Splays – Main Road/Site Access	Visibility splay to the south which can be provided and maintained is 4.5m x 160m (Drawing Ref)	Desirable minimum stopping sight distance based on 60mph speed limit is 215 metres	Speed surveys were undertaken and submitted to Moray Council on DD/MM/YY Based on the observed speeds (XX mph) a DMSSD of 160m was assessed to be the minimum required 'Y' distance. There is additional visibility beyond 160m up to 185m. However this is over land out with the applicant's control. The visibility splay proposal shown on Drawing Ref were accepted by Transportation officer in email DD/MM/YY	Accepted by Transportation officer on DD/MM/YY
Road Gradients	Road 1 is 7% over 20m from CH100 (Drawing Ref ...)	Standards for Roads Construction Consent maximum gradient should be 5.5%	Due to existing levels standard cannot be met. No alternative alignment possible, maximum gradient and length have been minimised as discussed at meeting with Transportation officer on DD/MM/YY CB	Accepted by Transportation officer on DD/MM/YY
Shared Streets	Road 2 is proposed as a shared surface (Drawing Ref ...)	Designing Streets	Minimum street width of 9 metres has been used within which, landscaping, parking and SUDS design elements have been incorporated. Vehicle Swept Path Analysis requirements were discussed and agreed and details provided (Drawing Ref....) Road Safety Audit undertaken and design modified to address points raised in discussion with Moray Council (DD/MM/YY)	
Street Lighting				
Drainage				
Materials				



