

18/01561/APP
15th January 2019

Retrospective change of use from agricultural to use for exercising dogs to provide a secure dog walking field at Site At Rabbit Rock Craigellachie Moray for Mr Roger Hull

Comments:

- A site visit has been carried out.
- The application falls within the category of "major development" as defined within the approved delegation scheme, where the overall area of the proposed site exceeds 2 hectares.
- Advertised for neighbour notification procedures.

Procedure:

- None.

Recommendation **Grant Planning Permission – subject to the following:**

Conditions/Reasons

Permission is granted subject to the following conditions:

1. Within three months of the date of decision, a detailed landscape plan (drawn to scale) is to be submitted to and approved by the Planning Authority. This Landscape plan shall show details of the numbers, species, position, planting distances and sizes of all planting to be undertaken along the western boundary of the site.

Thereafter all planting, seeding or turfing forming part of the approved landscape scheme shall be carried out in the first planting and seeding season following the issue of decision. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

Reason: In the interest of residential amenity and to aid integration of the development with the surrounding landscape.

Reason(s) for Decision

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

The proposal accords with the relevant policies of the Moray Local Development Plan 2015 and there are no material considerations that indicate otherwise.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
	Details of gate and fence
	Site location plan



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

18/01561/APP

Site Address:

Site At Rabbit Rock
Craigellachie

Applicant Name:

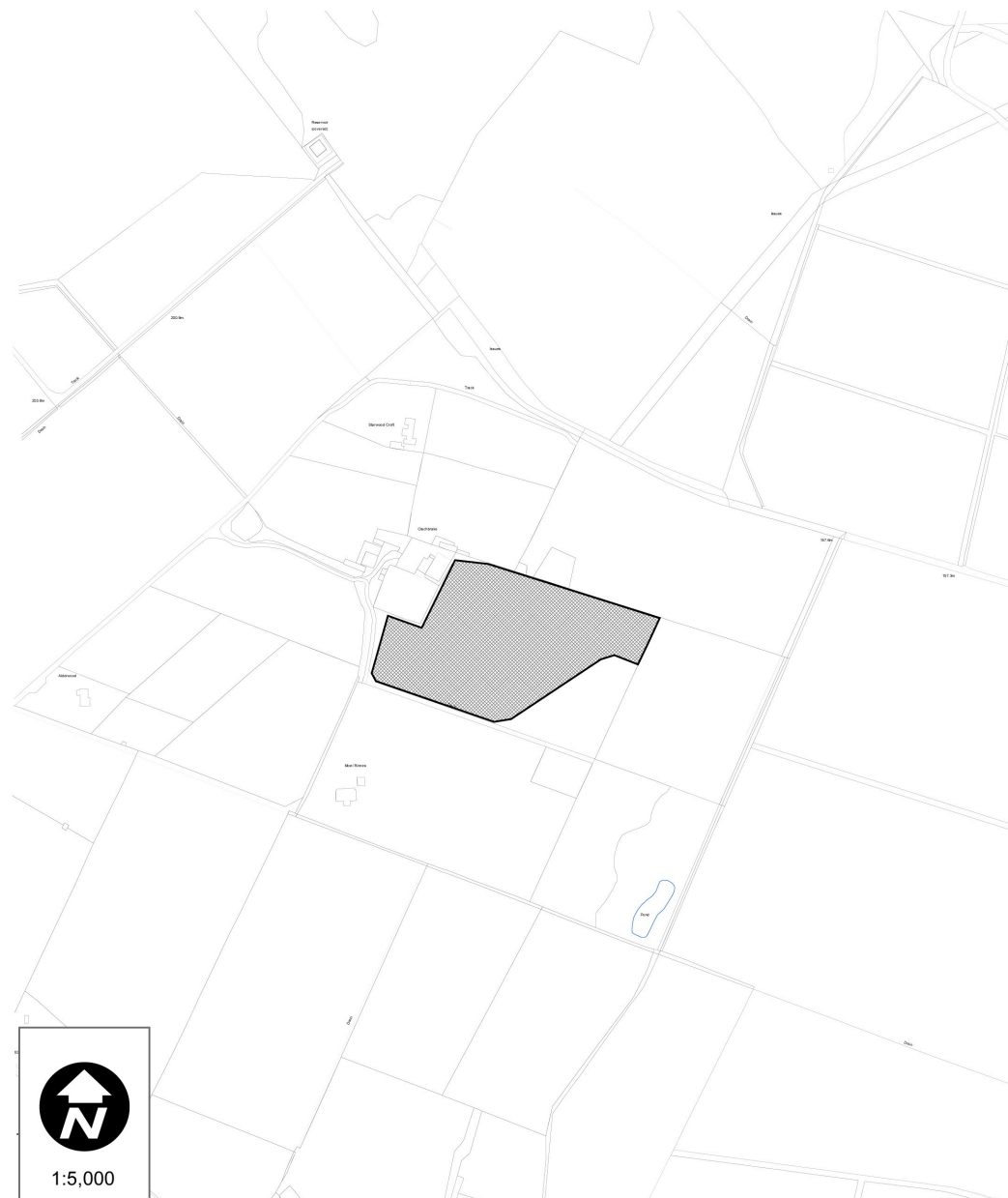
Mr Roger Hull

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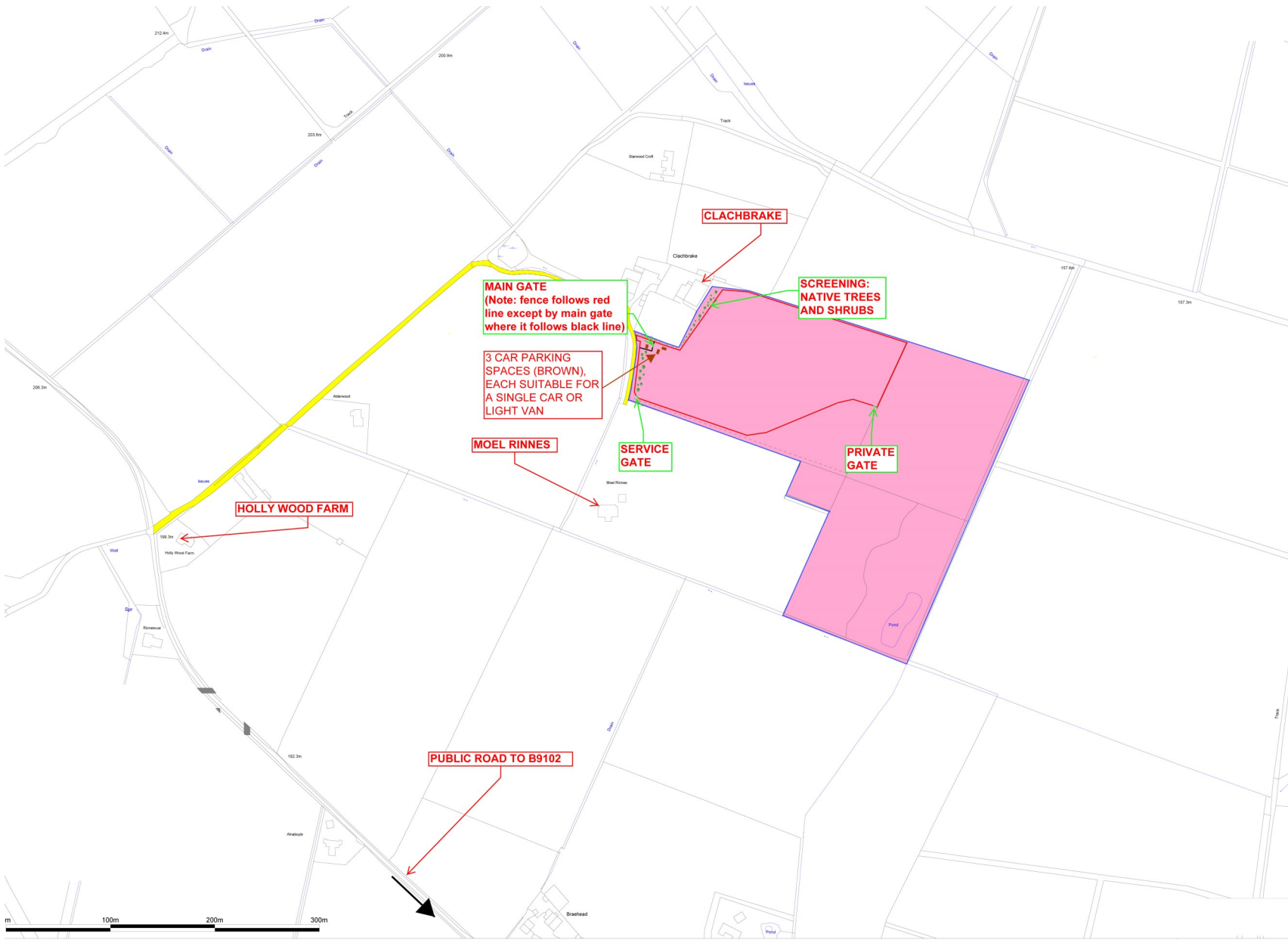
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Location Plan



Site Location



PLANNING APPLICATION: 18/01561/APP

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

THE PROPOSAL

This application seeks retrospective planning permission for the change of use of agricultural land to a secure dog walking Field for dog exercising at Rabbit Rock, Craigellachie.

- The physical features of the secure dog walking Field at Rabbit Rock, include:
 - A 1.9m high deer fence around the perimeter of the Field, with 1m of stock fence laid horizontally on the ground on the inside perimeter of the Field.
 - One customer access gate which is padlocked (code changed regularly) located on the western boundary of the site, with a small car parking area located outwith the Field extent beyond the gate.
 - There are two other access gates to the Field: a service gate located on the south west corner of the site and a private access gate located at the south east corner of the site.
 - An area of hardstanding is provided at the site access which provides sufficient space to allow users to park and turn inside and outside the Field access gate. Two parking spaces are provided inside the access gate and one parking space is provided outside the gate. There is sufficient space for a second vehicle to temporarily park in front of the access gate.
 - A bin is provided for dog and other non-recyclable waste.
 - A mains water standpipe is provided for clean drinking water.
- In summary, the proposed use and operation of the secure dog walking Field will entail:
 - The use of the Field for a 50 minute session by one customer and their dog(s), to enable off lead exercising, particularly for dogs who cannot be allowed off lead in a public place, such as:
 - dogs who have poor re-call,
 - dogs who have behavioural traits that mean they cannot be walked off lead,
 - dogs who are subject to dog control orders/notices,
 - dogs who are a prohibited breed.
 - Under the rules of the Field it would be permissible for a customer to invite their friend and their dog(s) for the session.
 - Users are normally limited to a single vehicle, although in exceptional circumstances a second vehicle may be allowed but there is a higher charge for this as the applicant wishes to discourage second vehicles to the site.
 - Professional dog walkers are permitted to use the Field, although they must advise the applicant of their intended use of the Field beforehand.
 - Vehicles must be parked inside the Field and the gate locked shut before dog(s) are let out the vehicle.
 - The changeover arrangements (during the 10 minute overlap between sessions) mean that there could be one (maximum two vehicles) inside and outside of the fence.

- Dogs must not be left unaccompanied in the Field at any time.
- Under the rules of the Field users are asked to always pick up and waste after their dogs, and ensure that their dogs are wormed regularly. The Field is inspected frequently for safety and cleanliness by the applicant. The applicant(s) also does a weekly Field clean.
- The hours of operation are 9am to 8pm, 7 days a week. The Field is closed on Christmas Day, Boxing Day, New Year's Eve and New Year's Day.
- Users of Rabbit Rock Field must adhere to the Rules of the Field (as detailed in the applicant's Supporting Statement) and use of the Field is at the discretion of the applicant.
- Users are responsible for assessing if the fence around the Field is safe for the dog(s).
- The planning application has been supported by a Planning Statement, and comments in support of the application from the National Farmers Union, Moray Council Animal Welfare Officer and a local vet have been submitted as part of the application. The applicant has also prepared two documents which seek to address the comments made in the objections received to the application.

THE SITE

- The application site measures 2.5 hectares of sloping ground; the previous agricultural use on the site was for hay crops.
- The site is located in a countryside location and the surrounding land uses include: agriculture, rural housing, equestrian, forestry. The Macallan Distillery and the CHP power plant are in the wider vicinity of the site.
- There are a number of rural dwellings in the vicinity of the site that share the same private access track.
- The closest residential dwellings to the site are Clackbrake which is located beyond the north west corner of the Field, with the fence line for the Field having been set back approximately 2m from the mutual boundary and Moel Rinnes which is located to the south west, beyond the access track which separates the Fields.
- The property Senara is currently under construction to the north of the site.
- The applicants own dwelling is nearing completion it is located to the south east of the site.

HISTORY

None.

POLICY - SEE APPENDIX

ADVERTISEMENTS

- Advertised for neighbour notification purposes.

CONSULTATIONS

Archaeology Services – No objection.

Contaminated Land – No objection.

Environmental Health – No objection.

Transportation – No objection, with informatives provided.

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).

A total number of 75 representations have been made on the application, 61 of which have made comments in support of the application and 14 have raised objections to the retrospective application.

[Redacted content]

This image shows a large rectangular area filled with numerous horizontal black bars of varying lengths, representing redacted text. The bars are stacked vertically, with some appearing as single lines and others as grouped pairs, suggesting a list or table structure. The overall appearance is that of a document where all content has been obscured by black redaction marks.

SUPPORT

In summary, the comments in support are centred on the following matters:

- The facility provides a well-managed and maintained, safe and secure area for dogs to run freely which brings positive benefits and enjoyment to the dogs and owners.
- The facility means that dogs can be exercised responsibly by their owners separate from livestock and wildlife thereby protecting the natural environment and surrounding livestock from disturbance, bringing benefits to farmers.
- It is a good facility for dog training.
- It is a much needed facility in Moray, particularly given the large size of the Field and high level of security.
- Tourism benefits with contributors advising that they have stayed or extended their holiday because of the facility.
- Contributors who travel to Moray to use the facility have commented that they used local services and business as a result of their visit.
- This type of facility is common outwith the north of Scotland.
- There is good separation from neighbouring properties.
- The facility is in-keeping with its rural location and is not an “eye sore”.
- This facility promotes responsible of lead walking and will provide a facility for dogs who cannot be walked off lead.
- The use of the surrounding Fields for equine use could result in at least twice as many vehicle movements to the area.

OBJECTIONS

Summary of the main points raised in the objections are:

Issue: Additional traffic and access concerns as a result of the change of use, including:

- Increase in number of vehicles using the private access track i.e. there could be an additional 2 vehicles per hour between 9am-8pm, 7 days a week.
- The private access track with no passing places is unsuitable for the increase in vehicles.
- The costs of repair and maintenance of the private access track.
- Poor visibility from the private access track on to the public road.
- Poor road awareness of the users of Rabbit Rock with examples of near-misses quoted and speeding.

Comments (PO): In assessing the planning application the Transportation Section raised no objection to the proposal. The Transportation Section has provided comments in response to the objections raised in relation to traffic and access concerns, these are detailed below.

Visibility - visibility is noted to be restricted at the access onto the U136E Whiteacan Road. A ‘y’ distance of around 70m would be considered appropriate for this location by Transportation given the estimated approaching traffic speeds and the road alignment itself. To the North, visibility is restricted by the road alignment however visibility is available to the bend in the road/passing place which is considered adequate by Transportation in this instance. Traffic speeds are estimated to be slower on approach to the bend in either direction. To the South the main restriction to visibility is the communal refuse area. The number of bins at the communal collection point appears to have increased over time associated with the build-up of housing plots along the track. A mix of large communal bins and individual sized bins were observed to be placed at the end of

the private access. As per Moray Council's kerbside collection policy individual bins should only be placed at the road end on the day of collection. Transportation consider that without this obstruction visibility of 70m to the South would be achievable. Whilst it is recognised that the full splay is not available at present, the use under consideration will not generate additional household waste and therefore the requirement to provide a formal access layby, that would in turn help in providing an improved visibility splay, cannot be attributed to this application. In addition the application under consideration is unlikely to result in an intensification of use beyond the traffic activity that is already accommodated at the access (more on traffic movements below). Therefore, Transportation has not at this time requested improvements at the access as a result of this application.

Traffic movements - Section 6.2 of the applicants supporting statement puts forward that the application could result in a maximum of four vehicles per hour during opening times (9am to 8pm). Transportation consider that this represents the absolute maximum and is unlikely to be the case from the applicant's supporting case. The Field would have to be booked by a different party for each hour of the day, with each customer visiting with two vehicles, for this level of traffic activity to occur. It should also be noted that the traffic activity would be spread throughout the day given the nature of the facility and the requirement to pre-book. Therefore, in the AM and PM peak hours where highest level of trips generated by the residential uses occur it is likely that only an additional four trips may be added due to this facility. There are no grounds to object in terms of lack of road capacity at this location for this low level of use.

U136E Whitecan Road – the public road that provides access to the private track serving Rabbit Rock Field is the U136E. This is an unclassified road subject to a speed limit of 60mph. However, drivers normally drive to the road conditions and given the road alignment it is estimated that approaching traffic is unlikely to be travelling at speeds in excess of 40mph. Transportation would expect that regular customers of such a facility would become aware of the road conditions and respond accordingly.

A development of this nature accessed off a single track road would normally be required to provide passing places. This road is on the agreed routes for the Timber Transport Forum. Surfacing is adequate and passing places (of a standard that can accommodate HGV traffic associated with timber transport) are provided along the road and therefore no further provision is required at this time between the B9012 and the site access.

Private track – the use, ongoing maintenance and provision of passing opportunities on the private track is a private matter and therefore the condition of this track has not been assessed by Transportation. On this basis the proposal is not considered to result in unacceptable traffic or access impacts.

Issue: Detrimental to residential amenity because of noise concerns from dogs (barking and or howling) and noise associated with the general use of the Field which will erode the tranquil character of the area.

Comments (PO): The Rules of the Field state that noise must be kept to minimum and that noise complaints will result in future use of the Field being refused. The Environmental Health Section has raised no objection to the proposal on noise grounds. Should noise issues arise in the future, this would be a matter to be dealt with at the time under separate legislation i.e. statutory nuisance.

Issue: Detrimental to residential amenity because of loss of privacy.

Comments (PO): In land use planning terms it is noted that the proposed change of use

to use the Field as a secure dog walking Field as detailed in the application would result in a low intensity use. It is also noted that the Field is physically separated from neighbouring property/land by the use of deer fencing which is generally acceptable at this location. However, given the close proximity of the neighbouring property on land adjacent to the north west boundary of the site it is recommended that, landscape screening should be added along the western boundary as shown on the amended site plan, to help ensure an acceptable level of residential amenity and assist with integration of the development into the surrounding landscape.

Issue: Concern about the nature and type of dogs using the facility

Comments (PO): Rabbit Rock Field offers a service that many dog owners of family dogs would be interested in using, although it is recognised that dogs with specific needs could particularly benefit from this facility.

In the applicant's response to the objection comments made it is noted that although the Field would be open to dogs subject to Dog Control Orders or Notices, and/or dogs of banned breeds no such dogs have visited Rabbit Rock to date. The applicant has also indicated that the most common breed of dog using the Field are rescue Greyhounds and Huskies.

It is also noted that, all users must adhere to the rules of the Field which demonstrates that the applicant as well as individual users are aware of their obligations to act responsibly while using the facility. Should any specific incidents occur during the operation of the Field, it would be a matter to be dealt with at that time through the appropriate channels including any appropriate legislative channels.

Issue: Impact of the facility on dogs from the neighbouring properties, causing stress and anxiety for dogs at neighbouring properties.

Comments (PO): Whilst it is not possible to comment on the dynamics between individual dogs (or this might evolve in the future). In land use planning terms, it is considered, subject to the addition of landscape screening (as shown on the site plan) that the separation distance between the Field and neighbouring land is sufficient given the low intensity use proposed.

Issue: This use will lead to incidences of livestock and horse worrying to the livestock and horses grazing on neighbouring land.

Comments (PO): This is a subjective matter as supporting comments including the letter in support from the National Farmers Union have indicated that this type of secured facility will provide a confined 'safe space' for dog walkers to safely walk dogs without disturbing livestock and land managers.

This use will lead to incidences of horses being frightened as the Field boundary is too close to equine use, as a point of clarification, it is noted here, that horses are not considered livestock animals in the UK and it is not possible to comment on the individual dynamics highlighted.

Looking at the land use considerations this is a low intensity use at large bounded Field at a location where it would not be uncommon for a range of animals to be in the presence of each other and where the use of the Field is governed by rules for use which require individual users to act responsibly when using the Field, therefore it would be up to individual users to address and or controlling incidences of livestock or horse worrying. Should any unacceptable occurrences arise this would be a matter to be addressed at the

time through the appropriate channels.

Issue: Concern about the security of the Field and dogs escaping thinks could be detrimental to other dogs, children, livestock and horses. An example of a dog escaping has been cited in the objections.

Comments (PO): Without knowledge of the circumstances, it is not considered possible to comment on the cited example of a dog escaping. However, it is noted that under the rules of use of the Field it is the responsibility of individual users to identify if the Field is secure for their dog.

Issue: Hygiene concerns about the build up of dog waste on the Field which could lead to the spread of disease and concern about dog waste collected being disposed of in the communal bins.

Comments (PO): Under the rules of the Field users are asked to always pick up after their dogs, and ensure that their dogs are wormed regularly. The Field is inspected frequently for safety and cleanliness by the Applicant. The applicant(s) also do a weekly Field clean.

There is a bin onsite located towards the access gate for the disposal of collected dog waste, thereafter, the applicant has confirmed that the dog waste from the Rabbit Rock Field bin is emptied about once every two weeks and taken by the applicant to a Moray Council recycling centre as general waste, destined for landfill. The applicant has confirmed that advice was sought from a Moray Council, Animal Service Officer on the correct disposal of waste from the site and from the information provided the approach adopted is inkeeping with the relevant SEPA guidance.

It is noted that the proper disposal of waste from the site is the Applicant's responsibility.

Issue: Retrospective nature of the planning application and concern that the applicant was seeking to circumvent the planning process.

Comments (PO): Whilst it is unfortunate that planning permission was not sought prior to the start of operation at Rabbit Rock, a planning application has now been submitted. This planning application seeks to regularise the use of Rabbit Rock Field as a secure dog walking Field for dog exercising.

Issue: Contributors urge that the application is considered as a commercial application. Concern that the business does not have public liability insurance.

Comments (PO): The commercial nature of this application is understood and it is noted here that Policy ED7 Rural Business Proposals is a key determining policy in the assessment of this planning application.

Although, not a material planning consideration: the applicant has confirmed that Rabbit Rock Field has public liability insurance.

Issue: The application has been prepared with the aid of a planning consultant.

Comment (PO): Very many applicants deploy the services of planning consultants or other built environment specialists to assist the planning application process.

Issue: Visual impact of the fencing.

Comments (PO): The fencing used is deer fencing which is widely used in rural locations. It is considered acceptable in design and visual impact terms.

Issue: Impact of the development on wildlife, including Badgers. It is also advanced that the development may have contributed to a reduction in the number of Roe Deer, and Brown Hare present in the vicinity of the site.

Comments (PO): The site visit undertaken by the Planning Officer included a walk over of the site there were no visible signs of badgers/badger setts on the site or the immediate surrounds.

There are a number of factors which could have contributed to a reduction in the Roe Deer and Brown Hare present in the vicinity of the site but given the low intensity of the use it would seem unlikely that this could be wholly contributed to this small scale development.

Issue: Belief that an Environmental Impact Assessment should have been carried out as part of the application.

Comments (PO): It is confirmed here that the does not meet the threshold for assessment under the Environmental Impact Assessment Scotland Regulations 2017.

Issue: The Field has 'no established boundaries' and the facility is not located in an appropriate location given other recent commercial activity in the area, including expansion at Macallan and the CHP power plant and the identification of the area as a build up hot spot.

Comments (PO): Each application is assessed on its own individual planning merits based on the relevant policies of the Moray Local Development Plan. It is noted here, that the requirement for development sites to have established boundaries and the assessment of build-up considerations are a requirement of Policy H7 Housing in the Countryside and are not a requirement under Policy ED7 Rural Business Proposals.

As noted all applications are assessed on their own merits and as such, other recent commercial activity in the area, including expansion at Macallan and the CHP power plant which are located in the wider vicinity of the site do not preclude other commercial developments at this locality.

Issue: Disagree about the rationale for this facility and concern that this facility will embed bad behaviours.

Comments (PO): This is not considered a material planning consideration. It is for individual users to assess if this facility is beneficial and or suitable for their dog(s).

OBSERVATIONS

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Plan was approved as the "settled view" of the Council and minimal weight will be given to the Proposed Plan, with the 2015 MLDP being the primary consideration.

Primary Policies (PP1, PP2 and PP3)

Overarching Primary Policies PP1, 2 and 3 reflect Scottish Planning Policy and the objectives of the Council on Sustainable Economic Growth, Climate Change and Placemaking, and contain the necessary criterion for assessing all development proposals. These include amongst others the support of proposals which are in sustainable locations that make efficient use of land and infrastructure. The proposed

secure dog walking Field at this rural location would accord with these provisions and is discussed in more detail below.

Policy context and assessment

Siting and Design (ED7 and IMP1)

ED7 Rural Business Proposals supports new business development in the countryside provided it meets siting and design requirements, is supported by a locational justification and can be adequately serviced, taking account of any environmental considerations.

Policy IMP1 Developer Requirements requires new development proposals to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area and to be comply with set criterion (detailed within policy). These include amongst others the requirement for new development to integrate into the surrounding landscape.

In this instance, this application for the change of use of Rabbit Rock Field to a secure dog walking Field would regularise a currently unauthorised use at this location. The only physical change to the Field as a result of the proposal is the addition of 1.9m high deer fencing and gates with 1m of stock fence laid horizontally on the ground on the inside perimeter of the Field. The use of deer fencing is considered acceptable in design and visual impact terms and is appropriate to the site and its surrounds given that it is widely used in rural locations.

The use of the Field as a secure dog walking Field is considered to be a small scale low impact use which would be commensurate with the rural location in which it is set. Rabbit Rock Field has established rules for the management and use of the Field which sets out the responsibilities of individual users to use the Field appropriately and in accordance with the principles of responsible dog ownership.

The application has been supported by a Planning Statement which provides details of the use and operation of the Field and it is noted here that the Locational Justification is based on the opportunity for the Applicant's to operate this small business from their nearby home which is nearing completion.

Policy ER5 Agriculture supports the agricultural sector by presuming against the irreversible loss of prime agricultural land unless the site is required for settlement expansion and there is no other suitable use. The agricultural land at Rabbit Rock Field is not classified as prime agricultural land and as such the proposed change of use is not considered to comprise the terms of Policy ER5.

In light of the above, the proposal complies with the requirements of policies ED7, IMP1 and ER5.

Amenity (ED7 and IMP1)

In land use planning terms it is noted that the proposed change of use to use the Field as a secure dog walking Field (as detailed in the Applicant's Supporting Statement and in their response to the objections) would result in a low intensity use. It is also noted that the Field is physically separated from neighbouring property/land by the use of deer fencing which is generally acceptable at this rural location.

However, given the close proximity of the neighbouring property on land adjacent to the north west boundary of the site it is recommended that landscape screening should be

added along the western boundary as shown on the amended site plan, to help ensure an acceptable level of residential amenity is achieved along this boundary. Therefore, a condition is recommended to ensure the provision of the landscaping required, subject to the use is considered acceptable in amenity terms.

Disposal of Waste (EP8 and IMP1)

Under the rules of the Field users are asked to always pick up after their dogs, and ensure that their dogs are wormed regularly. The Field is inspected frequently for safety and cleanliness by the Applicant. The applicant(s) also do a weekly Field check.

There is a bin onsite located towards the access gate for the disposal of collected dog waste, thereafter, the applicant has confirmed that the dog waste from the Rabbit Rock Field bin is emptied about once every two weeks and taken by the applicant to a Moray Council recycling centre as general waste, destined for landfill. The applicant has confirmed that advice was sought from a Moray Council, Animal Service Officer on the correct disposal of waste from the site and from the information provided the approach adopted is inkeeping with the relevant SEPA guidance. On this basis the development is not considered to comprise the terms of Policy EP8 and IMP1.

Access and Parking (T2 and T5)

Policies T2 and T5 require development proposals to satisfy various criteria, these include the provision of safe entry and exist for all road users at access junctions, infrastructure improvements where appropriate and onsite parking and vehicular turning provision.

Having assessed the application and the objections received on the proposal the Transportation Manager has raised no objections in road safety terms to the low intensity use proposed at this location. On this basis, the proposal is not considered to comprise the terms of Policies T2 and T5.

Conclusion

The proposed change of use is considered to conform to the above relevant local development plan policies subject to the conditions recommended. Upon this basis the proposal is recommended for approval.

REASON(S) FOR DECISION

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

The proposal accords with the relevant policies of the Moray Local Development Plan 2015 and there are no material planning considerations that indicate otherwise.

**Author/Contact
Officer:**

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Planning Officer

Ext: 01343 563303

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

APPENDIX

POLICY

Adopted Moray Local Development Plan 2015

Primary Policy PP1: Sustainable Economic Growth

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

Primary Policy PP3: Placemaking

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

Developments should;

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

Policy ED7: Rural Business Proposals

New business developments, or extensions to existing industrial/economic activities in the countryside, will be permitted if they meet all of the following criteria:

- a) There is a locational justification for the site concerned, particularly if there is serviced industrial land available in a nearby settlement.
- b) There is capacity in the local infrastructure to accommodate the proposals, particularly road access, or that mitigation measures can be achieved.
- c) Account is taken of environmental considerations, including the impact on natural and built heritage designations, with appropriate protection for the natural environment; the use of enhanced opportunities for natural heritage integration into adjoining land.
- d) There is careful control over siting, design, landscape and visual impact, and emissions. In view of the rural location, standard industrial estate/urban designs may not be appropriate.

Proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business premises will be encouraged, provided road access and parking arrangements are acceptable.

Where noise emissions or any other aspect is considered to be incompatible with surrounding uses, there will be a presumption to refuse.

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

Policy EP8: Pollution

Planning applications for developments that may cause significant pollution in terms of noise (including RAF aircraft noise), air, water and light emissions will only be approved where a detailed assessment report on the levels, character and transmission of the potential pollution is provided by the applicant. The assessment should also demonstrate how the pollution can be appropriately mitigated. Where the Council applies conditions to the consent to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

Policy EP9: Contaminated Land

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

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

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

Policy ER5: Agriculture

The Council will support the agricultural sector by:

- a) Presuming against irreversible development on prime agricultural land (classes 1,2 and 3.1) unless the site is required for settlement expansion and there is no other suitable alternative.
- b) Supporting farm diversification proposals in principle and supporting business proposals which are intended to provide additional income/ employment on farms.

Proposals for agricultural buildings with a locational requirement will be subject to visual, landscape and amenity considerations and considered against the relevant environmental policies.

Policy T2: Provision of Access

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

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

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

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

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

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

Significant travel generating proposals will only be supported where:

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

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

Policy T5: Parking Standards

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

Policy IMP1: Developer Requirements

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

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

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