

21/01402/AMC
18th October 2021

**Approval of Matters Specified in Conditions 3-11 13-16
18 19 22-24 25(c)-(d) and 26-29 on planning consent
18/01046/EIA to construct onshore electrical
transmission infrastructure comprising of a cable
transition jointing bay underground cable circuits
construction of substation to south of Keith with further
connecting cabling to allow connection with existing
transmission network From The Vicinity Of Redhythe
Point In Aberdeenshire Council Area To Whitehillock
Farm, Keith, Moray AB55 5PH
for Moray Offshore Windfarm (West) Ltd**

Comments:

- Application relates to a previous National level Planning Permission in Principle (PPP) under National Planning Framework 3 (NPF3) where it is identified within national development 4 - High Voltage Electricity Network. However, as this application is for Approval of Matters Conditioned pertaining to that PPP no further statutory pre-determination hearing is required.
- One representation received.

Procedure:

- Application to be considered at a meeting of the Planning and Regulatory Services Committee as it forms part of previous national level development previously considered at committee level.
- A financial contribution to the compensatory planting fund has been made. This will supplement the compensatory planted approved under planning application 21/01561/AMC.
- The neighbour notification advert does not expire until 28 February and any additional representations received will be reported verbally.

Recommendation - Grant planning permission – Subject to the Following:

Conditions/Reasons

1. Notwithstanding the submitted details, prior to the commencement of any development, a detailed Phasing Plan, Access Strategy and detailed Construction Programme for the development shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority. The Phasing Plan Access Strategy and Construction Programme shall include the

details of the all proposed routes for construction traffic and abnormal load deliveries and the locations of all proposed access points on the public road network, along with the timing of works at each location on the cable route.

Thereafter, all works shall be completed in accordance with the approved Phasing Plan and Construction Programme.

Reason: In order to ensure that the matters specified can be fully considered prior to the commencement of development.

2. The planning permission hereby granted for the proposed development shall be carried out only in accordance with the approved Phasing Plan permitted by Condition 1 and the details, including detailed drawings (and other supporting information), shall previously have been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority in line with the matters specified for that phase of the development. These drawings and details shall show the matters specified in Conditions 3 and 4 below.

Reason: In order that detailed consideration can be given to the matters specified prior to the works commencing on each phase of the development.

3. In pursuance of Condition 2 above, for each phase of the development for which details are to be submitted for approval, the required details shall be:
 - a) Detailed drawing of the proposed temporary access routes for the phase and details of the number and size of construction vehicles using the access routes for that phase of development;
 - b) Detailed drawings of the improvements required to the public roads utilised by construction traffic and any abnormal load deliveries for the phase, which shall include but not be limited to the provision of new passing places, road widening and edge strengthening, all on ground over which the applicant has or can obtain control at location(s) and constructed in accordance with Moray Council specification;
 - c) Detailed drawings of the proposed access locations onto the public road for construction vehicles for the phase, including the required visibility splays, access specification and construction details, details of all earthworks and drainage provision and/or drainage diversion, details of proposed fencing/gates, signage and any required temporary traffic management, along with details of reinstatement works for any temporary access;
 - d) Details of the locations of all cable and haul road crossings within that phase of the development and the proposed works associated with the crossings, including but not limited to, the means of cable crossing e.g. directional drilling or open trench, means of access to works areas, details of the haul road crossings and any required temporary traffic management, and details of required reinstatement works;
 - e) Details of diversion routes for local footpaths during the construction period and associated signage (to be agreed with the Access Manager);
 - f) Detailed drawings of the locations of all cable joint access points, including their proximity to the public road and any public road drainage, and details of any temporary fencing or other measures to protect the users of the public road during the construction period;

- g) A Construction Traffic Management Plan (CTMP), the details of which must include, parking provision for staff and loading/unloading, provision for the prevention of material being deposited onto the public road including wheel cleaning and for road sweeping at construction access(es) to the public road, a programme for monitoring and provisions for interim maintenance to be undertaken to ensure safe and suitable access is maintained for the construction access routes for the duration of the works will be required;
- h) 'Before' road condition video and joint surveys.

Thereafter, all works shall be completed in accordance with the approved details and with the Construction Traffic Management Plan.

Reason: In order to ensure that the matters specified can be fully considered prior to the commencement and to ensure acceptable infrastructure to enable access to the development and development that does not create any hazard to road users in the interests of road safety.

- 4. In pursuance of Condition 2 above, for each phase of the development where there is a requirement for Abnormal Load deliveries for which details are to be submitted for approval, the required details shall be:
 - a) A detailed survey of the Abnormal Load delivery route shall be carried out to determine the locations of structures (e.g. bridges) and street furniture affected by any construction and/or abnormal indivisible load vehicle movements;
 - b) Road improvements/strengthening (either temporary or permanent) required as a result of the survey prior to any movements of any construction and abnormal load traffic shall be completed;
 - c) Abnormal Load Traffic Management Plan, details of which must include the methods of dealing with large and/or abnormal delivery vehicles, vehicle swept path analysis and the methods of marshalling and manoeuvring at junctions on the public road network;
 - d) Evidence of the completion of an Abnormal load trial run(s) undertaken for the delivery route. Representatives from the Moray Council Transportation (Traffic), the Trunk Road Authority, Police Scotland and any other roads authorities where roads will form part of the route of the delivery must be invited to the trial run.

Thereafter, all works associated with the Abnormal Load Deliveries shall be completed in accordance with the approved details and the Abnormal Loads delivered in accordance with the Traffic Management Plan.

Reason: In order to ensure that the matters specified can be fully considered prior to the commencement and to ensure acceptable infrastructure to enable access to the development and development that does not create any hazard to road users in the interests of road safety.

- 5. Prior to commencement of development on any phase of the development, the following shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority:
 - a. Evidence to confirm that a Section 96 'Wear and Tear' Agreement has been

completed and agreed by the developer or their representative and the local Roads Authority, including a commitment to the undertaking of joint 'before' and 'after' road condition surveys, to ensure that the costs of works to repair damage to the public road as a result of construction traffic on the roads identified in Condition 1 will be met.

Reason: To ensure that any adverse impact on the condition of the public road, including roadside verges, attributable to the development traffic is identified and ameliorated.

6. At the start and end of each phase (as per condition 1) 'before' and 'after' condition video surveys of the proposed delivery and construction traffic routes shall be undertaken jointly with the Roads Authority and a copy of the survey provided to the Planning and Roads Authority.

Reason: To ensure that any adverse impact on the condition of the public road, including roadside verges, attributable to the development traffic is identified and ameliorated.

7. 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 0700 - 1300 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken out with the permitted/stated hours of working.

Reason: In order to ensure the development minimises nuisance and disturbance to neighbouring properties.

8. The developer shall implement in full the management, monitoring and mitigation provisions contained within the Construction Environmental Management Plan (CEMP) supporting document as they pertain to noise, vibration, dust, air quality and artificial lighting. For the avoidance of doubt, the supporting document is titled "Moray Offshore Wind Farm (West) Limited. OnTI Cable Route CEMP. Dated 3rd September 2021, Revision : 02. Document Name : 8460005-DAD-MWW- REP- 000006."

Reason: In order to ensure the development minimises nuisance and disturbance to neighbouring properties.

9. The development must be carried out in accordance with the Private Water Supply Risk Assessment submitted in December 2021 inclusive of the proposed monitoring and mitigation. Where a supply is adversely affected by the works, short-term contingency arrangements shall be implemented and, where necessary, a permanent replacement adequate and wholesome supply shall be provided, e.g. connection to the public mains or provision of an alternative supply.

The cost of short terms contingency arrangements, repair and if necessary replacement costs for affected water supplies must be met by the applicant.

Reason: To ensure that an adequate and wholesome water supply to existing properties is maintained.

10. The development shall be carried out in full accordance with the approved Written Scheme of Investigation (WSI) (*OnTI Cable Route Written Scheme of Investigation 8460005-DAD-MWW-REP-000003 Revision 02, dated 3/9/21*) submitted in relation to condition 24 of application 18/01046/EIA and that the programme of archaeological works as set out in the WSI is to be carried out in accordance with the approved Written Scheme of Investigation. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use 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 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.

11. Unless otherwise agreed in writing with Moray Council as Planning Authority, further details relating to the mitigation and protection of private water supplies and Ground Water Dependent Terrestrial Ecosystems at the proposed construction compound close to and on the north side of the A96 must be submitted to and approved by Moray Council, in consultation with SEPA. This approval must be obtained prior to the construction compound at this location commencing and the mitigation and protection measures approved must be adhered to.

Reason: To allow for further consideration of the means of protecting the water environment at this specific location.

12. The approval of conditions granted is upon the basis that subject to the further conditions above (including those seeking modification and final detailed design/layouts for the CTMP) the mitigation and all other measures contained within the Cable Route Mitigation Statement, Cable Route Phasing Plan and Landscape Plan are fully complied with.

Reason: To ensure the ecology and environment of the surrounding areas are protected during construction works and to ensure the tree protection and targeted tree felling is complied with.

Reason(s) for Decision

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

The proposal complies with the relevant policies of the Moray Local development Plan 2020 and there are no material considerations that indicate otherwise. Subject to further conditions recommended, the application satisfies the requirements of the conditions sought to be approved.

List of Informatives:

TRANSPORT SCOTLAND has commented that:-

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

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

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

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Prior to the commencement of deliveries or construction activity, a Section 96 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.

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

Checklist:

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

RCC and Specification:

http://www.moray.gov.uk/moray_standard/page_65638.html

Before commencing development, the applicant is obliged to apply for permission to modify the existing public road, in accordance with Section 56 of the Roads (Scotland) Act. The applicant will be required to provide technical information, including drawings and drainage calculations, a programme for the proposed

works. Advice on the application process can be obtained by emailing transport.develop@moray.gov.uk

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

Road Opening: http://www.moray.gov.uk/moray_standard/page_79860.html

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

Any street furniture, which will need to be repositioned to enable the development, including deliveries to the development, shall be at the expense of the developer. Furthermore, any existing roadside ditch, which requires relocating, a pipe or culvert shall be agreed in advance of any works commencing at that location. Advice on these matters can be obtained by emailing road.maint@moray.gov.uk

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

The developer shall meet all costs of improvements to the road infrastructure, which are required as a result of the development, including any measures to enable the use of structures on the public road for construction traffic and abnormal load deliveries.

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

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

The developer shall be responsible for ensuring that surface/ground water does not run from the public road into the site

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

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority. Advice on the retaining structures/embankments can be obtained by emailing structures@moray.gov.uk

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.

SCOTTISH WATER has commented:-

A review of our records indicates that the proposed activity falls within a drinking water catchment where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. The River Deveron supplies Turriff Water Treatment Works (WTW) and it is essential that water quality and water quantity in the area are protected. In the event of an incident occurring that could affect Scottish Water we should be notified immediately using the Customer Helpline number 0800 0778 778.

Scottish Water have produced a list of precautions for a range of activities. This details protection measures to be taken within a DWPA, the wider drinking water catchment and if there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. These documents and other supporting information can be found on the activities within our catchments page of our website at www.scottishwater.co.uk/slm

The fact that this area is located within a drinking water catchment should be noted in documentation. Also anyone working on site should be made aware of this during site inductions and we would also like to take the opportunity, to request that 3 days in advance of any works commencing on site, Scottish Water is notified at protectdwsources@scottishwater.co.uk so we can make our operational teams aware there will be activity taking place in the catchment.

The SCOTTISH ENVIRONMENTAL PROTECTION AGENCY has commented that:-

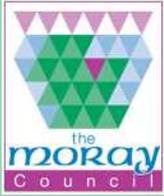
We note dewatering may be required and will be managed in line with CAR. As such, any dewatering during excavations should be in compliance with CAR GBR 2 and GBR 15 (see SEPA's A Practical Guide: https://www.sepa.org.uk/media/34761/car_a_practical_guide.pdf. Abstraction of groundwater in quantities greater than 10m³/day will require a CAR registration or licence depending on the scope and duration of the works.

Further details of regulatory requirements and good practice advice, for example in relation to private drainage, 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 local compliance team at: gs@sepa.org.uk

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
84600006-DAA-ITP-MAP-000002	Location plan
84600006-DAD-MWW-REP-001	Cable route crossing point - overview

84600006-DAD-MWW-REP-001	Cable route crossing point 10 of 12
84600006-DAD-MWW-REP-001	Cable route crossing points 11 of 12
84600006-DAD-MWW-REP-001	Cable route crossing points 12 of 12
84600006-DAD-MWW-REP-001	Cable route crossing point 3 of 12
84600006-DAD-MWW-REP-001	Cable route crossing point 4 of 12
84600006-DAD-MWW-REP-001	Cable route crossing points 5 of 12
84600006-DAD-MWW-REP-001	Cable route crossing points 6 of 12
84600006-DAD-MWW-REP-001	Cable route crossing points 6 of 12
84600006-DAD-MWW-REP-001	Cable route crossing points 7 of 12
84600006-DAD-MWW-REP-001	Cable route crossing points 8 of 12
84600006-DAD-MWW-REP-001	Cable route crossing points 9 of 12
	Landscape plan figure LPDA08
	Landscape plan figure LPDA10
	Landscape plan figure LPDA11
	Landscape plan figure LPDA12
	Landscape plan figure LPDA13
	Landscape plan figure LPDA14
	Landscape plan figure LPDA15
	Landscape plan figure LPDA16
	Landscape plan figure LPDA17
	Landscape plan figure LPDA18
	Landscape plan figure LPDA19

	Landscape plan figure LPDA20
	Landscape plan figure LPDA21
	Landscape plan figure LPDA22
	Landscape plan figure LPDA23
	Landscape plan figure LPDA24
	Landscape plan figure LPDA25
	Landscape plan figure LPDA26
	Landscape plan figure LPDA27



PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:
21/01402/AMC**

Site Address:

**From The Vicinity Of Redhythe Point In Aber-
deenshire Council Area To Whitehillock Farm
Keith**

Applicant Name:

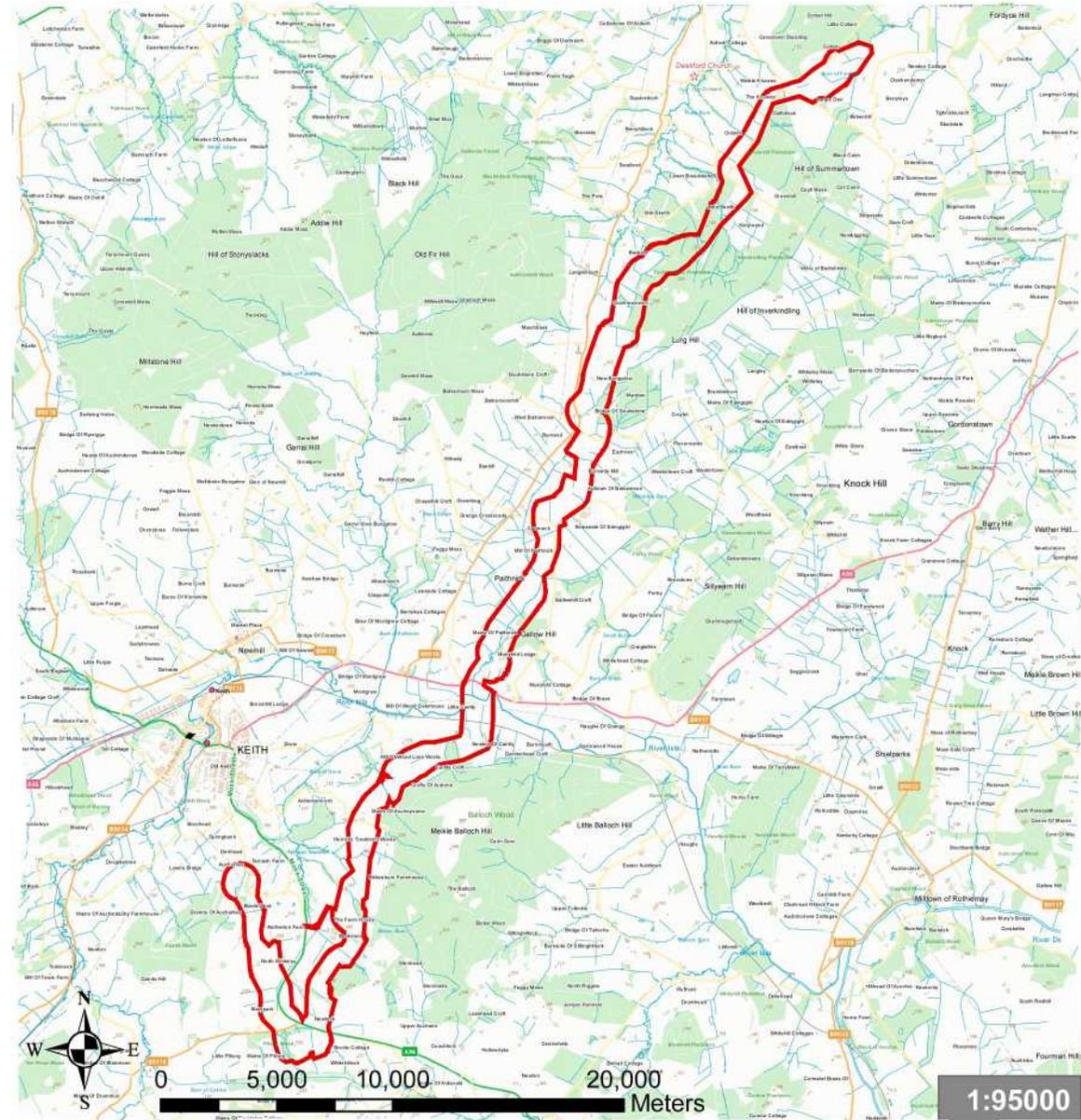
Moray Offshore Windfarm (West) Ltd

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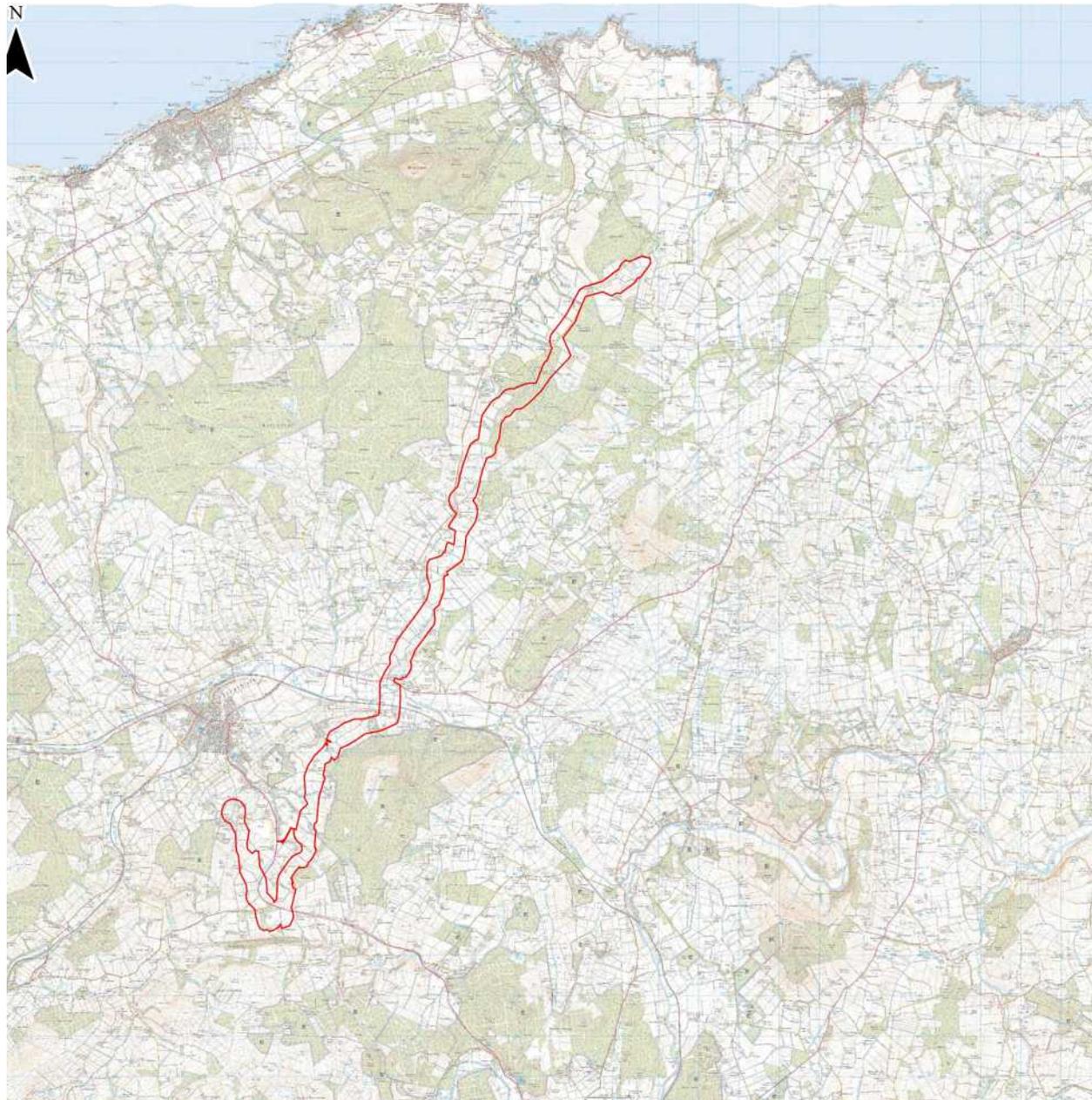
Location Plan



Cable Route



Working Area and corridor



Cable route looking southward over Isla Valley



PLANNING APPLICATION: 21/01402/AMC

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

- Construct approximately 24km of underground high voltage electricity line (2 cables in parallel). Installation of two 220kV (between landfall and the Moray West Substation) and 400kV (between the Moray West and Blackhillock substations) underground onshore export cable circuits. This cable route would tie in with the 23 Joint Bays per circuit over the whole cable route, approximately every 1.5km. The cables circuits will be length to be installed at a depth of approximately 1.2 metres (to top of ducting). The two cables will be laid 5m apart.
- The cables would be installed within ducting which would be laid into the ground. The cables would then be pulled through once the ground above had been restored. The entire length of cabling is split into smaller sections between joint bays. These will be points where cables are installed through the ducting. The cables would be pulled through these into position and would also allow access for maintenance once operational.
- Jointing bays will be below ground manholes, with no infrastructure above ground.
- 30m wide construction corridor to follow the cable route its entire length and where trees and woodland are removed, a wayleave to keep them from being replanted will be required. Otherwise the land could be returned to agricultural use.
- Temporary works will be required to facilitate the construction of the cable route, such as construction compounds and temporary accesses onto the public road along the cable route. A construction access corridor will need to be provided either side of the cable route during the laying of the cable to provide access to plant/machinery.
- At sensitive points where the cable route would cross a watercourse or classified road the use of a Horizontal Direction Drill to take the cable route beneath the obstruction.
- A combination of compensatory planting at the electricity substation site and financial payment to the Councils compensatory woodland planting fund, has been sought to address the removal of woodland.

THE SITE

- The cable route makes landfall to the coast at Sandend within Aberdeenshire, crossing into Moray east of Berryhillock, before heading south the proposed new substation site at Whitehillock Farm, immediately south of the A96. There after the cable will travel north-west up and link into the Blackhillock substation forming part of the national grid.
- The site predominantly crosses agricultural land, but will see the removal of approximately 6 hectares of woodland near Lurg Hill, from some commercial stands of wood and from field margins where the cable route would pass.

- The site is host to several designations or feature over its 23km length, including various archaeological assets, ancient and forest inventory woodland and flood areas. The site avoids any regional or national environmental designations and prime agricultural land.

HISTORY

18/01046/EIA - Planning Permission in Principle to construct onshore electrical transmission infrastructure comprising of a cable transition jointing bay underground cable circuits construction of substation to south of Keith with further connecting cabling to allow connection with existing transmission network at Blackhillock including temporary construction compounds access track laydown areas and other associated works. This consent was granted by Moray Council on 3 December 2018 following a Pre-determination Hearing.

18/00954/S36 - Construct and operate an offshore windfarm, inclusive of two offshore electric substation platforms in the Moray Firth. This proposed offshore windfarm would comprise of 62-85 offshore turbines, to a height between 199m-285m (the taller turbines being at the lower density of 62 total) and would be located over 30km off the Moray Coast. The Moray Council was a consultee on the application, which was approved by Marine Scotland. Of note the Marine Scotland application identified the lifetime of the project as being circa 50 years, so it is clearly the intent that the onshore infrastructure and substation would be required for at least the same period.

17/01380/PAN - Proposal of Application Notice for proposed onshore substation and to onshore cable circuits. Moray Council responded on 25 September 2017 stating that the consultation measures proposed were considered suitable and no further consultation or notification was necessary.

17/00940/SCO - Scoping opinion for onshore transmission infrastructure landward of Mean Low Water Springs for Moray Offshore Windfarm (West). The scoping opinion was issued in August 2017 and included input from other consultees. This scoping opinion related to the development subject to application 18/01046/EIA.

Relevant current applications are:

21/01391/APP - Installation of underground electricity cables and associated development on land between Greenhill and Factors Park Plantation, Deskford, Cullen. A current re-routed section of the cable route (3.1km in length) is currently subject of a separate planning application, which had to be submitted under a separate fully approval of planning permission as it lies outwith the approved 'corridor' consented under 18/01046/EIA. If approved this length of cable route would dovetail back into the cable subject of this application. As this cable would exceed 132kV it constitutes a significant infrastructure development and defined under the National Planning Framework 3 and therefore constitutes a National level development in planning terms. This application was approved by at a Pre-determination Hearing on 10th Feb 2021.

21/01561/AMC - Approval of Matters Specified in Conditions 2-9 11-15, 18-20, 22, 24-29 on planning consent 18/01046/EIA to Construct onshore electrical transmission infrastructure comprising of a cable transition jointing bay underground cable circuits construction of substation to south of Keith with further connecting cabling to allow

connection with existing transmission network from within the vicinity of Redhythe Point n Aberdeenshire Council Area to Whitehillock Farm Keith Moray AB55 5PH. While the site address relates to the whole site consented under 18/01046/EIA, this application focusses on purifying the conditions for substation phase of the development based near Whitehillock Farm at the southern end of the site. The submissions for 21/01561/AMC are common to those lodged for this application and notably the landscaping compensatory planting for the woodland lost on the cable route is proposed around the location of the substation at Whitehillock. This application was approved by Committee on 10th Feb 2021.

22/00067/S36 - Install a battery energy storage system (BESS) with associated infrastructure at Blackhillock Electricity Substation, Keith, Moray. This site partly covers the cable route currently proposed. This Section 36 application has only recently been submitted to the energy Consents Unit.

Of note the comparable cable application within Aberdeenshire linking the Moray section to the Moray West offshore windfarm to the coast at Sandend has been approved by Aberdeenshire Council.

POLICY - SEE APPENDIX

ADVERTISEMENTS

Advertised for neighbour notification purposes.

CONSULTATIONS

Private Water Supplies - Private Water Supply Risk Assessment acceptable, but a condition is recommended ensuring consistencies are in place.

SEPA - Content that all the suspensive conditions have been satisfied other than conditions 10 and 11 A further condition seeking specifically more detail on one construction compound near the A96 is sought, in terms of protection of private water supplies and Ground Water Dependent Terrestrial Ecosystems. SEPA content that a condition be used to clarify these last outstanding issue which then ensures compliance with conditions 10 and 11 of 18/01046/EIA. A condition is also recommended ensuring that any private water supplies on the cable route detrimentally affected will be restored.

Planning and Development Obligations - No developer obligation contribution required.

Environmental Health Manager - No objections subject to conditions further refining the contents of the CEMP and confirming the intended hours of construction activity.

Transportation Manager - Approve subject to conditions and informatives. Further definitive details of the temporary access works and crossing required.

Moray Flood Risk Management - No objection.

Scottish Government - Submission noted.

Transport Scotland - No objection subject to informatives.

Naturescot - Satisfied submissions in relation to condition 15 within the CEMP meet their requirements in relation to an Ecological Management Plan.

Aberdeenshire Council - No objections. Of note Aberdeenshire have determined the small section of cable route within Aberdeenshire from Sandend down to near Berryhillock in Moray. This was approved subject to conditions in November 2021 by the Banff and Buchan Area Committee.

Scottish Forestry - No objection to the proposed compensatory planting and contribution to compensatory payment.

Strathisla Community Council - No response at the time of writing the report.

Aberdeenshire Council Archaeology Service - The submitted details in relation to archaeology are acceptable, but the investigations will only be concluded once grounds works have been undertaken a condition is recommended.

Scottish Water - No objection but applicants must be mindful of the cable route proximity to Scottish Water abstraction. Letter containing advice passed to applicant.

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).

For clarity, while one letter of representation has been received, each of the above convey their concerns in respect of their own properties Backmuir Farm, Greenwood House and Nethererton Farm.

The objectors has identified from the e-planning portal list of suggested objection grounds the following concerns. This is further to their letter of representation.

- Contrary to Local Plan
- Drainage
- Dust
- Inappropriate materials/finishes
- Poor design
- Road access
- Traffic

The grounds for objection is summarised below:

Issue: Objectors believe it necessary to safeguard the future of agricultural productivity on land associated with and bordering the route but also to avoid any detrimental impacts that may prejudice future development potential. They consider that via the planning application process and particularly via any conditions imposed they seek to ensure no inadvertent issues arise between successive adjoining holdings along the route, and also that landowners adjacent to the route are protected. The proposal would sterilise agricultural land. Moray Local Development Plan 2020 seeks to protect agricultural land.

Comment: The focus of protection on agricultural land (Classes 1, 2 or 3.1) relates to prime agricultural land, and there is not general prohibition on the development of agricultural and rural land, unless it fall within some other designation of the Moray Local Development Plan 2020. The planning process would not treat any prejudice to future development potential as a material planning consideration. The planning application would need to be determined on the basis of current constraints, site circumstances and other extant planning matters. Development would not normally be resisted because of some blight to future potential on a site or nearby land.

Issue: The proposal would sterilise or jeopardise possible mineral extraction reserves, contrary to the aims of Moray Local Development Plan 2020 policy DP10 Minerals. Objectors are concerned that the proposed cable route would curtail their access to quarry mineral reserves upon their land. They consider that under policy DP10, the applicant should consider alternative routes for the cable to minimise the impact upon their land and assets.

Comment: Notwithstanding the development corridor for which permission is sought, following site restoration, the wayleave corridor affecting possible future quarrying will be approximately 30m and much less than applied for in the application. The extent to which any possible area for workings is there linear in fashion and limited across any one land holding where quarrying would more likely occur in one specific location. Policy DP10 refers to the safeguarding of existing workable mineral reserves/operations and it not understood that the proposed route would compromise any existing working quarries where reserved have yet to be exhausted. The policy is not intended to prevent development from occurring on land until such time as the landowner has exhausted any mineral reserve present and where the land host of the possible cable route has no active workings upon it. Nor can the planning system treat as material future possible mineral workings where none yet take place. The loss of land through compulsory purchase, would include consideration of possible alternative uses and differing land values, and it would be within that process that such a case should be made.

Issue: Construction Environmental Management Plan (CEMP) is insufficient and does not explain how the developer intends to safeguard the agricultural viability of the land affected.

Comment:- It is not the purpose of the CEMP to safeguard future land viability, but the CEMP should demonstrate how features such ground water effects will be mitigated, and where reinstatement works will allow for the use of the land to revert to agriculture unless set aside for jointing bays. It is understood that post development remediation will see as much of the land revert to its previous used as possible.

Issue: The submitted Construction Traffic Management Plan, makes minimal reference to the proposed upgraded access point that our client currently relies on for their agricultural and commercial operations.

Comment: While indicative access details have been given, the overarching content seeks to minimise disruption to other accesses in the area, and by its nature the focus of cable laying would be transient, meaning any disruption would be temporary. Further specific details are sought on the specific temporary site access points, but these can be adequately addressed by condition. The CTMP contains measures and best practice to minimise disruption to local traffic.

Issue: Concern that the nature of linear cable construction means that there are risks that plant and animal diseases could be spread between farm holdings and between individual fields. There is also a risk that tracking vehicles along the working width of the cable route could cause the spread of noxious weeds as the project progresses. The CEMP should be modified to include bio security measures.

Comment: It is speculative to presume that the development would spread animal disease or noxious weeds. This would not constitute a material grounds to refuse the proposals and matters such as livestock disease, if it were to occur would be dealt with under separate legislation. Whilst bio-security is an understandable concern, such matters would be addressed via separate agreement with landowners if development were to proceed, and also note the applicants response below with their intent to follow best practice from recommended by Scottish Agricultural College Consulting.

Issue: Concern the developer may see it is appropriate to import foreign material on to the site if it deems it necessary, heightening the risk of biological contamination.

Comment: While the applicant may import material, the submitted details also confirm the intent to backfill the cable trench with the materials taken from it. It is not considered that this matter would constitute grounds for refusal. See also the applicant's response below in relation to bio security.

Issue: The objectors refer to the development possible jeopardising or complicating possible future developments on their own holdings, such as potential wind energy, battery storage developments or reforestation of land after minerals had been extracted. A possible future data bank centre is also being considered on Netherton Farm. The applicant state their holdings have strategic potential for differing types of development that would contribute to national targets.

Comment: Planning permission for diverse uses may exist on the same land, and in most cases weight would be attached to any extant planning permission if in place at the time of determining a nearby planning application nearby. It is understood a battery storage proposal on Mr Davidson property at Netherton Farm, but that planning application has 20/01776/APP has been withdrawn and a recently submitted Section 36 application for a battery storage facility near Blackhillock is currently being considered by the energy Consents Unit. 22/00067/S36 would sit across the proposed cable route and the two might pass. As the current application for approval of matters conditioned, relates to consented PPP, which in turn relates to an approved offshore windfarm, a separate agreement would need to be reached by the landowner and the prospective developers as to which development might commence or if works can safeguard each projects transmission assets which both seek to tie into the Blackhillock substation. There is not application as yet for a data bank centre, and as such does not carry any material weight as a consideration. The land in question hosts no zoning or designation for the uses proposed, so little weight can be attached to the objectors' aspirations which have no status as planning consideration.

Issue: Permanent access is sought at Backmuir for construction purposes and then for future occasional inspection of the cable route. The location of the proposed access at

Backmuir will have negative effects on the ability of the landowners to enjoy their land and operate their agricultural and commercial enterprises without such restrictions.

Comment: The applicants seek the access directly off a public adopted road (U43bH) so the road is not exclusively for use by Backmuir Farm. The access onto the Trunk Road is also adequate. Neither Transport Scotland nor Moray Council Transportation Manager have opposed the possible access onto the U43bH. Of note conditions recommended seek further detail and a revised CMTP.

Issue: With rights of access thereafter along an access road to be permanently constructed over land at Backmuir which will also potentially impact upon the security of the existing enterprises operated at Backmuir as the topography and location of the proposed access will mean it is hidden from the yard.

Comment: It is speculative to presume that the proposed access would increase security risks. Following the construction phase, the access point would be used very occasionally.

Issue: The volume of construction traffic and plant movements on this site access will render this access unusable by the landowners; we highlight that there does not appear to have been any assessment undertaken and submitted as part of the application documents to consider the impact such volumes and weight of traffic will have upon the private historic stone built bridge over which all access will be taken.

Comment: This will be one of several construction access points into the cable route, and as an adopted road, the Transportation Manager has not objected to its use. The affected bridge is subject to routine inspection and monitoring by the Council as Roads Authority. The bridge is also used consistently by the objectors own HGV's. The finalised CTMP will provide specific details of the specific accesses and will ensure that disruption to existing road users will be considered and wear and tear agreements used to ensure the public road is not degraded excessively.

Issue: The Transport Assessment was carried out pre-Covid and working practices have now changed, with construction staff more likely to arrive on site in separate vehicles as one example.

Comment: A large construction compound is proposed to the south of Backmuir and it is likely that many construction staff would congregate there before going out on site. There are a number of construction accesses at the south end of the cable route, so it is unlikely that Covid will manifest in any great increase in traffic numbers.

Issue: Transportation conditions relating to planning consent 20/01251/MIN for a quarry at Backmuir Quarry should similarly implemented for the current application.

Comment: The two developments differ in that the quarry would see regular HGV movement over the course of decades using the junction onto the A96 from the minor adopted road. The current proposals seeks the use of this road for a temporary construction period alongside other construction accesses, and thereafter for only very occasional use. The Transportation Manager has not considered that such an upgrade is necessary for the Backmuir road.

Issue: The proposal has the potential to impact negatively on the potential drainage capacity of the land forming the application site. The cable route will potentially sever the existing network of drains upon the farm. A further condition should be attached to any permission ensuring mechanisms are in place to monitor the impacts of the development and to ensure that all necessary measures are in place to reduce and remediate impacts.

Comment: The proposed CEMP identifies that measure to protect any existing infrastructure on the cable route, which would include land drains. Generally speaking the

nature of the development will not see any great change to ground water along the length of the cable route, which will involve a very linear narrow intrusion into any one area.

Issue: The proposal will cause local changes to the profile of the land to the detriment of soil condition and structure. This will affect the Landowners ability to productively farm his land.

Comment: This a speculative objection and the intent is, where possible, once the cables have been backfilled to allow them to return to agricultural use. As the excavated soil will be used to back fill the trench from where it came, there should be no reason by productivity would be affected.

Issue: The proposal has failed to justify the proposed incursion onto the farm and has failed to demonstrate that an alternative access point is not viable.

Comment: The farmland has no prime agricultural land, not designation meaning it should be protected for alternative uses. The justification for approval of the cable corridor is that (notwithstanding land ownership issues) it will constitute substantial piece of energy infrastructure, contributing to renewable energy targets.

Issue: The proposal exceeds what is required by the developer.

Comment: This presumably relates to the extent of land sought for compulsory purchase by the applicant. The planning application site boundary is a separate matter from the extent of land sought by the developer to ensure the operation and any wayleaves for their development are obtained. The landownership issue is a separate matter to the securing of planning permission, as planning permission may be obtained on third party land.

**The applicant has responded to the objection with the following comments.
References to 'we' in the below section are from the applicants perspective.**

Objection 1: The proposal will seriously and irreparably affect the local management and operation of the farm without sufficient mitigation measures associated with safeguarding of surrounding agricultural operations.

In particular this objection relates to biosecurity concerns. Concerns have been expressed in the objection about the linear nature of the wider onshore installation works and the possibility of disease spread. The Applicant has discussed this matter at length with Strutt & Parker and has sought to provide comfort to Strutt & Parker's clients through proposed provisions in voluntary property negotiations and, in lieu of such voluntary property agreements, the offer of management arrangements as part of the ongoing compulsory purchase order process. The Applicant can confirm that it has entered into similar biosecurity protection arrangements with a large number of other landowners where relevant along the route of the onshore transmission works. The Applicant considers that this matter has been appropriately addressed and will be properly managed through landowner agreements. Nevertheless, the Applicant is happy to hereby clarify that it will apply best practice guidance as recommended by Scottish Agricultural College Consulting based in Elgin as is relevant for biosecurity protection in the context of the specific nature and location of the works.

In respect of possible future development proposals, again the applicant has discussed this matter with Strutt & Parker, their clients and 2 no. developers in respect of Harold Davidsons farm who we understand is considering up to 2 no. battery storage projects. The Applicant has sought to sensitively route its infrastructure through the relevant landholdings (based on the information which has been provided to it by the landowners at

the relevant points in time) and has identified an appropriate route which it is understood would allow for co-existence with the possible battery projects. Indeed this has been given confidence by last joint discussions with both proposed developers that if the battery storage project(s) were taken forward they could co-exist with Moray West.

Very little information on other proposals proposed over Philip and Symon Simmers holding has been disclosed. A potential battery storage location has now been indicated by the landowner's agent. As has been demonstrated over Harold Davidsons farm, with mutual co-operation the Applicants are confident their development and cable route will be able to co-exist.

Objection 2: The proposal will permanently affect the ability of the Landowner to develop his land and extract minerals from it.

As set out above the applicant has sought to limit the area of land affected by its proposals. It has also sought, where possible, to avoid areas which are (or are likely to become) important for mineral extraction. As noted, considerable engagement has already been made in this regard and will continue to seek to enable the Landowner interests and currently identified proposed developments to be accommodated in tandem with the Applicants project.

Objection 3: The proposal will detrimentally impact existing access routes used by those in the surrounds of the site without any sufficient upgrade works.

With the assistance of expert traffic management consultants, the applicant has submitted considerable and appropriate information on traffic numbers, routes, junction installation/upgrades and management measures which will be deployed. The Applicant is also in discussions with the Local Authority in relation to arrangements to ensure any abnormal wear and tear to the road network can be remedied. This information demonstrates that the proposals are safe and can facilitate the required construction works in a manner which will not unduly impact on current users. Per the ongoing Landowner discussions concerning both Netherton and Backmuir, the Applicant would maintain that proposed access routes are sympathetic to its understanding of Landowner interests including potential shared use by other advised proposed developers.

Objection 4: The proposal has the potential to impact negatively on the potential drainage capacity of the land forming the application site

The Construction Environmental Management Plan which we have prepared and submitted (and which we propose apply to the works forming part of this application) provides substantial and appropriate detail on the steps that will be taken to safeguard drainage and drainage capacity. Agreements have also now been put into place for a new upgraded water supply locally.

Objection 5: The proposal will potentially inhibit the availability of the site to accommodate nationally important development in the form of a proposed Data Centre on land owned by Mr Davidson.

The applicants have commented above on the various possible development proposals mooted in the objection. In relation to the proposed Data Centre, this was only raised very recently with very limited information provided by the landowners' agent. From initial cross

referencing with the location options provided it would appear these do not fall within the objectors ownership.

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.

This Application for Matters Conditioned application (AMC) is not a stand-alone planning application but the second part of the two-stage planning permission in principle process, and relates solely to the site identified within the application documents (the electricity substation is addressed under a separate AMC application). The application specifically covers the abovementioned conditions for the cable route and associated works, and assessment is therefore restricted to assessing the detail of these conditions against the policies of the adopted Moray Local Development Plan 2020 (MLDP) and relevant supplementary guidance.

Background

The application is a follow on from the Planning Permission in Principle, which was a national development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, and as identified in the National Planning Framework 3. NPF3 advises that the development of any new onshore electricity transmission cabling of 132 kilovolts or higher forms part of the high voltage electricity transmission network upgrade. As this application seeks to approve and satisfy conditions of that earlier consent as an AMC a full a pre-determination hearing involving Members of the public and the applicant is not required.

The Scottish Government consented the 'Moray West' offshore windfarm several years ago and a 'corridor' for the cable route was approved in principle. (See history section).

The main issues are considered below:

While typically for an AMC application the definitive layout of a site would be anticipated, this application seeing a narrowing and refining of the 'corridor' in which the cables could be laid. Submitted plans show a definitive cable route through the site although a separate planning application 21/01391/APP (see history) has been permitted to re-routed section of cable route over a 3km stretch where the previously approved cable corridor has needed to be diverted.

From the planning permission in principle the following condition are now sought to be 3-11 13-16 18 19 22-24 25(c)-(d) and 26-29

Condition 3 & 27 sought various transportation requirements including abnormal loads deliveries, final site compound locations, cable road crossings, road improvements (adopted and Trunk), roads surveys and provision of a finalised Construction Traffic Management Plan CTMP.

Indicative and typical details of much the crossings, are submitted in the appendices to the CTMP. Further details are required to provide a definitive, rather than indicative CTMP. The submitted CTMP does provide much if the detail and methodology sought, but the conditions proposed will allow for further consideration of the finalised temporary access

points etc. The proposal therefore complies with policy DP1 Development Principles (ii) Transportation requirements subject to the conditions recommended.

Condition 4 and 5 relate to the construction delivery and triggers requirements such as the need for 'wear and tear' agreements, control of visibility splays, diversion routes for paths and cycle ways, verge reinforcement and trial runs for abnormal loads.

These have been indicated in the supporting information and will need to be integrated into any final CTMP. The proposal therefore complies with policy DP1 Development Principles (ii) Transportation requirements.

Condition 6 specifically sought to ensure off road temporary construction parking was provided.

The indicative construction compound layouts show adequate provision is intended for construction vehicles. The proposal therefore complies with policy DP1 Development Principles (ii) Transportation requirements.

Condition 7 sought diversion routes for local footpaths and cycleways during the construction period.

The submissions should that any footpaths requiring diversion have been addressed within the detailed Cable Route Report and specific crossings plan. The cable route would cross a military road which is Right of Way, and one core path KT04 (Auchoynanie Path) and measures for temporary diversions would be in place. The submitted details therefore satisfy this condition and ensure compliance with MLDP 2020 policy PP3 Infrastructure and Services.

Condition 8 sought detailed to ensure no water or loose material shall drain or be carried onto the public footpath/carriageway for the life-time of the development.

This would be an ongoing condition once development has commenced. The CTMP refers to keeping the public highway in clean order. The proposal therefore complies with policy DP1 Development Principles (ii) Transportation requirements.

Condition 9 required any existing ditch, watercourse or drain under any access or passing place or holding area as a result of this development shall be re-routed or piped using a suitable diameter of pipe.

The CEMP refers to measure to protect existing infrastructure which would include drains and watercourses. Survey work into the various assets along the cable route has already been undertaken. The proposal therefore complies with policy DP1 Development Principles (ii) Transportation requirements.

Condition 10 stated that the cable must seek to avoid various land subject of environmental constraints such as peat, groundwater ecosystems, flood risk areas and private water supplies.

The submitted Private Water Supply Risk Assessment, Construction Environmental Management Plan and Cable Route Mitigation Statement carry forward from the EIA Report undertaken as part of original consent. The cable route has sought for the most part to avoid any environmental constraints as part of the imbedded mitigation. A condition

is recommended by SEPA however seeking further detail on the one of the larger temporary construction compound will be developed to as to protect nearby by water supplies and the GWDTE features near the site. The proposal therefore complies with the policy DP1 Developer Requirements subject to the conditions recommended.

Condition 11 requires for each phase of development a Construction and Temporary Works Schedule.

This will form part of the finalised CTMP, and the schedule of where and when construction activity has been indicated in the submitted cable route phasing plans, which set out the order of development. Conditions are recommended to ensure that the Council as Roads Authority are aware precise phasing the development in terms of construction traffic. The submitted Cable Route Phasing Plan identifies the intention to develop the site in the following order.

- Phase 1: Establishing Site Compounds.
- Phase 2: Enabling Works.
- Phase 3: Horizontal Directional Drilling Works.
- Phase 4a: Cable Trenching and Duct Installation.
- Phase 4b: Cable Trench Backfilling.
- Phase 5: Joint Bay Excavation and Installation.
- Phase 6: Cable Installation and Jointing.
- Phase 7: Reinstatement of Joint Bays.
- Phase 8: Removal of Compounds and Final Reinstatement Works.

The applicants have presented a detailed and well thought out phasing plan for the development, which when married with the specific contents of the finalised CTMP will ensure a clear order of how development will occur. The proposal therefore complies with the policy DP1 Developer Requirements and DP1 Development Principles (ii) Transportation requirements.

Condition 13 and 19 submission required of a Construction Environmental Management Plan (CEMP) for each phase is required to be submitted including details of a Site Waste Management Plan. To be agreed in consultation with SEPA.

A Cable Route Construction Environmental Management Plan has been submitted. Extensive pre construction ecological surveys were also undertaken prior to submission of the current application. Moray Council and SEPA are satisfied with the submitted CEMP and condition is recommended to ensure adherence to the approved CEMP. This ensures compliance with MLDP2020 polices relating to protection such as EP1 Natural Heritage Designations and EP3 Biodiversity.

Condition 19 sought the inclusion within the CEMP consideration towards dust, vibration, air quality and noise. These matters have been addressed within the submitted CEMP.

Condition 14 required the imbedded and proposed mitigation as detailed in the original Environmental Impact Assessment Report for 18/01046/EIA.

The imbedded and proposed mitigation have been carried forward into the final cable route selection, and has resulted in a cable route that avoids and environmental designations, Prime Agricultural Land, and over the course of its 23km route is affecting only 8.6hectares of woodland. The various documents submitted with the current

application such as the CEMP, Cable Route Mitigation Statement, Cable Route Phasing Plan and Landscape Plan all seek to ensure the mitigation chapter from the 2018 Environmental Impact Assessment Report are carried forward to the implementation stage.

The mitigation covers a range of topics but most notably they seek to ensure environmental and wildlife impacts are minimised, or enhancement is achieved through the compensatory planting proposed. Policies EP1 Natural Heritage Designations EP2 Biodiversity and EP12 Management and Enhancement of the Water Environment of Moray Local Development Plan 2020 seek and require the mitigation being proposed, and accordingly subject to conditions these policy requirements are met.

Condition 15 requires pre-construction checks and surveys for protection of wildlife.

Submitted as part of the CEMP, the application also proposed an Ecological Management Plan, which has been accepted by Naturescot following consultation with them. Surveys submitted do identify that protected species are present and the mitigation proposed in terms of the imbedded and proposed mitigation should ensure compliance with policies DP1 Developer Requirements and EP1 Natural Heritage Designations which both require adequate protection for wildlife is in place.

Condition 16 requires a scheme detailing the quantity, type and location of compensatory tree planting to account for any loss of woodland.

A compensatory woodland scheme has been submitted, detailing the provision of additional compensatory planting near the proposed electricity substation (subject of application 21/01561/AMC). The remaining compensatory woodland requirement is being dealt with by a payment to Moray Council, for use by Moray Council and the Woodland Trust Scotland for other woodland provision elsewhere in Moray to satisfy the compensatory planting requirement. This is achieved via an upfront payment and a sum has been agreed with Woodland Trust Scotland of a sum of £12,000 per hectare (inclusive of several decades of forest management). This application, in conjunction with felling required for application 21/01561/APP for an associated 3km stretch of cable route has resulted in the loss of 8.68 hectares of most coniferous woodland. Further loss of woodland is being accounted for by the approved compensatory woodland planting at the propose substation AMC site (see history) is provided under application 21/01561/AMC.

On the basis of the above proposed compensatory planting is to be supplemented by payment of £39425.60 compliance with the policy EP7 Forestry Woodland and Trees.

Condition 18 sets limits on the hours of construction activity.

This condition is discussed in submissions and a condition is recommended by the Environmental Health Section defining the working hours proposed.

Condition 19 again refers to requirements of the CEMP as with Condition 13, but seeks it to include dust, vibration, air quality and noise considerations.

The submitted CEMP satisfies those requirements thus ensures compliance with MLDP2020 polices relating to protection such as EP1 Natural Heritage Designations and EP3 Biodiversity. The CEMP should also minimise the impacts of construction activity on any neighbouring properties.

Condition 22 ensures the protection or repair of private water supplies.

Further details around the protection of private water supplies have been submitted with the AMC application and following consultation with SEPA and the Councils Private Water supply officers within Environmental Health, the proposed mitigation is acceptable. A condition is recommended to ensure the proposed mitigation and protection of private water supplies is adequate. DP1 Development Principles seeks to ensure services are adequately protected. The proposed safeguards and further conditions recommended seek to ensure this occurs.

Condition 23 covers contaminated land investigations.

Ground investigations were conducted as part of the detailed Cable Route Report and measures are in place to address any contamination discovered within the CEMP. Given the predominantly rural undeveloped nature of the cable route it is not anticipated that contamination should be a significant issue.

The proposals and mitigation in place therefore to ensure compliance with policy EP14 Pollution, Contamination and Hazards.

Condition 24 states for each phase of the development a programme of archaeological mitigation including recording, monitoring and, or excavation as appropriate will to be undertaken in accordance with a Written Scheme of Investigation.

A Written Scheme of Investigation (WSI) has been submitted, which is acceptable, however it does not in itself allow the condition to be discharged, as it forms only one part of the condition requirement. A condition must remain in place until all archaeological works on site are complete, reported on, and any necessary post-excavation analysis agreed. Aberdeenshire Councils have recommended a condition, acknowledging the WSI submitted, but seeking to ensure post commencement the means of identifying, recording and protecting heritage assets is carried forward to the construction phase.

The submissions and proposed condition should be adequate to ensure compliance with the archaeological requirements of policy EP8 Historic Environment.

Condition 25 c, d seeks a Construction Phase Surface Water Management Plan. Parts a and b of this condition relate solely to the electricity substation.

A Construction Phase Surface Water Management Plan was submitted within the CEMP and sets out the measures to protect surface water. The proposed measures are acceptable to Moray Council and a condition regarding the CEMP is recommended to ensure it is implemented. A further condition seeking additional info in regards to surface water is sought for where once of the proposed construction compounds sits close to GWDTE location. This would ensure compliance with MLDP2020 policies relating to protection such as EP1 Natural Heritage Designations and EP3 Biodiversity.

Condition 26 Trunk road junction design to accord with Design Manual of Roads and Bridges (DRMB).

The proposed road works have been considered by Transport Scotland who have not objected but offered comments only confirming that any works on the Trunk Road must be

built in accordance with the DRMB. Separate approval is required from Transport Scotland to form accesses directly off the trunk road. The main focus of trunk road activity for the AMC application will relate to a temporary construction traffic seeking access of the trunk road and adding traffic to the trunk road. The proposal therefore complies with policy DP1 Development Principles (ii) Transportation.

Condition 28 states any additional signing or temporary traffic control measures required on the Trunk road to be approved by Transport Scotland.

The applicant have submitted detailed plans for the proposed access and CTMP relating to the Trunk road entrance. Transport Scotland have not objected to the proposed means of construction and have offered informative comments to guide the applicant moving forward. The proposal therefore complies with policy DP1 Development Principles (ii) Transportation.

Conclusion

The submitted details are targeted at complying with and meeting the requirements of conditions 3-11 13-16 18 19 22-24 25(c)-(d) and 26-29 of planning consent. The supporting information, pre commencement surveys and varying mitigation proposed ensures the submissions satisfy the requirement of Moray Local Development Plan 2020 in addition to fulfilling the requirement of the conditions listed above. The approval of the two related planning applications for the substation conditioned matters and full permission for the diverted section of cable route give comfort that the other elements of the proposed scheme are in place.

REASON(S) FOR DECISION

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

The proposal complies with the relevant policies of the Moray Local development Plan 2020 and there are no material considerations that indicate otherwise. Subject to further conditions recommended, the application satisfies the requirements of the conditions sought to be approved.

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APPENDIX

POLICY

Proposed Moray Local Development Plan 2020

PP1 PLACEMAKING

- a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
- b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include sufficient information for the council to carry out a Quality Audit. Where considered appropriate by the council, taking account of the nature and scale of the proposed development and of the site circumstances, this shall include a landscaping plan, a topographical survey, slope analysis, site sections, 3D visualisations, a Street Engineering Review and a Biodiversity Plan. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.
- c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles:
- (i) **Character and Identity**
- Create places that are distinctive to prevent homogenous 'anywhere' development;
 - Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable;
 - Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of open spaces and streets within a cohesive design strategy for the whole development;
 - Distinctiveness must be reinforced along main thoroughfares, open spaces and places where people may congregate such as shopping/service centres;
 - Retain, incorporate and/or respond to relevant elements of the landscape such as topography and planted features, natural and historic environment, and propose street naming (in residential developments of 20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations;

(ii) **Healthier, Safer Environments**

- Designed to prevent crime, fear of crime and anti-social behaviour with good levels of natural surveillance and security using treatments such as low boundary walls, dual frontages (principal rooms) and well-lit routes to encourage social interaction. Unbroken high boundary treatments such as wooden fencing and blank gables onto routes, open spaces and communal areas will not be acceptable.
- Designed to encourage physical exercise for people of all abilities.
- Create a distinctive urban form with landmarks, key buildings, vistas, gateways and public art to provide good orientation and navigation through the development.
- Provide a mix of compatible uses, where indicated within settlement statements, integrated into the fabric of buildings within the street.
- Prioritise pedestrians and cyclists by providing a permeable movement framework that incorporates desire lines (including connecting to and upgrading existing desire lines) and is fully integrated with the surrounding network to create walkable neighbourhoods and encourage physical activity.
- Integrate multi- functional active travel routes, green and open space into layout and design, to create well connected places that encourage physical activity, provide attractive spaces for people to interact and to connect with nature.
- Create safe streets that influence driver behaviour to reduce vehicle speeds that are appropriate to the local context such as through shorter streets, reduced visibility and varying the building line.
- Provide seating opportunities within streets, paths and open spaces for all generations and mobility's to interact, participate in activity, and rest and reflect.
- Provide for people with mobility problems or a disability to access buildings, places and open spaces.
- Create development with public fronts and private backs.
- Maximise environmental benefits through the orientation of buildings, streets and open space to maximise the health benefits associated with solar gain and wind shelter.

(iii) **Housing Mix**

- Provide a wide range of well integrated tenures, including a range of house types and plot sizes for different household sizes, incomes and generations and meet the affordable and accessible requirements of policy DP2 Housing.
- All tenures of housing should have equal access to amenities, greenspace and active travel routes.

(iv) **Open Spaces/Landscaping**

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and Drainage Impact Assessment for New Developments Supplementary Guidance.

- Landscaped areas must provide seasonal variation, (mix of planting and colour) including native planting for pollination and food production.
- Landscaping areas that because of their size, shape or location would not form any useable space or that will not positively contribute to the character of an area will not contribute to the open space requirements of Policy EP4 Open Space.
- Semi-mature tree planting and shrubs must be provided along all routes with the variety of approaches reflecting and accentuating the street hierarchy.
- Public and private space must be clearly defined.
- Play areas (where identified) must be inclusive, providing equipment so the facility is for every child/young person regardless of ability and provided upon completion of 50% of the character area.
- Proposals must provide advance landscaping identified in site designations and meet the quality requirements of policy EP5 Open Space.
- Structural landscaping must incorporate countryside style paths (such as bound or compacted gravel) with waymarkers.
- Maintenance arrangements for all paths, trees, hedging, shrubs, play/sports areas, roundabouts and other open/ green spaces and blue/green corridors must be provided.

v) **Biodiversity**

- Create a variety of high quality multi- functional green/blue spaces and networks that connect people and nature, that include trees, hedges and planting to enhance biodiversity and support habitats/wildlife and comply with policy EP2 Biodiversity and Geodiversity and EP5 Open Space.
- A plan detailing how different elements of the development will contribute to supporting biodiversity must be included in the design statement submitted with the planning application.
- Integrate green and blue infrastructure such as swales, permeable paving, SUDS ponds, green roofs and walls and grass/wildflower verges into streets, parking areas and plots to sustainably address drainage and flooding issues and enhance biodiversity from the outset of the development.
- Developments must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.

(vi) **Parking**

- Car parking must not dominate the streetscape to the front or rear of properties. On all streets a minimum of 50% of car parking must be provided to the side or rear and behind the building line with a maximum of 50% car parking within the front curtilage or on street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments that enhance the streetscape.
- Provide semi-mature trees and planting within communal private and public/visitor parking areas and on-street parking at a maximum interval of 4 car parking spaces.
- Secure and covered cycle parking and storage, car sharing spaces and electric car charging points must be provided in accordance with policy DP1 Development Principles.

- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

(vii) **Street Layout and Detail**

- Provide a clear hierarchy of streets reinforced through street width, building density and street and building design, materials, hard/soft landscaping and a variety of approaches to tree planting and shrubs.
- Streets and connecting routes should encourage walking and cycling over use of the private car by providing well connected, safe and appealing routes.
- Design junctions to prioritise pedestrians, accommodate active travel and public transport and service/emergency vehicles to reflect the context and urban form and ensure that the street pattern is not standardised.
- Dead-end streets/cul-de-sacs will only be selectively permitted such as on rural edges or where topography, site size, shape or relationship to adjacent developments prevent an alternative more permeable layout. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
- Where a roundabout forms a gateway into, or a landmark within, a town and/or a development, it must be designed to create a gateway feature or to contribute positively to the character of the area.
- Design principles for street layouts must be informed by a Street Engineering Review (SER) and align with Roads Construction Consent (RCC) to provide certainty that the development will be delivered as per the planning consent.

(d) Future masterplans will be prepared through collaborative working and in partnership between the developer and the council for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. Masterplans that are not prepared collaboratively and in partnership with the council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan.

(e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

PP2 SUSTAINABLE ECONOMIC GROWTH

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

PP3 INFRASTRUCTURE & SERVICES

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

a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:

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

- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

b) Development proposals will not be supported where they:

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

c) Harbours

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

d) Developer Obligations

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

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

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

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

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

DP1 DEVELOPMENT PRINCIPLES

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

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

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

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.

- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 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.

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

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

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

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

EP1 NATURAL HERITAGE DESIGNATIONS

a) European Site designations

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

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

- i) There are no alternative solutions, and
- ii) There are imperative reasons of over-riding public interest including those of a social or economic nature, and

- iii) Compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

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

b) National designations

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

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

c) Local Designations

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

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

d) European Protected Species

European Protected Species are identified in the Habitats Regulations 1994 (as amended in Scotland). Where a European Protected Species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application, to demonstrate how the Regulations will be complied with. The survey should be carried out by a suitably experienced and licensed ecological surveyor.

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

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

e) Other protected species

Wild birds and a variety of other animals are protected under domestic legislation, such as the Wildlife and Countryside Act 1981 (as amended in Scotland by the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011), Protection of Badgers Act 1992 and Marine (Scotland) Act 2010. Where a protected species may be present or affected by development or

activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application to demonstrate how legislation will be complied with. The survey should be carried out by a suitably experienced ecological surveyor, who may also need to be licensed depending on the species being surveyed for.

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

EP2 BIODIVERSITY

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

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

Proposals for 4 or more housing units or 1000 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.

EP8 HISTORIC ENVIRONMENT

a) Scheduled Monuments and Unscheduled Archaeological Sites of Potential National Importance.

Where a proposed development potentially has a direct impact on a Scheduled Monument, Scheduled Monument Consent (SMC) is required, in addition to any other necessary consents. Historic Environment Scotland manage these consents.

Development proposals will be refused where they adversely affect the integrity of the setting of Scheduled Monuments and unscheduled archaeological sites of potential national importance unless the developer proves that any significant adverse effects are clearly outweighed by exceptional circumstances, including social or economic benefits of national importance.

b) Local Designations

Development proposals which adversely affect sites of local archaeological importance or the integrity of their settings will be refused unless;

- Local public benefits clearly outweigh the archaeological value of the site, and
- Consideration has been given to alternative sites for the development and preservation in situ is not possible.
- Where possible any adverse effects can be satisfactorily mitigated at the developer's expense.

The Council will consult Historic Environment Scotland and the Regional Archaeologist on development proposals which may affect Scheduled Monuments, nationally important archaeological sites and locally important archaeological sites.

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.

EP16 GEODIVERSITY AND SOIL RESOURCES

Where peat and other carbon rich soils are present disturbance to them may lead to the release of carbon dioxide contributing to the greenhouse gas emissions. Applications should minimise this release and must be accompanied by an assessment of the likely effects associated with any development work and aim to mitigate any adverse impacts arising.

Where areas of important geological interest are present, such as geological Sites of Special Scientific Interest (SSSI) or Geological Conservation Review (GCR) sites are present, excavations or built development can damage, destroy and/or prevent access to the irreplaceable geological features. Development should avoid sensitive geological areas or otherwise demonstrate how the geological interests will be safeguarded.

For major developments, minerals and large scale (over 20MW) renewable energy proposals, development will only be permitted where it has been demonstrated that unnecessary disturbance of soils, geological interests, peat and any associated vegetation is avoided. Evidence of the adoption of best practice in the movement, storage, management and reinstatement of soils must be submitted along with any relevant planning application, including, if necessary, measures to prevent the spread of invasive non-native species.

Major developments, minerals and large scale renewable energy proposals on areas of peat and/or land habitat will only be permitted for these uses where:

- a) The economic, social and/or environmental benefits of the proposal outweigh any potential detrimental effect on the environment (in particular with regard to the release of carbon dioxide into the atmosphere); and
- b) It has been clearly demonstrated that there is no viable alternative.

Where development on peat is deemed acceptable, a peat depth survey must be submitted which demonstrates that the areas of deepest peat have been avoided. Where required, a peat management plan must also be submitted which demonstrates that unnecessary disturbance, movement, degradation or erosion of peat is avoided and proposes suitable mitigation measures and appropriate reuse. Commercial peat extraction will not be permitted