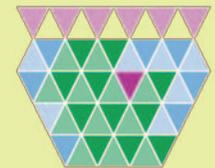


Moray Local Development Plan 2020

**PLANNING
POLICY
GUIDANCE**

PART 1



moray
council



The Moray Local
Development Plan 2020
was formally adopted
on 27th July 2020

Introduction

This Guidance sets out how to interpret Moray Local Development Plan 2020 (MLDP2020) policies on:

- Electric Vehicle (EV) Charging Points & Car Sharing Spaces **2**
(**PP3 Infrastructure & Services**);
- Cycle Parking & Storage **6**
(**PP1 Placemaking**);
- Low Intensity Recreational & Tourism Uses **8**
(**DP8 Tourism Facilities & Accommodation & EP4 Countryside Around Towns**);
- Trees and Woodland Removal & Compensatory Planting **10**
(**EP7 Forestry, Woodlands & Trees**);
- Private Water Supplies **14**
(**EP13 Foul Drainage**); and,
- Restoration and Aftercare of Excavated Mineral Sites **15**
(**EP10 Minerals**).

Further Guidance will be prepared on PP1 Placemaking specifically on how to achieve 'green' in the Quality Audit (QA) and meet the requirements of other relevant policies such as EP2 Biodiversity and EP5 Open Space. The Guidance as a whole will form one 'live' document that will be updated to include additional guidance should this be required during the course of the LDP2020. This Guidance is available to view at www.moray.gov.uk/PlanningPolicyGuidance.

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**POLICY PP3
INFRASTRUCTURE
AND SERVICES**

Electric Vehicle Charging Points

Electric Vehicle Charging Guidance

The following technical guidance is intended to assist developers with the requirements for the provision of Electric Vehicle (EV) charging for developments being determined under the Moray Local Development Plan 2020. The guidance is based on guidance from the Scottish Government and that in use by other Local Authorities in Scotland.

Moray Local Development Plan 2020 PP3 Infrastructure and Services

- a. (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.



EV Charging Facility in Public Parking Area



Residential EV Charger on Property Wall



Terminology

Electric vehicle charging is sometimes discussed in terms of the speed of the charger. For the purposes of this guidance based on current (2020) generally accepted terminology the following shall apply:

- Fast Charging =** Charge point or tethered cable capable of delivering a minimum power output of 7Kw - 22Kw
- Rapid Charging =** Charging Station with tethered connectors capable of delivering a minimum power output of 22Kw – 43Kw
- In-Curtilage Parking =** Parking spaces for a dwelling which are provided 'on-plot' on a driveway or within an appropriately sized garage
- Remote Parking =** Parking spaces for a dwelling which are provided at a location remote from the dwelling e.g. within suitably sized garage, a car park, parking court, parking block or on-street
- Communal Parking =** Parking spaces for commercial and other non-residential developments where parking is provided for employees, students or other members of the public.

Developer Requirements

Residential In Curtilage EV Charging provision (Minimum Requirements)

For properties with in curtilage parking provision applicants must provide the following details:

- Detailed Plan(s) (Scale 1:200 min) showing the location within the curtilage of each plot where a future Fast Charging unit installation is recommended for connection to an appropriate electricity supply.
- Details (written proposals and or plans (Scale 1:200 min) to confirm the provision of cabling, ducting, and consumer units capable of supporting a fast charging unit.



The charging unit location must be accessible to a minimum of one parking space (however it is recommended that where possible it is sited to serve as many spaces as possible). This can be external to the building or within a garage (if the garage has minimal internal clear dimensions of not less than three metres by seven metres).

A maximum cable length of 5m shall be used to determine the suitability of parking and charging unit locations. The applicant shall demonstrate the proposals on a detailed layout plan (min scale 1:200) which indicates both the future charging unit location and the parking spaces marked as bays 2.5m x 5.0m.

All parking and future charging unit locations must be easily accessible and swept path analysis may be required to demonstrate the suitability of parking spaces for this.

¹UK Electric Vehicle Supply Equipment Association (UKSE) - <http://ukevse.org.uk/charge-points-chargers/charge-point-compatibility-2/>



Residential Remote Parking EV Charging provision (Minimum Requirements)

For privately owned properties:

EV charging infrastructure must be provided to enable the future connection of an EV charging unit with a minimum output of 7Kw (Fast). The infrastructure required shall include an appropriate electrical supply, metering, ducting, cabling and space for a charging unit/connection point to be installed (including any cabinet, housing or structures). The charging point location must serve a minimum of one allocated parking space per property based on a maximum charging cable length of 5 metres.

For managed residential properties (e.g. housing association or rented properties):

EITHER

EV charging infrastructure must be provided to enable the future connection of an EV charging unit(s) with a minimum output of 7Kw (Fast). The infrastructure required shall include an appropriate electrical supply, metering, ducting, cabling and space for a charging unit/connection point to be installed. The charging point

location must serve a minimum of one allocated parking space per property based on a maximum charging cable length of 5 metres.

OR;

Shared EV charging facilities must be provided with the development at a rate of one shared Rapid Charging Station (Minimum output 22Kw) for every ten residential allocated spaces. (Each Rapid Charging Station must be provided with a minimum of two EV allocated parking spaces and provide two tethered connections). These spaces may also be counted towards the visitor parking provision within the development.

All parking and future charging unit locations must be easily accessible and swept path analysis may be required to demonstrate the suitability of parking spaces for this.



Residential EV Charger on Post

For properties with remote parking provision applicants must provide the following details:

- Detailed Plan(s) (Scale 1:50 min) Showing the proposed design of signage, markings and surfacing for EV spaces (where proposed).
- Detailed Plan(s) (Scale 1:200 min) showing the residential unit(s)/plot(s) and associated parking spaces on a single plan. The parking spaces shall be numbered according to the residential unit/plot they relate to (where proposed).
- Detailed Plan(s) (Scale 1:200 min) showing the recommended installation location for a future Fast EV charging unit(s) to an appropriate electricity supply, including details (written proposals and or plans (Scale 1:200 min)) to confirm the provision of cabling/ducting, and consumer units for future connection (where proposed).
- Detailed Plan(s) (Scale 1:200 min) showing the location of all Rapid Charging Stations (where proposed).
- Detailed Plan(s) (scale 1:200 min) to demonstrate how future charging units would be connected to vehicles (within the maximum 5 metre cable length) without crossing or obstructing shared footways/paths or access to vehicles.
- Details (Statement of Intent) for the provision of ongoing management/maintenance of rapid charging station and shared infrastructure.



Range of different Residential EV charging units



Car Share Parking EV Charging provision

Where a requirement for the provision for car share parking is identified by the Transportation Manager (See Policy DP1 ii, Transportation (i)) provision will also be required for all supporting infrastructure and a Rapid Charging unit with at least 2 tethered cables.

For Car Share parking provision applicants must provide the following details:

- Detailed Plan (Scale 1:50 min) showing the proposed design of signage, markings and surfacing for EV spaces.
- Detailed Plan(s) (Scale 1:500 min) showing the location of all proposed or safeguarded car share parking spaces.
- Detailed Plan(s) (Scale 1:200 min) showing Rapid Charging Stations (Proposed and Safeguarded spaces).
- Detailed Plan(s) (Scale 1:200 min) to demonstrate how charging units would be connected to vehicles (within the maximum 5 metre cable length) without crossing or obstructing shared footways/paths or access to vehicles.
- Details for the provision of ongoing management/maintenance of charging units and shared infrastructure.

Exemptions for Residential Developments

The requirement for the infrastructure to enable future provision of EV Charging Units applies to the erection of new dwellings and flats. There is no requirement for EV charging provision for extensions to dwellings, garages or annexes. The change of use of an existing building to a dwelling(s)/flats only requires details of how a future EV Charging Unit(s) could be provided where in curtilage parking is provided.

Within settlements the requirement (or otherwise) for any on-street EV Charging Unit(s) for new developments of more than one dwelling or flat will be determined by the Transportation Manager and will take into account, constraints to provision, the availability and level of existing public charging facilities. In these cases a commuted payment may be requested towards the provision of new public charging facilities.

There may also be instances where the provision of EV Charging Units will not be possible due to physical constraints within the site. These instances, and any other exemptions, shall be identified by the Transportation Manager.

Commercial/Other Development Parking EV Charging provision (Minimum Requirements)

For commercial and other types of development communal electric charging facilities are required at a rate of 1 EV charger for every 10 parking spaces (see Appendix 2 Parking Standards page 108). The minimum provision would be for Rapid Charging with a minimum of two tethered cables.

For communal EV charging provision applicants must provide the following details:

- Detailed Plan (Scale 1:50 min) showing the proposed design of signage, markings and surfacing for EV spaces.
- Detailed Plan(s) (Scale 1:500 min) showing the location of all proposed or safeguarded EV spaces.
- Detailed Plan(s) (Scale 1:200 min) showing the EV Charging Stations.
- Detailed Plan(s) (Scale 1:200 min) to demonstrate how charging stations would be connected to vehicles (within the maximum 5 metre cable length) without crossing or obstructing shared footways/paths or access to vehicles.
- Details for the provision of ongoing management/maintenance of charging stations and shared infrastructure.



Public EV Charging Facility with Multiple Cable Options

**POLICY PP1
PLACEMAKING**

Cycle Parking & Storage

Cycle parking is required at places of residence, short stay destinations such as shops and cafes and at long stay destinations such as places of work and education establishments. Cycle parking should be easy to use, accessible, safe, fit for purpose, attractive, well maintained and durable.

The fear or direct experience of cycle theft or vandalism can be a deterrent to cycle use and ownership. Personal security within cycle parking areas may also be a concern if the parking is remote and not overlooked by adjacent buildings. Cycle parking, and the routes to and from it, should be clearly marked, overlooked, well maintained, well lit and integrated into the built environment.

Different types of development will have different user requirements and solutions for cycle parking. At locations where cycles will be parked for a short length of time the parking should be located close to building entrances to minimise delay to cycle users and highlight the availability of parking to new cycle users.

The following table sets out the type of required cycle parking by user type and parking duration.

Open Cycle Shelter for Medium Term Parking



Open Cycle Shelter for Medium Term Parking



Origin / Destination	User	Short Term < 2 hours	Medium Term 2 – 12 Hours	Long term > 12 hours
		Stand / Wall Loops	Stands / Store / Lockers	Store / Lockers
Place of Work	Employee		●	●
	Visitor	●		
Shopping	Employee		●	●
	Visitor	●		
Education	Student/Teacher		●	●
	Visitor	●		
Residential	Resident			●
	Visitor	●		
Recreation	All		●	
Health	Employee			●
	Visitor		●	
Transport Interchange	All		●	●



Above - Cycle Locker for Long Term Cycle Storage at work or home



Simple 'Sheffield' Cycle Stands for Short Stay Parking

For further details on the cycle parking requirements for developments, contact the Transport Development team transport.develop@moray.gov.uk and refer to the Scottish Government guidance document Cycling by Design (2020).



Low Intensity/Impact Recreational & Tourism Uses

Proposals within the Countryside Around Towns (CATs) areas identified around Elgin, Forres, Buckie, Keith and Lossiemouth will be refused unless the development complies with one of the exemptions set out within Policy EP4. Low intensity recreational or tourism use is one such exemption. In respect of hutting, Policy DP8 supports proposals where it is low impact.

Low intensity/impact use in this context is deemed to be development which does not have a significant unacceptable impact on the environment and amenity. These include – but not limited to – outdoor learning area, camping/glamping, golf courses and mountain bike trails. Development must be of a high quality design, appropriate scale, be visually unobtrusive and use high quality materials such as timber and natural slate or alternative profiled cladding to adequately integrate the proposal into the environment. Proposals must demonstrate a locational need for a specific site and minimise any adverse impacts on the environment and amenity.



POLICY DP8 TOURISM FACILITIES & ACCOMMODATION POLICY EP4 COUNTRYSIDE AROUND TOWNS



In respect of hutting, proposals must comply with the criteria in policy DP8 and Reforesting Scotland's '**New Hutting Developments – Good Practice Guidance on the Planning, Development and Management of Huts and Hut Sites**'.

Scottish Planning Policy defines a 'hut' as:-

A simple building used intermittently as recreational accommodation (i.e. not a principal residence); having an internal floor area of no more than 30m²; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups.

For hutting proposals to be low impact, huts must have limited infrastructure and be easily removable. By restoring the site to its natural state, this ensures that sites where the hutting use comes to an end are not considered brownfield land.

The design and informal layout of huts must ensure good landscape fit and enhance the unique qualities of the site to ensure there is a minimal impact on the natural environment. Consideration must be given to locating sites in areas accessible by sustainable transport modes, thereby encouraging low carbon living. Generally, huts should not be connected to mains water, electricity or sewerage.



**POLICY EP7
FORESTRY,
WOODLANDS
& TREES**

Trees and Woodland Removal/Compensatory Planting

There is a strong presumption in favour of protecting woodland resources. Tree and woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. Where appropriate, compensatory planting may form part of this balance.

“Woodland removal” is defined as the permanent removal of 0.1 hectares of woodland for the purposes of conversion to another type of land use. “Tree removal” refers to the permanent removal of single trees or woodland with an area less than 0.1 ha.

Policy EP7 Forestry, Woodlands and Trees of the Moray Local Development Plan (MLDP) 2020 seeks to protect the amenity, landscape, biodiversity, economic and recreational value of Moray’s woodlands. Proposals must retain healthy trees and incorporate these unless it is technically unfeasible. Policy PP1 Placemaking also requires proposals to retain, incorporate and/or respond to the natural environment.

The Scottish Government’s **Control of Woodland Removal Policy (CWRP)** sets out criteria for determining the acceptability of woodland removal. Woodland removal, without a requirement for compensatory planting, is most likely to be appropriate where it would contribute significantly to:-

- Enhancing priority habitats and their connectivity;
- Enhancing populations of priority species;
- Enhancing nationally important landscapes, designated historic environments and geological Sites of Special Scientific Interest (SSSI);
- Improving conservation of water or social resources; or
- Public safety.

Woodland removal, with compensatory planting, is most likely to be appropriate where it would contribute significantly to:-

- Helping Scotland mitigate and adapt to climate change;
- Enhancing sustainable economic growth or rural/community development;
- Supporting Scotland as a tourist destination;
- Encouraging recreational activities and public enjoyment of the outdoor environment;
- Reducing natural threats to forests or other land; or
- Increasing the social, economic or environmental quality of Scotland’s woodland cover.

In operating this policy, Moray Council does not include housing development within the definition of public benefits, sustainable economic growth or rural/community development.

There is a strong presumption against removing trees or woodland with high biodiversity and historic interest such as ancient woodland and sites designated for the woodland features. Further guidance on these woodland types, the key features and where to find more information is provided below under ‘Woodlands with a Strong Presumption Against Removal’.

The CWRP requires approval for woodland removal to be on condition of significant and clearly defined net public benefits being demonstrated by the Applicant. Provision of compensatory planting is not a sufficient justification for woodland removal.

The following process must be followed where a development proposes tree or woodland removal. Consultation on proposals, including pre-application advice, must be sought from Moray Council’s Strategic Planning & Development Section initially, who will be solely responsible for escalating cases to Scottish Forestry when required. Scottish Forestry will advise on the suitability of any

Compensatory Planting Plans and whether an Applicant requires an Environmental Impact Assessment (EIA) for the afforestation of a compensatory planting site.

This process should be read in conjunction with the **CWRP, Implementation Guidance** (IG) and Policies PP1 and EP7:-

<p>1 Has the Applicant provided a Tree Survey, Tree Protection Plan and Mitigation Plan?</p>	<p>Yes [Move to 2] No Return to Applicant. [Repeat Step]</p>
<p>2 Has the Strategic Planning & Development Section been consulted on the proposal?</p>	<p>Yes [Move to 3] No Consult Strategic Planning & Development. [Repeat Step]</p>
<p>3 Is the tree/woodland identified on the Ancient Woodland Inventory (AWI) or Native Woodlands identified as a feature of sites protected under MLDP 2020 Policy EP1 Natural Heritage Designations?</p>	<p>Yes Tree/woodland removal is not supported, irrespective of provision of compensatory planting. No [Move to 4]</p>
<p>4 Has the Applicant satisfactorily demonstrated that the proposal cannot be accommodated without resorting to tree/woodland removal (i.e. by design)?</p>	<p>Yes [Move to 5] No Return to Applicant. [Repeat step]</p>
<p>5 Has the Applicant justified and evidenced significant and clearly defined additional public benefits (such as social, economic and environmental [inc. carbon]) that the tree/woodland removal would achieve?</p>	<p>Yes [Move to 6] No Return to Applicant. [Repeat step]</p>



<p>6 Does the Applicant’s justification and evidence meet the criteria for determining the acceptability of tree/woodland removal, as per Annex C of the CWRP and Annex 2 to 4 of the IG?</p>	<p>Yes [Move to 7] No Tree/woodland removal is not supported.</p>	<p>12 Has the Applicant satisfactorily justified why on-site compensatory planting is not possible?</p>	<p>Yes [Move to 13] No Return to Applicant. [Repeat step]</p>
<p>7 Is the tree/woodland identified as a type where its intrinsic environmental value indicates a strong presumption against removal, as per Annex 2 of the IG, and the Applicant has provided a high level of supporting evidence to satisfactorily demonstrate exceptional circumstances for removal of the tree/woodland?</p>	<p>Yes Tree/woodland removal is supported. Compensatory planting is required for an area which must exceed the area removed. [Move to 11] No [Move to 8]</p>	<p>13 Has the Applicant provided an alternative site under their control in Moray to provide off-site compensatory planting?</p>	<p>Yes [Move to 14] No Applicant to make commuted payment to Council for the delivery of compensatory planting within Moray.</p>
<p>8 Is the removal of tree/woodland for an area less than 0.1ha?</p>	<p>Yes Tree/woodland removal is supported. Compensatory planting is required on a one-for-one basis. [Move to 11] No [Move to 9]</p>	<p>14 Has the Applicant provided a Compensatory Planting Plan, including details of the proposed planting and its maintenance over the entire lifespan of the development, to the approval of Scottish Forestry and Strategic Planning & Development?</p>	<p>Yes Compensatory planting secured by stand-alone condition. No Return to Applicant. [Repeat step]</p>
<p>9 Is the removal of woodland appropriate without a requirement for compensatory planting, as per Annex 3 of the IG?</p>	<p>Yes Woodland removal is supported without compensatory planting. No [Move to 10]</p>		
<p>10 Is the removal of woodland appropriate with a need for compensatory planting, as per Annex 4 of the IG?</p>	<p>Yes Woodland removal is supported and compensatory planting is required for at least equal the net area of woodland removed. [Move to 11] No Strategic Planning & Development to escalate and seek advice from Scottish Forestry.</p>		
<p>11 Has the Applicant provided compensatory planting on-site?</p>	<p>Yes [Move to 14] No [Move to 12]</p>		



APPENDIX 1

Woodlands With A Strong Presumption Against Removal

Ancient Semi-Natural Woodland

Key features: Diverse range of native tree species, a range of age classes including deadwood, a diverse range of ground flora species including lower plants.

Likely to be designated (SAC, SPA, RAMSAR, SSSI, NNR, LNR), Supporting Priority Habitats and species listed in the UKBAPs.



Check: Native Woodland Survey Scotland (GIS WebMaps), **Ancient Woodland Inventory**

Wood Pasture

Key features: May be limited range of tree species due to selection by owner, significant proportion of mature / veteran trees, deadwood, a diverse range of associated fauna and flora including lower plants. Likely to be designated (SAC, SPA, RAMSAR, SSSI, NNR, LNR), Supporting Priority Habitats and species listed in the UKBAP.

Check: Native Woodland Survey Scotland (GIS WebMaps), **Ancient Woodland Inventory**



Plantation Ancient Woodland Site (PAWS) or LEPO with significant biological diversity

Key Features: Remnants of original woodland usually amongst a limited number of plantation conifer species. Remnants include mature / veteran native broadleaved species and ground flora.

Check: **Ancient Woodland Inventory** for locations, Native Woodland Survey Scotland (GIS WebMaps) for details.



Forest Habitat Networks

Key Features: Identifies key habitat links that allow native woodland species (flora and fauna) to move throughout the landscape, strengthening their populations. Breaking the links results in isolation and increases the risk of local extinction.

Check: **SF Map Viewer; FGS Target and Eligibility Areas; FGS Eligibility Native Woodland Habitat Network.**



Inventory of Gardens and Designed Landscapes

Key Features: Landscape scale, pattern of enclosure, not usually native species but mature / veteran trees and long history of being wooded.

**Check: Inventory of Gardens and Designed Landscapes;
Aberdeenshire Archaeologist**



Other:

Woodland integral to designated sites, National Scenic Areas (NSA's) and Scheduled Ancient Monuments (SAM's), Woodland critical to water catchment management or erosion control.

**Check: Designated sites & NSA's;
SAM's; water management.**

POLICY EP13 FOUL DRAINAGE

Private Water Supplies

All proposals to use a private water supply must demonstrate that a wholesome and adequate supply can be provided. Whether connecting to an existing registered supply or proposing a new water source, applicants will be required to provide a National Grid Reference for each supply source and mark all associated infrastructure (e.g. source, holding tanks and supply pipe) accurately on the application plan.

A professional yield test report and recent laboratory analysis of the source water will typically be required, and information about the source and other properties on the supply may also be requested. This information is necessary to enable the appropriate authorities to advise on adequacy and wholesomeness of the supply for existing and proposed users, as well as pollution risks and treatment requirements.



**POLICY DP10
MINERALS
POLICY DP1
DEVELOPMENT PRINCIPLES**

Restoration & Aftercare of Excavated Mineral Sites

Policy DP10 aims to ensure that mineral reserves, the availability of which provides jobs and supports the local economy, are safeguarded from development that may sterilise them. To ensure that there are no adverse significant effects on the amenity of local communities, natural or cultural heritage interests, extractions will only be permitted where impacts can be adequately controlled or mitigated.

The design of mineral extraction sites must have a positive approach to the landscape and must ensure good landscape fit with minimal impact on the natural environment and amenity. The integration of the development into the surrounding landscape must safeguard existing trees and any notable topographical and water features. The applicant must demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources.



Details of their proposed programme of restoration, including the necessary financing, phasing and aftercare of the site, must be provided by applicants. Proposals for restoration must take account of the specific characteristics of the site and its locality and restore and/or enhance the landscape character of the area. Biodiversity must be maintained and enhanced. Applicants should engage with key agencies such as Scottish Natural Heritage (SNH) and the Royal Society for the Protection of Birds (RSPB) in the development of the restoration design.



Example of a Restoration Plan



Restoration must be designed and implemented to the highest standard and result in improvements to the cultural, recreational or environmental assets of the area. Where core paths (including aspirational), rights of way and other tourist routes exist in the immediate vicinity of the site, restoration must enhance public access to site and provide permissive footpaths within the site boundary.





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www.moray.gov.uk/MLDP2020