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## Planning and Regulatory Services Committee

Tuesday, 08 October 2019

### SUPPLEMENTARY AGENDA

The undernoted reports have been added to the Agenda for the meeting of the **Planning and Regulatory Services Committee** to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Tuesday, 08 October 2019** at **09:30**.

#### BUSINESS

- |                |   |                          |
|----------------|---|--------------------------|
| <b>6a</b>      | <b>Planning Application 19/00923/APP</b>  | <b>3 - 44</b>            |
|                | Report by Appointed Officer   |                          |
|                | Replace existing warehouse 15-17 with new warehouse Glenfiddich Distillery Castle Road Dufftown Keith for William Grant & Sons  |                          |
| <br><b>7a</b>  | <br><b>Planning Application 19/00460/APP</b>  | <br><b>45 -<br/>102</b>  |
|                | Report by Appointed Officer   |                          |
|                | Formation of 28 dwellinghouse plots (Maverston Phase 2 remix - within boundary of approval 06/01554/REM) and all associated infrastructure and landscaping works including construction haul road at Maverston Urquhart Elgin Moray for Maverston LLP |                          |
| <br><b>12a</b> | <br><b>Planning Application 18/01142/APP</b>  | <br><b>103 -<br/>176</b> |
|                | Report by Appointed Officer   |                          |
|                | Residential development (316 units) and associated infrastructure at R3 Ferrylea And Long 3 Forres Moray for Springfield Properties PLC   |                          |

<b>12b</b>	<b>Planning Application 19/00615/APP</b>	<b>177 - 218</b>
	Report by Appointed Officer	
	Erect student residences (6 flats with total of 42 bed spaces), with associated parking and landscaping at Knockomie Braes Forres Moray for Springfield Properties	
<b>12c</b>	<b>19/01025/PAN - Development of Housing and Associated Infrastructure at Spynie Hospital, Duffus Road, Elgin</b>	<b>219 - 224</b>
	Report by Depute Chief Executive (Economy, Environment and Finance)	
<b>12d</b>	<b>19/00930/PAN - R15 Development Site, Bilbohall Road, Elgin, Moray</b>	<b>225 - 230</b>
	Report by Depute Chief Executive (Economy, Environment and Finance)	
<b>12e</b>	<b>Discharge of Planning Condition imposed on 19/00550/APP - Linkwood Steading, Linkwood Road, Elgin</b>	<b>231 - 238</b>
	Report by Depute Chief Executive (Economy, Environment and Finance)	
<b>14a</b>	<b>Environmental Health Service Delivery Plan</b>	<b>239 - 276</b>
	Report by Depute Chief Executive (Economy, Environment and Finance)	

WARD 01\_17

**19/00923/APP**  
**29th August 2019**

**Replace existing warehouse 15-17 with new warehouse  
Glenfiddich Distillery Castle Road Dufftown Keith  
for William Grant & Sons**

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**Comments:**

- A SITE VISIT HAS BEEN CARRIED OUT
- Application is development where the gross floor space of the building, structure or other erection constructed as a result of the proposal exceeds 2000 sq. metres.
- No representations received

**Procedure:**

- None

**Recommendation**

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

**Conditions/Reasons**

1. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Council, as Planning Authority, in consultation with the Roads Authority. Thereafter development shall not proceed except in accordance with the approved CTMP.

**Reason:** To ensure acceptable development that does not create any hazard to road users in the interests of road safety and the provision of information currently lacking from the submission

2. No development shall commence until a site-specific Construction Environmental Management Plan (CEMP), which shall identify all potential pollution risks and site works that might impact on the environment together with all required/proposed preventative measures and (a schedule of) mitigation measures to be implemented during all stages of the development including the construction stage has been submitted to and approved in writing by the Council, as Planning Authority. In particular, the Plan shall detail the arrangements to protect the adjacent Maltkin Burn during construction including measures to address the risk of water pollution due to the release of sediment from exposed surfaces, contaminant discharges and accidental spillage. Thereafter development shall not proceed except in accordance with the approved details.

**Reason:** To prevent pollution.

3. All surface water drainage proposals shall be in accordance with the submitted report Drainage Impact Assessment 132238 - New Warehouse Glenfiddich Distillery, Dufftown for Wm Grant and Sons by Fairhurst dated 28 August 2019.

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

### **Reason(s) for Decision**

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

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise.

### **List of Informatives:**

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

A Building Warrant will be required for the development.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

The Construction Traffic Management Plan must include (but will not be limited to):-

- A construction programme for the proposed development.
- Details of the proposed construction access(s) to the site and any temporary traffic signing.
- Details of measures to be put in place to ensure materials and water from the site is not deposited on the public road and measures on place to deal with this should it occur.
- Conditions surveys covering a 50 metre length of the public road (centred on each construction access) to be undertaken prior to commencement of any works, at intervals to be agreed during construction and once the development is complete, with mitigation proposals to ensure the road is maintained in a safe condition throughout the construction phase of the development and any damage to the public road as a result of the construction traffic is restored prior to completion of the development.

Planning Permission does not carry with it the right to carry out works within the public road boundary and the applicant is obliged to contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road

The applicant shall ensure that their operations do not adversely affect any Public Utilities, which should be contacted prior to commencement of operations.



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

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

THE ENVIRONMENTAL HEALTH MANAGER, DEVELOPMENT SERVICES, has commented that:-

This development (proposed sprinkler tank area) has been identified from the 1905 Ordnance Survey map as being the location of a former mill dam. Moray Council does not have any further information as to whether/how the mill dam was infilled and whether the ground is contaminated. You should consider investigating this matter further prior to proceeding with the proposed works. Should contamination be encountered, contact the Environmental Health section immediately (email contaminated.land@moray.gov.uk, tel 0300 1234561) to agree an appropriate course of action.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version	Title/Description
132238/EW/11		Drainage details
132238-EW-10		Drainage layout
A10-1-002	P01	Location plan
A10-01-001	D	Site plan
A10-01-002	C	Site sections
A20-01-001	B	Ground floor plan
A30-01-001	B	Elevations and sections





## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**

**19/00923/APP**

**Site Address:**

Glenfiddich Distillery  
Castle Road Dufftown

**Applicant Name:**

William Grant & Sons

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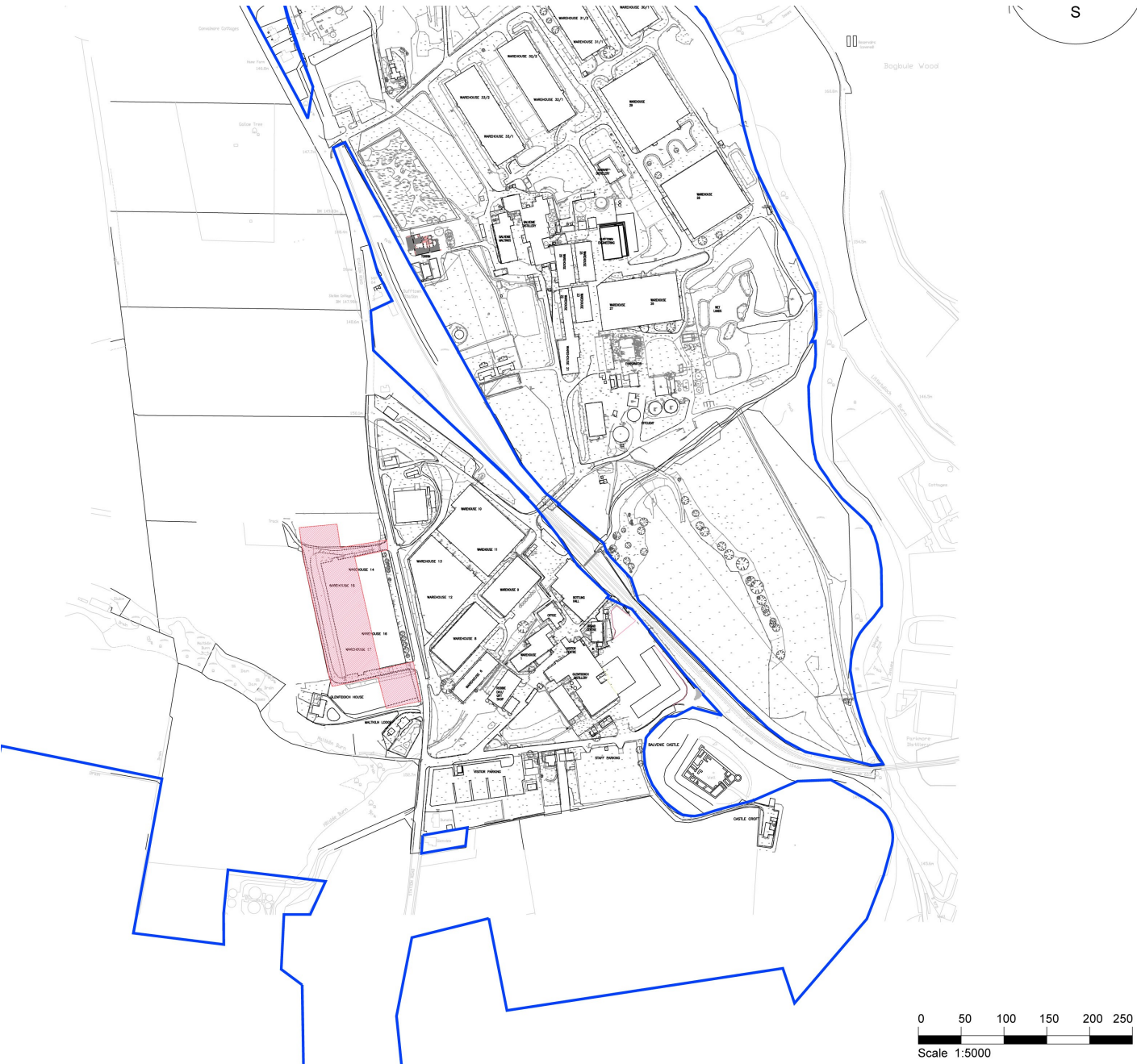
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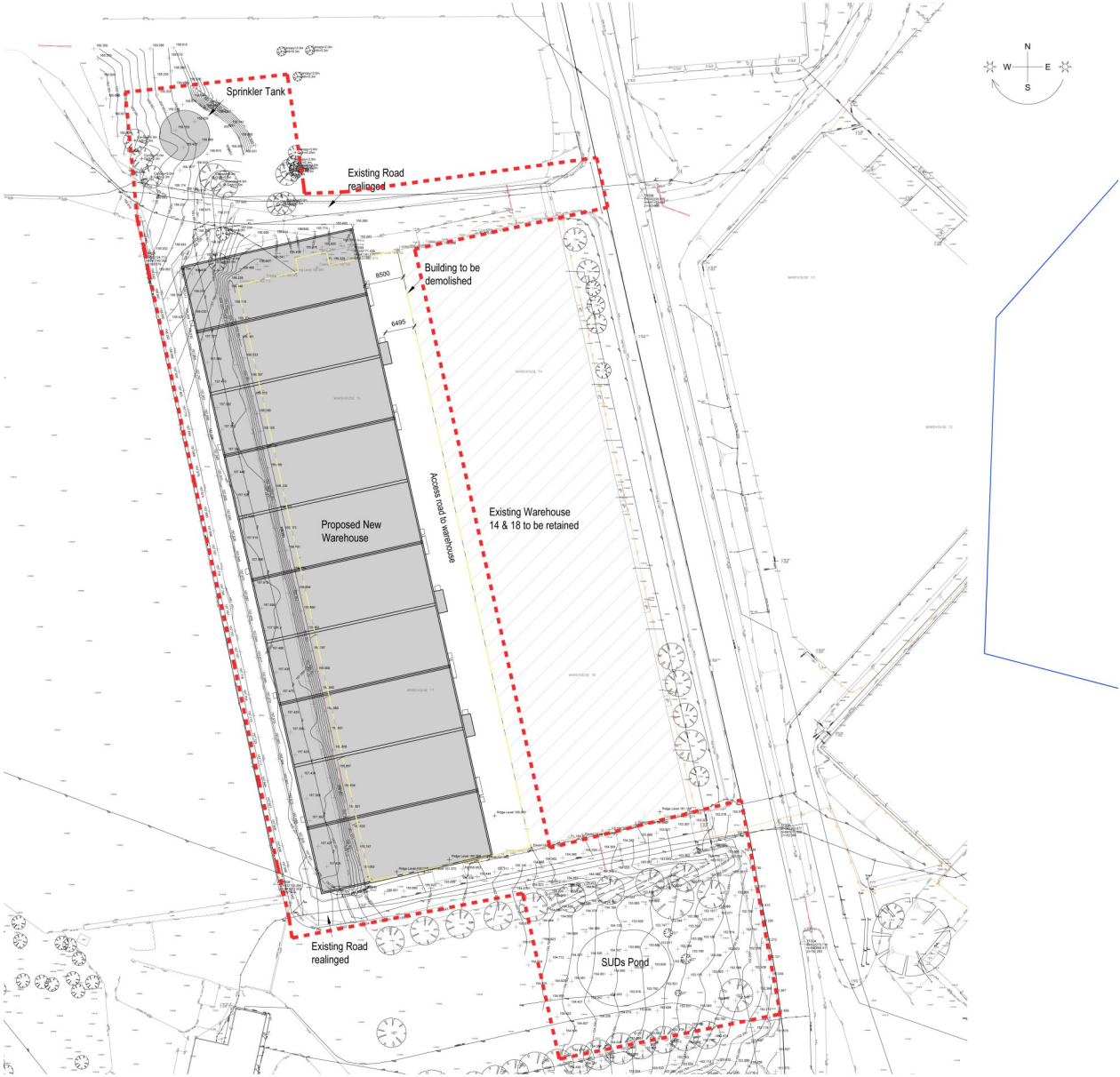
## Location Plan



Site Location



Site plan













## PLANNING APPLICATION: 19/00923/APP

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

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### **THE PROPOSAL**

- The application seeks to build a replacement warehouse block on the site of existing warehouses. The replacement buildings will partially occupy the footprint of the previous block but are sited slightly to the west in order to provide access between the block and the retained warehouses (14 & 16).
- The block will be 140.4m long and 37.79m wide.
- The block is divided into five compartments each with an internal floor area of 1000m<sup>2</sup>.
- Each compartment will have a low pitched roof and will measure 13.09m to the roof ridge.
- The roof will be covered in a grey metal sheeting.
- The upper portions of the north, south and west elevations will be finished in grey then green cladding with drydash render on lower sections.
- The eastern elevation which will be partially visible from the road will all be finished in drydash render.
- The existing access track will be realigned to facilitate the development.
- A sprinkler tank will be provided to the north of the buildings and a suds pond to the south.
- The application is supported by a Drainage Impact Assessment, Bat Survey and Sustainability Assessment.

### **THE SITE**

- The site forms part of an existing complex or group of four warehouses (14 - 17) located to the west of the A941, and to the north of Dufftown.
- Warehouses 15 and 17 form a single block running north to south across the site. They are attached to warehouses 14 and 16 which sit to the east (roadside). Warehouses 14 and 16 are to be retained.
- The land rises from east to west across the site. The replacement buildings (and those to be demolished) sit at a higher level than the retained warehouses to the east.
- There is an existing access track which loops around the buildings to the north, west and south and has accesses to the public road at the north east and south east of the site.
- The site is bounded by mature trees to the north and west.
- The main distillery complex is on the opposite side of the road to the east.
- The site is located within the Speyside Area of Great Landscape Value (AGLV).

## **HISTORY**

**13/00429/APP** - Replace warehouses 15 and 17 with a double cell bonded warehouse – granted 16 April 2013.

**12/01450/APP** - Replace warehouses 15 and 17 with double cell bonded warehouse at Glenfiddich Distillery - withdrawn.

**02/01821/FUL** - Modifications to warehouses 14 and 16 to facilitate mechanised cask handling at Glenfiddich Distillery - granted 25 November 2002.

**00/02008/SUB** - Whisky distillation and maturation at Glenfiddich Distillery - deemed consent issued 21 December 2000.

## **POLICY - SEE APPENDIX**

## **ADVERTISEMENTS**

None.

## **CONSULTATIONS**

**Environmental Health** – No objection.

**Contaminated Land** – No objection but an informative regarding potential contaminated land in the north western part of the site is recommended.

**Flood Risk Management** – No objection.

**Transportation** – No objection subject to a condition requiring the provision of a Construction Traffic Management Plan (CTMP).

**Scottish Water** – No objection but this does not confirm that the development can be serviced.

**Scottish Gas Networks** – No high pressure pipelines in the area affected.

**HSE** – No objection.

**Building Standards** – A Building Warrant required.

## **OBJECTIONS-REPRESENTATIONS**

None.

## **OBSERVATIONS**

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

Further consideration of the weight to be attached to the Proposed Plan was considered and agreed at the Planning and Regulatory Services Committee on 29 January 2019, with the Committee agreeing that between June/August 2019 and adoption of the new LDP in mid-2020, the weight to be given to matters set out in the Proposed Plan will vary;

- Where matters set out in the Proposed Plan are subject to unresolved objections which will be considered through Examination, then those matters will continue to be given minimal weight as a material consideration in the development management process.
- Where matters set out in the Proposed Plan are not subject to unresolved objections, they will be given greater weight as a material consideration in the development management process.

The weight to be given will be considered on a case by case basis and will be agreed by the Development Management & Building Standards Manager and Strategic Planning and Delivery Manager.

In this case the proposal is not subject to a designated site.

The main issues are considered below.

### **Demolition**

At the time of submission the application included the demolition of warehouses 15 and 17 and a bat survey was provided in support of this element of the scheme. The bat survey found no evidence of bat roosts however the survey acknowledged that the survey was carried out late in the season and recommended that a qualified bat worker be present for some elements of the demolition. The agent subsequently advised that the building was to be demolished on health and safety grounds. A structural engineer's report had previously found the building to be in poor condition and in May 2019 they were deemed unsafe to enter. It was accepted in light of the bat survey that the warehouses could be demolished under permitted development rights. At the time of writing the demolition works were ongoing.

### **Siting and Design (PP1, ED7 & IMP1)**

The new warehouses will be built on land previously occupied by warehouses and alongside existing warehouses that are to be retained. The buildings meet the current operational needs of the distillery and will contribute towards sustainable economic growth. It is noted in the relevant sections below that there is sufficient infrastructure to accommodate the development and there will be no adverse environmental impacts as a result of the development. The siting, design and landscape and visual impacts are assessed in more detail below but the proposal is considered to be suitably sited and designed. The proposal therefore meets the requirements of policies PP1 and ED7.

The proposal represents an increase in the floor area and height of the building that previously occupied the site. The proposed building is longer (140.4m compared to 134.2m) and wider (37.79m compared to 36m). It is also significantly taller measuring 13.09m to the ridge rather while the existing building measures 9.6m to the ridge. The proposed building is also orientated differently with gables to the north and south rather than east and west as is the current arrangement. The scale of the building reflects the operational requirement for additional storage space. It is noted that planning permission (13/00429/APP) for a large replacement warehouse on the same site was granted at committee in 2013. This lapsed in April 2016. The approved scheme was slightly shorter than the current proposal (137m compared to 140m) but slightly wider (39m compared to 37.75m). At that time a ridge height of 12.4m was approved while the current proposal is 13.09m to the ridge. While this permission has lapsed and can no longer be implemented the planning history is a material consideration in the assessment of the current application. It is noted that the principle of a larger replacement on the site was accepted at that time. The existing building is already larger than the retained warehouses to the east and is therefore more visible from the road. The submitted sections show that the proposed building will be visible from the road. However this will be read in the context of the existing development. The existing established tree cover will also provide some setting and containment for the development. The immediate vicinity is dominated by the distillery and associated structures and the large warehouse structure will not be incongruous in this setting. The eastern elevation which will be most visible from the road has been finished to match the rendered walls of the existing buildings. The other elevations incorporate some elements of metal sheeting on the walls which is considered to be acceptable for industrial buildings of this type. The roof will be covered in metal sheeting which is in keeping with the finish of the retained buildings. The siting and design of the buildings is considered to be appropriate to its location and is in accordance with policies ED7 and IMP1.

### **Impact on the AGLV (E7)**

The application site is within the Speyside AGLV. While this area is designated for its landscape value it is noted that distillery related development is very much a feature. This development represents part of that tradition and will be read in the context of the existing warehouses and the wider distillery development. It is not a greenfield site and the replacement building will be in keeping with the character of this part of the AGLV. In this setting the impact on the AGLV is considered to be acceptable.

### **Access (T2)**

The existing accesses to the public road will be unaltered although the alignment of the existing access track around the site will be changed to accommodate the development and an additional section of track will be provided between the new and retained warehouses. The Transportation Section has no objection and the access arrangements are considered to be acceptable in relation to policy T2.

It is recommended that a Construction Traffic Management Plan (CTMP) is conditioned to ensure that construction traffic is effectively managed and does not result in any unacceptable impacts on the public road.

### **Surface Water Drainage (EP5 & EP7)**

The site is identified as being at risk of surface water flooding. A Drainage Impact Assessment (DIA) has been provided along with detailed proposals for the treatment of surface water which include the provision of a new SUDS pond at the south of the site. Flood Risk Management have no objection. The proposals are sufficient to ensure that

surface water is effectively managed and that the development does not result in an increase in flooding on site or elsewhere. The proposals accord with policies EP5 and EP7.

#### **Environmental Impact (EP8)**

The potential for pollution of the Maltkiln burn to the south of the site was identified at the time of the previous application (13/00429/APP) and a condition was attached requiring the submission of a Construction Environmental Management Plan (CEMP) to ensure that the burn and the wider environment were appropriately protected during construction. It is recommended that this condition is reiterated.

#### **Sustainability (PP2)**

A Sustainability Statement has been provided. This notes that the buildings will be unheated with limited requirement for power. The buildings have been designed to be as resource efficient as possible with the potential to adapt to future needs. The proposals are considered to comply with the requirements of policy PP2 in so far as they apply to this development.

#### **Recommendation**

This proposal reflects the operational needs of the distillery and will contribute to sustainable economic growth. The design and materials are considered to be acceptable in this location and the site can be appropriately serviced. The proposal accords with policy and as such it is recommended that planning permission is granted subject to the recommended conditions.

#### **REASON(S) FOR DECISION**

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

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise.

**Author/Contact  
Officer:**

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Senior Planning Officer

**Ext:** 01343 563479

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



## **APPENDIX**

### **POLICY**

#### **Adopted Moray Local Development Plan 2015**

##### **Primary Policy PP1: Sustainable Economic Growth**

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

##### **Primary Policy PP2: Climate Change**

In order to contribute to reducing greenhouse gas emissions, developments of 10 or more houses and buildings in excess of 500 sq m should address the following:

- Be in sustainable locations that make efficient use of land and infrastructure
- Optimise accessibility to active travel options and public transport
- Create quality open spaces, landscaped areas and green wedges that are well connected
- Utilise sustainable construction techniques and materials and encourage energy efficiency through the orientation and design of buildings
- Where practical, install low and zero carbon generating technologies
- Prevent further development that would be at risk of flooding or coastal erosion
- Where practical, meet heat and energy requirements through decentralised and local renewable or low carbon sources of heat and power
- Minimise disturbance to carbon rich soils and, in cases where it is agreed that trees can be felled, to incorporate compensatory tree planting.

Proposals must be supported by a Sustainability Statement that sets out how the above objectives have been addressed within the development. This policy is supported by supplementary guidance on climate change.

##### **Primary Policy PP3: Placemaking**

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

Developments should;

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

### **Policy ED7: Rural Business Proposals**

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

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

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



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

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

### **Policy E7: Areas of Great Landscape Value (AGLV) and impacts upon the wider landscape**

Development proposals which would have a significant adverse effect upon an Area of Great Landscape Value will be refused unless:

- a) They incorporate the highest standards of siting and design for rural areas
- b) They will not have a significant adverse effect on the landscape character of the area, in the case of wind energy proposals the assessment of landscape impact will be made with reference to the terms of the Moray Wind Energy Landscape Capacity Study.
- c) They are in general accordance with the guidance in the Moray and Nairn Landscape Character Assessment.

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

Proposals for new hill tracks should ensure that their alignment minimises visual impact; avoids sensitive natural heritage features, avoids adverse impacts upon the local hydrology; and takes account of the likely type of recreational use of the track and wider network.

### **Policy EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)**

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

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 sq metres and above.

The Council's Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

### **Policy EP7: Control of Development in Flood Risk Areas**

New development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. 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 National Guidance and to the satisfaction of both the Scottish Environment Protection Agency and the Council is provided by the applicant. This assessment must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere. 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.

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 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 extreme 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 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
  - Job related accommodation e.g. for caretakers or operational staff.

Areas within these risk categories will generally not be suitable:

- 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 flow), and

- An alternative, lower risk location is not available and
- 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 should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

### **Policy EP8: Pollution**

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

### **Policy EP9: Contaminated Land**

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

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

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

### **Policy EP10: Foul Drainage**

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been specifically allocated within its current Quality Standards Investment Programme and the following requirements apply:

- Systems shall not have an adverse impact on the water environment;
- Systems must be designed and built to a standard which will allow adoption by Scottish Water.

- Systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

## **Policy T2: Provision of Access**

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

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

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

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

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

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

Significant travel generating proposals will only be supported where:

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

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

### **Policy T5: Parking Standards**

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

### **Policy IMP1: Developer Requirements**

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

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.

- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

### **Policy IMP3: Developer Obligations**

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity, and such contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

The Council will prepare supplementary guidance to explain how the approach will be implemented in accordance with Circular 3/2012 on Planning Obligations. This will detail the necessary facilities and infrastructure and the scale of contributions likely to be required.

In terms of affordable housing, developments of 4 or more units will be expected to make a 25% contribution, as outlined in policy H8.

## **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 a sufficient information for the Council to carry out a Quality Audit including a topo survey, slope analysis, site sections, 3D visualisations, a Landscaping Plan, a Street Engineering Review and a Biodiversity Plan as these will not be covered by suspensive conditions on a planning consent. 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.
- For developments of 20 units and above, provide a number of character areas that have their own distinctive identity and are clearly distinguishable. Developments of less than 20 units will be considered to be one character area, unless they are part of a larger phase of development or masterplan area.
- 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.



- Landscaped areas must not be 'left-over' spaces that provide no function. 'Left-over' spaces 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 connect into wildlife corridors/ green 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 75% of car parking must be provided to the side or rear and behind the building line with a maximum of 25% 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
- Secured 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 standardized.
- Dead-end streets/cul-de-sacs will only be selectively permitted on rural edges or where topography dictates. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
- Roundabouts must be designed to create gateways and contribute to the character of the overall development.
- 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) Masterplans have been prepared for Findrassie (Elgin), Elgin South, Bilbohall (Elgin), and Dallas Dhu (Forres) and are Supplementary Guidance to the Plan. Further Masterplans will be prepared in partnership for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/ Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. A peer review organised by the Council will be undertaken at the draft and final stages in the masterplan's preparation. Following approval, the Masterplans 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 for employment land 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 Utilities Plan must be submitted with planning applications setting out how existing and new utility (including gas, water, electricity, pipelines and pylons) provision have been incorporated into the layout and design of the proposal.

**a) Development proposals will need to provide for the following infrastructure and services:**

- 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 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, community and communal parking facilities. Access to charging points must also be provided for residential on plot parking provision. Car share parking spaces must be provided within communal parking areas where a need is identified by the Transportation Manager.
- 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.

**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.
- 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, sports and recreational facilities and access routes. Obligations will be sought to reduce, eliminate or compensate for this impact.

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 developments, including extensions and conversions and will be applied proportionately.

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 400m<sup>2</sup>, 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.
- i) Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain

## (ii) **Transportation**

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Minimal (25%) 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 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 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.

## **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.

- 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.

**EP3 SPECIAL LANDSCAPE AREAS AND LANDSCAPE CHARACTER.**

i) **Special Landscape Areas (SLA's).**

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

- a) In rural areas (outwith defined settlement and rural grouping boundaries);

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

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

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

## **ii) Landscape Character.**

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

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

## **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 as they are unsustainable in the long term due to sea level rise and coastal change.

## **b) Surface Water Drainage: Sustainable Urban Drainage Systems (SUSDS)**

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 (except single houses) 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 104). 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)
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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 Technical Guidance provides further detail on the information required to support proposals.

## **EP13 FOUL DRAINAGE**

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population must connect to the public sewerage system unless connection is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been allocated within its investment Programme and the following requirements have been met;

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

All development within or close to settlements (as above) of less than 2,000 population will require to connect to public sewerage except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add a risk of detrimental effects, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area.

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

## **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.

**Policy E7: Areas of Great Landscape Value (AGLV) and impacts upon the wider landscape**

Development proposals which would have a significant adverse effect upon an Area of Great Landscape Value will be refused unless:

- a) They incorporate the highest standards of siting and design for rural areas
- b) They will not have a significant adverse effect on the landscape character of the area, in the case of wind energy proposals the assessment of landscape impact will be made with reference to the terms of the Moray Wind Energy Landscape Capacity Study.
- c) They are in general accordance with the guidance in the Moray and Nairn Landscape Character Assessment.

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

Proposals for new hill tracks should ensure that their alignment minimises visual impact; avoids sensitive natural heritage features, avoids adverse impacts upon the local hydrology; and takes account of the likely type of recreational use of the track and wider network.





## WARD 04\_17

**19/00460/APP**  
**25th April 2019**

**Formation of 28 dwellinghouse plots (Maverston Phase 2 remix - within boundary of approval 06/01554/REM) and all associated infrastructure and landscaping works including construction haul road at Maverston Urquhart Elgin Moray for Maverston LLP**

**Comments:**

- A SITE VISIT HAS BEEN CARRIED OUT
- Application is a major development as defined under the hierarchy regulations 2008 as the application site exceeds 2ha
- Advertised for neighbour notification purposes
- 3 representations received

**Procedure:**

Completion of a (Section 75) legal agreement required prior to issue of any consent regarding developer contributions and affordable housing.

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

**Conditions/Reasons**

1. Notwithstanding the provisions of Article 3 and Schedule 1 Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), Planning permission for the haul road hereby approved is granted for a temporary period only and shall cease to have effect on 8 October 2024 (the 'cessation date'). Prior to the cessation date, the haul road shall be removed and reinstated in accordance with a scheme approved in writing by the Council, as Planning Authority under condition 2 of this permission.

**Reason:** In recognition of the temporary nature of the proposed development, to enable the Council, as Planning Authority to reassess the impact of the development after a given period of time and secure removal and restoration.

2. No development shall commence until a reinstatement plan for the area affected by the haul road hereby approved has been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the approved scheme shall be implemented in full in accordance with condition 1 above. For the avoidance of

doubt the reinstatement plan shall make provision for the replanting of trees along the area of the haul road hereby approved.

**Reason:** To secure removal and appropriate restoration.

3. No development shall commence until a tree survey which identifies all trees to be removed, topped or lopped within the area affected by the haul road hereby approved has been submitted to and approved in writing by the Council, as Planning Authority. This should show that the route of the haul road has been designed to minimise the loss of trees by minimising its footprint and aligning it through the previously cleared woodland blocks as far as practicable, as per the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey' by Northern Ecological Services dated April 2019. Thereafter, the approved scheme shall be implemented in full in accordance with condition 1 above.

**Reason:** To ensure that the woodland affected by the haul road route is surveyed and to minimise the impact of the development upon the trees along the route.

4. No development shall commence until a pre-construction badger survey, in line with the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey' by Northern Ecological Services dated April 2019, has been undertaken and a report of survey has been submitted to, and approved in writing by, the Council, as Planning Authority. The survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified and a species protection plan. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

5. No development shall commence until a pre-construction reptile survey, in line with the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey' by Northern Ecological Services dated April 2019, has been undertaken and a report of survey has been submitted to, and approved in writing by the Council, as Planning Authority. The survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

6. No development shall commence until a pre-construction red squirrel survey, in line with the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat

Survey' by Northern Ecological Services dated April 2019, has been undertaken and a report of survey has been submitted to, and approved in writing by, the Council, as Planning Authority. The survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

7. No development shall commence until a pre-construction bat survey, in line with the recommendations contained within the submitted report entitled 'Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey' by Northern Ecological Services dated April 2019, has been undertaken and a report of survey has been submitted to, and approved in writing by the Council, as Planning Authority. The survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason:** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

8. No development shall commence until plan Nos. HLD K345.18/SL-02, HLD K345.18/SL-03 Rev D and 117587/1101 Rev C have been updated to reflect the approved drainage layout 117587/2010 revision C, and have been submitted to and approved by the Council, as Planning Authority. Thereafter the development shall be implemented in accordance with these approved plans.

**Reason:** To avoid any ambiguity regarding the layout.

9. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority, regarding details of a woodland planting scheme (the Replanting Scheme) within Moray to compensate, in this case, the removal of 32,200m<sup>2</sup> of existing woodland from the site in order to accommodate the development. All proposals shall be in accordance with approved plan HLD K345.18/SL-03 Rev D (or any revision approved under condition 7 above). The Replanting Scheme details shall:

- a) include the specifications for:
  - i. on-site replanting;
  - ii. off-site compensatory planting;
  - iii. tree maintenance and measures for protection of existing trees (including Deer Management);

and

- b) comply with the requirements set out in the UK Forestry Standard (Forestry Commissions, 2011. ISBN 978-0-85538-830-0) and the guidelines to which

it refers and include:

- i. details of the location of the area to be planted;
- ii. details of land owners and occupiers of the land to be planted;
- iii. the nature, design and specification of the proposed woodland to be planted;
- iv. details of all necessary consents for the Replanting Scheme and timescales within which each shall be obtained;
- v. the phasing and associated timescales for implementing the Replanting Scheme;
- vi. proposals for the maintenance and establishment of the Replanting Scheme, including annual checks; protection from predation; replacement planting; fencing; ground preparation; and drainage, etc. For the avoidance of doubt a technically competent professional(s) (e.g. chartered forester) with the required experience should inspect the replanting scheme at regular intervals (year 1, 5 and 10) to ensure that the trees are planted correctly, maintained to the required standard and ultimately established into woodland.

Thereafter, the development shall be implemented in accordance with the approved Replanting Scheme details, including the phasing and timescales as set out therein.

**Reason:** Details of the matters specified are lacking from the submission and to ensure an acceptable form of development where replacement or compensatory planting is provided where the development results in a loss of woodland.

10. No development shall commence until a phasing plan detailing the timescales of all landscaping works as shown on plans HLD K345.18/SL-02 and HLD K345.18/SL-03 Rev D and the Maintenance Schedule HLD K 345.18 dated 18 April 2019 (or any revisions approved under condition 7 above) has been submitted to and approved by the Council, as Planning Authority. Thereafter the development shall be implemented in accordance with these approved plans and timescales.

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

11. All landscaping works shall be carried out in accordance with the details shown on approved plans HLD K345.18/SL-02 and HLD K345.18/SL-03 Rev D and the Maintenance Schedule HLD K 345.18 dated 18 April 2019 (or any revisions approved under condition 7 above) . For the avoidance of doubt with the exception of those trees required to be removed for the construction of the haul road no trees shall be removed from the woodland in the northern part of the site.

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

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

12. No development shall commence until details of an equipped play area as identified on approved plan 10313-P(00)002 C including the maintenance arrangements have been submitted to and approved in writing by the Council, as Planning Authority along with details of measures to allow recreational access to the woodland to the north. The equipped play area shall be provided in accordance with the approved details and available for use prior to the occupation of the 14<sup>th</sup> house hereby approved. Thereafter the play area shall be maintained in accordance with the approved details.

**Reason:** To ensure the adequate provision of an equipped play area and its future maintenance.

13. All foul and surface water drainage proposals shall be in accordance with the submitted report Drainage Assessment Proposed Residential Development at Maverston, Moray, Issue 02, dated September 2019 and approved plans 117587/2010 revision C. No development shall commence until full written and plan details of the detention basins and specifications for the inlet headwalls to the detention basins have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter the approved details shall be implemented in full. For the avoidance of doubt.

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

14. No development shall commence until two passing places have been provided on the C19e to the Moray Council standards and specification as indicated on Appendix C of the approved Transport Statement.

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

15. No development shall commence until a visibility splay 4.5 metres by 165 metres, with all boundaries set back to a position behind the required visibility splay, has been provided in both directions at the haul road access onto the public road; and thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway.

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

16. The width of the access road shall be 5.5m with localised narrowing and 2.0m service verge and drainage provision as shown on Drawing No. 117587/1101 Rev B. The road shall be constructed to Moray Council standards and specification for

Roads Construction Consent.

**Reason:** To ensure acceptable infrastructure at the development access.

17. The width of each individual vehicular access shall be a minimum of 3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the prospective public carriageway. The part of the access over the prospective public footway/verge shall be to the Moray Council specification and surfaced with bituminous macadam. Drop kerbs shall be provided across the access to the Moray Council specification.

**Reason:** To ensure acceptable infrastructure at individual development accesses.

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

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

19. Parking provision shall be as follows:
- Minimum of 2 spaces for a dwelling with three bedrooms or less; or
  - Minimum of 3 spaces for a dwelling with four bedrooms or more;

No houses shall be occupied until the parking for that plot has been provided. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council, as Planning Authority.

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

20. No boundary fences, hedges, walls or any other obstruction fronting onto the prospective public road shall be within 2.4 of the edge of the carriageway and shall not exceed 1.0m in height.

**Reason:** To ensure acceptable infrastructure at the development access.

21. No works shall commence on site until a Construction Traffic management Plan has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include as a minimum the following information:
- Duration of works;
  - Construction programme;
  - Number of vehicle movements (i.e. materials, plant, staff, compounds)
  - Schedule of delivery of materials and plant;
  - Full details of construction traffic routes to the site including any temporary construction accesses;
  - measures to be put in place to prevent material being deposited on the

- public road; and
- Traffic management measures to be put in place during works including any specific instructions to drivers.

Thereafter, the development works shall proceed in accordance with the approved details, unless otherwise approved in writing by the Council, as Planning Authority in consultation with the Roads Authority.

**Reason:** To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site, road safety and the amenity of the area/adjacent properties.

22. All development on the site hereby approved shall be connected to the public sewer or to a private system built to adoptable standard.

**Reason:** To ensure that foul drainage is adequately managed.

23. That for any subsequent detailed application relative to this approval, at least 3 units (10% of non-affordable units) shall be designed and built to wheelchair accessible spaces standards (as defined in the Moray Council 'Accessible Housing' Supplementary Guidance). Any application for the 9th, 18th and 27th such unit on the overall site shall each include an Accessible Housing Compliance Statement with sufficiently detailed plans to demonstrate that one accessible housing unit meeting these requirements has been provided as part of each tranche of development so that a minimum of 3 accessible units is provided overall. Thereafter the accessible units shall be provided in accordance with the agreed arrangements prior to the completion of the 9th, 18th and 27th units respectively. For the avoidance of doubt at least 50% of the wheelchair accessible units must be delivered as a single storey dwelling with no accommodation in the upper roof space, i.e. a bungalow. Thereafter the internal layout of these units shall remain as built and approved in perpetuity unless otherwise agreed with the Council, as Planning Authority.

**Reason:** To ensure an acceptable form of development which provides accessible housing on the site.

24. The permission hereby granted shall not be exercised in addition to, or in conjunction with the permission approved under formal decision notice 06/01554/REM dated 10 September 2007.

**Reason:** In order to avoid any ambiguity regarding the terms of this consent.

### **Reason(s) for Decision**

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

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

### **List of Informatives:**

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

This development is subject to a Section 75 Legal Agreement in regard to arrangements for payment of developer obligations to address the impact of the development upon healthcare and to meet the affordable housing requirements.

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

SCOTTISH NATURAL HERITAGE has commented that:-

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see: [www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp](http://www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp)

SCOTTISH WATER have commented as follows:

#### Infrastructure within boundary

Scottish Water's Records appear to show proposed infrastructure within your site. Please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer below. This is believed to be pipework that you as the developer are proposing to lay for this development. If this is not the case please submit plans/drawings to indicate the position of the new infrastructure. All due care must be taken when working in the vicinity of Scottish Water assets, you should seek our support accordingly prior to any excavation works.

#### Scottish Water Disclaimer

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

#### Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into



our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- Scottish Water asset plans can be obtained from our appointed asset plan providers:  
Site Investigation Services (UK) Ltd  
Tel: 0333 123 1223  
Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)  
[www.sisplan.co.uk](http://www.sisplan.co.uk)
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SuDS proposed to vest in Scottish Water is constructed.
- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>

### Next Steps:

- **Single Property/Less than 10 dwellings:**  
For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.
- **10 or more domestic dwellings:**  
For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**  
Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)
- **Trade Effluent Discharge from Non Dom Property:**  
Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/ourservices/compliance/trade-effluent/trade-effluent-documents/trade-effluent-noticeform-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- is more than 4ha,
- is in excess of 5km, or
- includes an area of more than 1ha or length of more than 500m on ground with a slope in excess of 25°.

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

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

<b>LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT</b>	
<b>Reference No. Version No.</b>	<b>Title/Description</b>
117587-sk1020	Traffic calming details
10313-P(00)001 A	Location plan
10313-P(00)002 C	Site plan
HLD K345.18/SL-02	Phase 2 landscaping plan
117587/sl1010	Proposed haul road sections
117587/1103	Proposed roads contours
	Foul drainage plan 1
	Foul drainage plan 2
HLD K345.18/SL-03 D	Landscaping plan
117587/sk1000 A	Proposed haul road route
117587/1101 C	Roads layout
117587/1102 A	Roads long sections
117587/1104 A	Roads long section 2
117587/2010 C	Conceptual drainage details

#### Supporting Documents

Maverston Proposed Phase 2 Housing Development Extended Phase 1 Habitat Survey by Northern Ecological Services dated April 2019

Drainage Assessment Proposed Residential Development at Maverston, Moray, Issue 02, dated September 2019



## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**

**19/00460/APP**

**Site Address:**

Maverston

Urquhart

**Applicant Name:**

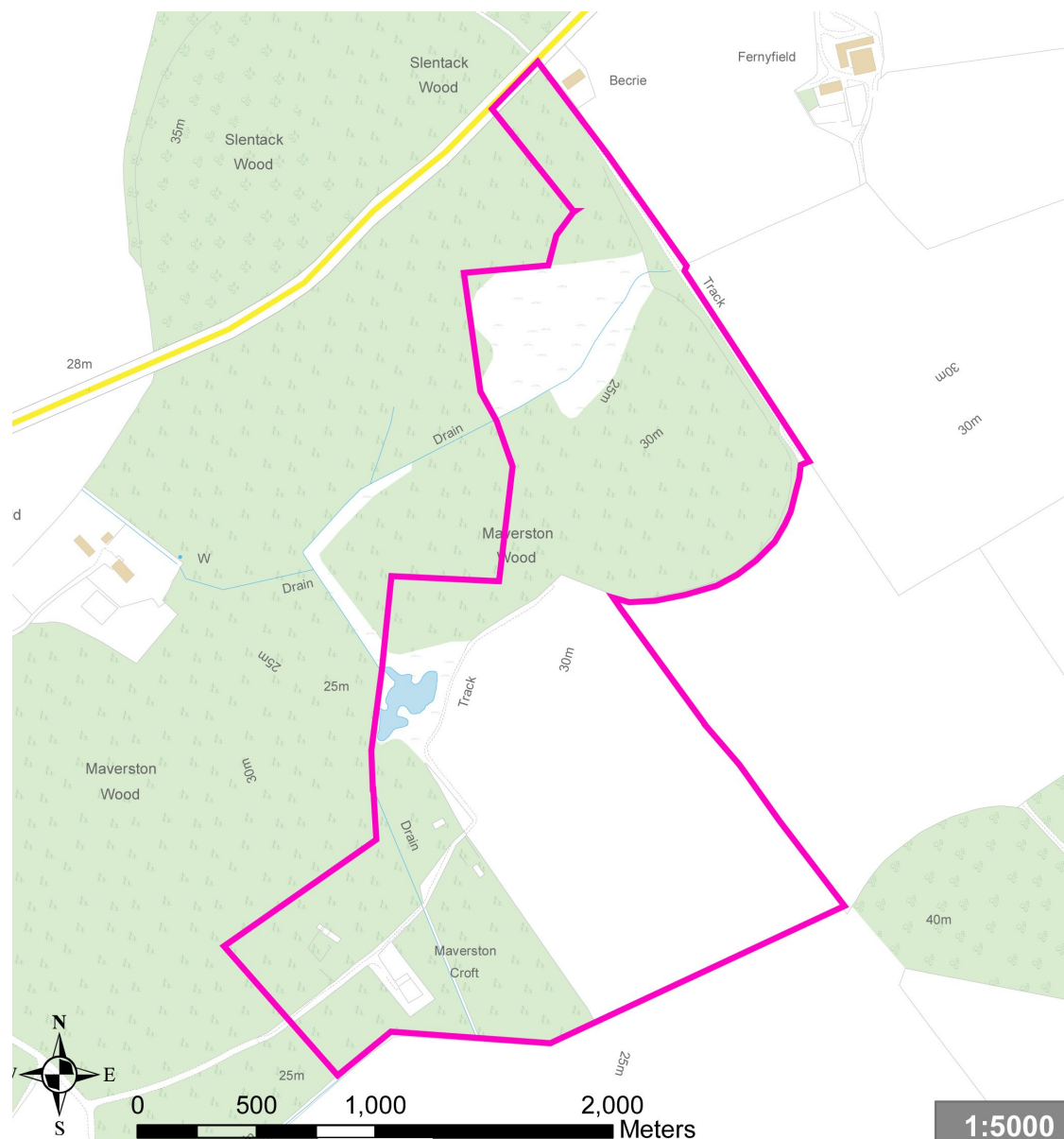
Maverston LLP

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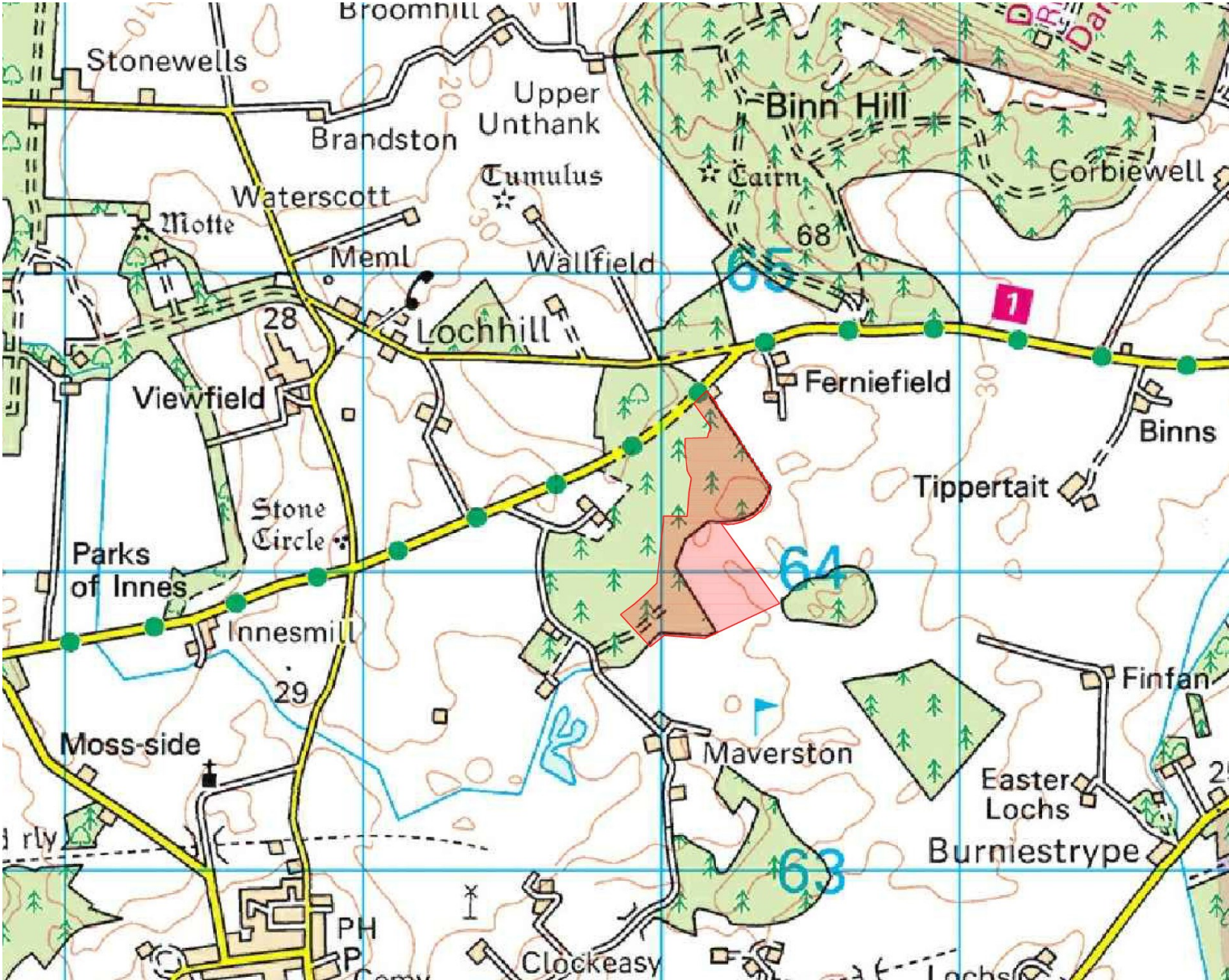
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## Location Plan

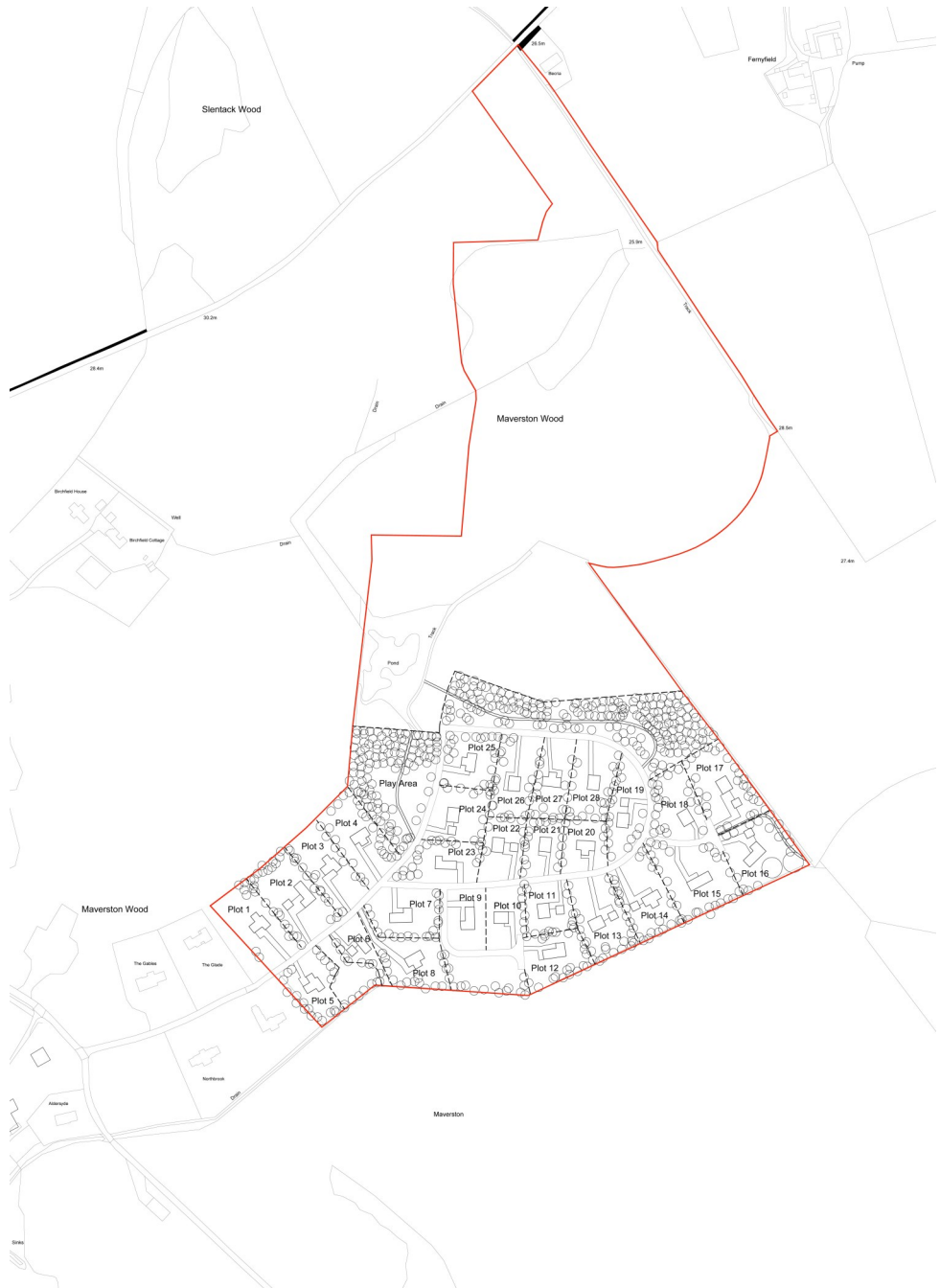




**Site Location**



Site plan





**Approved Masterplan with  
proposal overlaid**



























## PLANNING APPLICATION: 19/00460/APP

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

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### **THE PROPOSAL**

- This application (as amended) seeks planning permission for 28 serviced house plots and the construction of a temporary haul road. A play park, associated infrastructure, servicing and landscaping is also proposed.
- Planning Permission is already in place for a total of 40 houses at Maverston. Work is already underway on phase 1 of the development. The current proposal condenses the remaining 28 units proposed into a smaller area in the south east of the application site. The woodland to the north east will be retained with only a temporary haul road proposed in this part of the application site. No increase in the number of units is proposed as part of this application.
- A loop road through the site is proposed to serve the development. This will connect to the road serving the existing development at Maverston to the south west of the application site.
- The haul road is proposed to the north east of the site and will be used during the construction phase of the development. The position of the haul road has been altered to relocate it away from a house located close to the point where the haul road will join the public road.
- Some 32200m<sup>2</sup> of trees will be removed but compensatory planting at an equivalent level will be provided both on and off the site.
- The houses will be connected to the public water supply. Foul drainage will be dealt with by means of an existing private drainage system which is adopted by Scottish Water. Details of proposals for surface water drainage will be provided as part of further applications for individual plots but indicative details have been provided along with details of the roads drainage.
- The application is supported by a Design Code, Pre-Application Consultation Report, Viability Report (confidential), Drainage Assessment, Habitat Survey, Landscaping Plan, Design Statement, Transport Assessment, Tree and Woodland Survey.

### **THE SITE**

- The site extends to 20.11ha and is to the north east of the existing development at Maverston. It curves from the edge of phase 1 development to public road at the north east.
- The area of the houses is partially cleared but some trees remain.
- The area to the north east of the site is covered by thick woodland which will be retained with the exception of the haul road.
- The public road is to the west of the site.
- There are changes in level across the site.
- Known sites of archaeological interest are also present across the application site,

which have been subject of previous archaeological investigations.

- The trees across the site are recorded on the National Forest Inventory. Part of the site including the area where the play park is proposed is classified as Ancient Woodland. Around 1.56ha is recorded in the Native Woodland Survey of Scotland as upland birch.
- The site is within the Maverston Rural Grouping in the Local Development Plan.

## **HISTORY**

**18/01312/APP** - Formation of 28 dwellinghouse plots (Maverston Phase 2 remix - within boundary of approval 06/01554/REM) and all associated infrastructure and landscaping works at Maverston, Urquhart – Withdrawn

**18/00232/PAN** - Proposed residential development (circa 30 houses) and all associated infrastructure and landscaping works on Phase 2 - closed

**06/01554/REM** - Erect 40 no private dwellings - approval of reserved matters at Malverston, Urquhart – Approved 10/09/07

**01/00735/FUL** - Application for new period of 5 years for approval of reserved matters for 40 houses in relation to Planning consent 91/00134/OUT at Maverston Farm, Urquhart – Approved 03/09/01

**91/00134/OUT** - Outline to construct 2 golf courses, 40 houses and leisure facilities at Maverston Farm, Urquhart

## **POLICY - SEE APPENDIX**

## **ADVERTISEMENTS**

Advertised for neighbour notification purposes.

## **CONSULTATIONS**

### **Strategic Planning and Delivery –**

- Additional information has now been provided that gives details of the level of woodland to be removed and where compensatory planting for this will be provided. Compensatory planting is now shown on a like for like basis. Provision of this compensatory planting must be appropriately conditioned.
- Conditions should be used to ensure that the land to the north which previously had approval for houses as part of phase 2 is retained as woodland.
- For the avoidance of doubt no increase in the number of units is likely to be supported.
- Details of the proposed woodland play along with proposals for wider recreational access to the woodland to the north should be provided as a condition of any consent.



- It is understood that it is now proposed that affordable housing will be dealt with through a S.75 agreement and that provision of accessible housing will be dealt with by condition.
- It is noted that the Design Code has been revised. The content of the Design Code may not comply with policy in the new local development.
- It is noted that objections were received to policy DP4 Rural Housing and to the Maverston rural grouping. It is noted that within the Proposed Plan Policy DP4 Rural Housing includes design criteria that are applicable to housing within rural groupings.

**Transportation** – No objection subject to conditions relating to visibility at the access, the formation of the access, the formation of accesses to individual plots, parking and provision of a Construction Traffic Management Plan.

**Archaeology** - No objections.

**Contaminated Land** – No objections.

**Moray Flood Risk Management** – No objection subject to a condition requiring the provision of additional information.

**Environmental Health** – No objections.

**Housing Strategy and Policy Manager** – No objection. Policy H8 requires that 25% of the total number of units in new developments must be provided as affordable housing. As 28 housing units are proposed an affordable contribution of 7 units will be required. The commuted payment must be formalised in a Section 75/Section 69 Agreement prior to issue of any detailed planning approval on the site.

Affordable housing pressure varies across Moray. There is less pressure on affordable housing in Urquhart than elsewhere in the Elgin housing market area e.g. Elgin, Lossiemouth.

Housing and Property will accept a commuted payment in lieu of 7 affordable units from this development, to be used in the provision of affordable housing elsewhere in the Elgin housing market area.

Policy H9 requires that 10% of private sector units are built to wheelchair accessible standards. Therefore 2.8 accessible housing units would be required (28/10), rounded up to 3 units. The Accessible Housing Supplementary Guidance requires that “at least 50% of the wheelchair accessible units must be delivered as a single storey dwelling with no accommodation in the upper roof space, i.e. a bungalow. Therefore 2 single storey wheelchair accessible units are required.

**Developer Obligations** – Developer obligations of £36,120 are sought towards a replacement health centre in Fochabers.

**Innes Community Council** – No response at time of writing.

**SNH** – No objection. The proposal has been designed to minimise the removal of trees, includes new planting and the landscaping has taken cognisance of wildlife. There will be an impact on local wildlife but this will not be significant.

The ecological surveys indicate that some protected species are active on and near the site however no signs of their places of shelter, bat roosts, badger setts, red squirrel dreys were found in areas directly affected by development.

The development will alter the dynamics of the area and wildlife will have to adapt from the currently unmanaged nature of the site to human occupation and associated activities. The low density of the housing and the retention of trees and new planting will help to provide refuge and green corridors for animals to still move around within and through the site. Gardening and bird feeding will provide for a variety of species that adapt easily to our presence.

We do endorse the recommendations of the ecological survey, listed in section 6.4 (p.19). Pre-construction surveys are recommended in this case because of the wooded and scrubby nature of the site and the obvious current activity of badgers in particular; which, although does not currently, could give rise to licensing needs if time elapses before construction. Pre-construction surveys should be carried out at the optimal time to allow time for any licence application and mitigation to be implemented should this be required. Noting that protected species mitigation often has to be time restricted.

**SEPA** - No objection provided foul drainage is to the public sewer.

**Scottish Forestry** - This site is shown on the National Forest Inventory as a mix of conifer and broadleaved woodland, 1.56 ha of which is shown on the Native Woodland Survey of Scotland as being Upland Birchwood which is a priority habitat under the UK Biodiversity Action Plan, this feature forms a core area for the Native Woodland Habitat Network, with the rest of the site being in primary and secondary zones for this network. The site is also identified on the Ancient Woodland Inventory as being Long Established of Plantation Origin, the long history of woodland cover on this site adds to its value for biodiversity.

Under the Scottish Government's Control of Woodland Removal Policy (COWRP), which has a strong presumption in favour of protecting Scotland's woodland resources these features would combine to give a strong presumption against woodland removal in this instance.

The Council has identified that this site has some history of planning approval. If the Council is minded to grant permission in this instance despite the presumption against development as identified above, then the principles of compensatory planting from the COWRP should be applied. The applicant should demonstrate a net public benefit from the compensatory planting proposal and at least an equivalent area to that lost through the development should be secured as a condition of approval.

**Scottish Water** - No objection. There is currently sufficient capacity in the Badentinan Water Treatment Works and Moray West Waste Water Treatment to accommodate the development. Further network assessment may be required. Early engagement with Scottish Water is recommended.

## **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).

Three letters of representation have been received from:-

Mr Bryan Kee - Kinnagoe Maverston Urquhart Elgin IV30 8LR

Mr And Mrs Stuart And Cheryl Harper - Becria Urquhart Elgin Moray IV30 8LR

The Woodland Trust Scotland - South Inch Business Centre Shore Road Perth PH2 8BW

(Received outwith the neighbour notification period.)

**Issue:** The proximity of the haul road to neighbouring properties and impact on amenity.

**Comments:** The position of the road has been altered to move it away from adjoining properties. Retained planting is also proposed and the plans show a strip of trees to be retained between the house and the road. On this basis the impact on the amenity of occupiers of the adjoining house is considered to be acceptable.

**Issue:** Potential damage to existing drains as a result of the development.

**Comments:** Any damage to the existing drainage network within or outwith the site would be a matter between the developer and the relevant landowner. It would be good practice for the developer to rectify any damage directly arising from the development but ultimately this is a private matter.

**Issue:** Impact on red squirrels.

**Comments:** A habitats survey has been carried out which found limited evidence of red squirrel in most of the site and low population numbers nearby. However, additional pre-start surveys for squirrels form part of the recommended mitigation in the submitted Habitat Survey. A suitable condition is recommended accordingly.

**Issue:** The proposal represents a 65% increase in the housing proposed.

**Comments:** The density of development has increased from the originally approved layout but the number of units is unchanged from the previous approval. The houses are concentrated in a smaller area and a larger area of woodland is to be retained. The plots are smaller than those previously approved but are still generous plots and are considered to be in keeping within the character of the overall development.

**Issue:** The increased number of units will result in greater carbon emissions.

**Comments:** The number of units proposed is unchanged. The impact on carbon emissions will therefore not increase. Indeed the concentration of development in a smaller area and the safeguarding of a larger area of woodland will result in environmental benefits.

**Issue:** Impact on protected species.

**Comments:** A habitats survey has been carried out. Additional pre-start surveys for badgers, red squirrel and reptiles are recommended. This will be controlled by condition.

**Issue:** Precedent for further additional development.

**Comments:** Any additional development here would require planning permission. Every application is considered on its own merits. The land to the north where houses were to be built is now to be retained as woodland. This is welcomed in terms of the benefits for biodiversity, tree retention and recreational opportunities.

**Issue:** No through road is proposed which will mean greater impact on existing householders.

**Comments:** No through road is required. A haul road is proposed which will take construction traffic away from the existing development.

**Issue:** Speeding traffic is already an issue in the existing development.

**Comments:** Problems within the existing development are outwith the remit of this application. Traffic calming measures including bollards and 'build out' areas are shown on the submitted plans. These have been supported by the Transportation Manager.

**Issue:** No public transport

**Comments:** No requirement for public transport has been identified as part of the application. This is a rural area and it is recognised that connectivity may present an issue. There may be potential to access the Dial a Bus service.

**Issue:** It is likely that the 'prime' plots next to the golf course will be sold first which lead to a build-up of development in that area.

**Comments:** The order in which plots are sold is a matter for the developer. Given the size and relatively contained nature of the site no phasing plan is considered necessary in this instance.

**Issue:** Loss of ancient woodland contrary to local and national policy.

**Comments:** Given the history of development on this site and the fact that the current proposal will see more of the ancient woodland retained than in previous approvals and that compensatory planting is proposed the loss of a small area of ancient woodland is considered to be appropriate in this instance. Scottish Forestry do not object.

**Issue:** Impact of greater recreational use of the woodland.

**Comments:** Greater recreational use of the woodland is broadly welcomed but it is recognised that irresponsible use can harm the development.

**Issue:** Impact of fragmentation of woodland on bio-diversity.

**Comments:** It is recognised that there may be some impacts on biodiversity. However, the loss of woodland is less than in the previous approval. Additional pre-start surveys are recommended to avoid any direct impacts.

**Issue:** Tree protection measures should be put in place.

**Comments:** It is recommended that a tree protection plan is sought by condition.

## **OBSERVATIONS**

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

Further consideration of the weight to be attached to the Proposed Plan was considered and agreed at the Planning and Regulatory Services Committee on 29 January 2019, with

the Committee agreeing that between June/August 2019 and adoption of the new LDP in mid-2020, the weight to be given to matters set out in the Proposed Plan will vary;

- Where matters set out in the Proposed Plan are subject to unresolved objections which will be considered through Examination, then those matters will continue to be given minimal weight as a material consideration in the development management process.
- Where matters set out in the Proposed Plan are not subject to unresolved objections, they will be given greater weight as a material consideration in the development management process.

The weight to be given will be considered on a case by case basis and will be agreed by the Development Management Manager and Strategic Planning and Delivery Manager.

In this case the proposal is subject to a designated site which will be subject to the Examination process.

The main issues are considered below.

### **Principle of Development (PP3, H5, IMP1 & Maverston Rural Grouping)**

Planning Permission (06/01554/REM) is in place for 40 units across the Maverston site. The overall site is designated as a Rural Grouping in the Moray Local Development Plan 2015. 'Phase 1' to the west of the site contains 12 plots and is almost built out. The remaining 28 approved plots are sited throughout the rest of the site. This includes the woodland in the northern part of the current application site which is to be retained as woodland in the current application. The 2006 permission remains live and these units could be built under the terms of that permission. The current development at Maverston is characterised by large houses in large plots scattered through the woodland. The current proposal concentrates the remaining 28 units in a smaller area in the south east of the site. The number of units will not be increased but the density of development will increase from approximately 1.8 units per hectare to approximately 3 units per hectare. These are still generous plots and will still enable the construction of houses of similar scale to those already approved in phase 1 without detracting from the character of the overall development. The revised layout also makes provision for a playpark within the development. Care has been taken to position the plots within existing clearings and minimise tree loss where possible. A scheme of landscaping is proposed which will mitigate the impacts of tree removal and help to integrate the new development with the existing development. The revised scheme shows that a large area of woodland in the northern part of the site that is subject to development in the approved scheme will be retained with the exception of the haul road which is a temporary feature. Under the approved scheme approximately 4 ha of woodland would be removed from the northern part of the woodland to facilitate phase 2. Under the current proposal 3.2 ha would be lost and compensatory planting will be provided. The retention of this woodland reflects current policy which presumes against woodland removal and will have environmental benefits for the wider development at Maverston. The current proposal is in keeping with the character of the development and due to woodland retention and replanting proposals it will not adversely impact on environmental amenity. The proposal accords with policies PP3, H5 and IMP1.

### **Impact on Trees (E4 & ER2)**

This site is shown on the National Forest Inventory as a mix of conifer and broadleaved woodland, 1.56 ha of which is shown on the Native Woodland Survey of Scotland as being Upland Birchwood which is a priority habitat under the UK Biodiversity Action Plan, this

feature forms a core area for the Native Woodland Habitat Network, with the rest of the site being in primary and secondary zones for this network. The site is also identified on the Ancient Woodland Inventory as being Long Established of Plantation Origin. The current proposal is to concentrate the development in the southern part of the application site. Where possible development will be sited within existing clearings in the woodland and tree removal will be kept to a minimum. Most of the woodland in this area is scots pine. An area of spruce plantation will be removed. Birch and other individual trees in the east of the site will be retained where possible and native species planting is proposed in these areas. The woodland in the northern part of the site where development is already approved is now proposed to be retained as woodland (with the exception of the haul road). A portion of the woodland in the north west of the site is 'ancient woodland'. This is now to be retained as part of the undeveloped woodland area to the north and will also house the proposed playpark. It is recognised however, that woodland will be removed to facilitate this development. In total 32200m<sup>2</sup> of woodland will require to be removed. This consists of 25700m<sup>2</sup> for the plots and 6500m<sup>2</sup> for the haul road which will be reinstated once the haul road is no longer required. To mitigate this 9330m<sup>2</sup> of replanting is proposed within the housing area and 9500m<sup>2</sup> of compensatory planting is proposed within Maverston Woods in the northern part of the application site and 8000m<sup>2</sup> is proposed within the golf course area to the south west of the application site. This is a total of 32470m<sup>2</sup> of replanting and compensatory planting. Scottish Government's Control of Woodland Removal Policy (COWRP) and LDP policies ER2 and E4 contain a strong presumption against woodland removal. However in this instance there is a history of approved development dating back to 1991 and under the terms of the extant planning permission (06/01554/REM) a larger swathe of woodland in the northern part of the site including ancient woodland could be removed to make way for the approved development. As already indicated this amounts to approximately 4 ha in the northern part of the site alone. The proposed development will safeguard the woodland in the northern part of the site and see another part of the ancient woodland used as a playpark. It is also noted that significant areas of compensatory planting are proposed. It is recommended that this is dealt with by condition. Notwithstanding the strong presumption against woodland removal in local and national policy it is considered that given the existing planning permission and the level of compensatory planting proposed the current proposal is acceptable. This proposal will see a significant area of woodland to the north of the site safeguarded and will protect part of the ancient woodland for the playpark. Scottish Forestry have been consulted and while they draw attention to the contents of COWRP they acknowledge the planning history and level of compensatory planting. They do not object. It is recognised that this proposal will involve a significant loss of woodland which will inevitably have an environmental impact. However it is recognised that this proposal, which is a revision of an existing approval, will safeguard an area of woodland where development was previously approved. For the avoidance of doubt significant weight is attached to the existing permission which remains live and could still be implemented in full. The proposed loss of woodland will be off-set by a level of compensatory planting which exceeds the area to be lost. Scottish Forestry do not object and in this instance the proposal is considered to be acceptable.

### **Open Space and Landscaping (PP3, E5 and IMP1)**

A detailed landscaping plan and maintenance schedule for the part of the site that is to be developed has been provided. This plan identifies areas of woodland to be removed along with areas that are to be retained and new planting. Blocks proposed between plots and along the boundaries of the developed area. The landscaping plan will ensure that the wooded character of the developed area is retained and help assimilate the development into the surrounding landscape. The planting has also been designed to

retain green corridors which will provide opportunities for wildlife and reduce the impact of fragmentation of the overall woodland. A condition is recommended to ensure that the landscaping is provided as shown on the plans. Subject to conditions the proposals comply with policies PP3 and IMP1.

Policy E5 requires developments of between 10 and 50 units to provide 15% open space within the development. In this instance the area of woodland in the north of the application site is now to be retained as woodland. This part of the site currently has permission for development which could still be built. The current proposal will safeguard the woodland and a condition is recommended to enhance recreational access to the site. Furthermore a play area is proposed in the west of the site within the ancient woodland. It is also recommended that full details of this are sought by condition to ensure that the facilities are adequate and timeously provided. Subject to the recommended conditions the proposals comply with policy E5.

### **Impact on Species (E3)**

A Habitats Survey has been submitted in support of the application. The survey noted that the development would result in a loss of potential habitat both in terms of the ancient woodland and the undesignated areas to the south east which is currently a mix of scrub, bracken and unmanaged grassland and as such unusual in the local area. It is noted that extant planning permission is in place across both these areas. The proposed planting and the retention of green corridors throughout the site will help mitigate the impacts of the loss of habitat. The survey identified the potential use of the site by red squirrels, bats and badgers which are European Protected Species. The survey did not find evidence of any dreys, roosts or setts which would be affected by the development but additional pre-start surveys are however recommended. There is also potential impact on reptiles and a pre-start survey is also recommended for reptiles. The loss of habitat is acknowledged but the proposed planting will serve to provide refuge and alternative habitat affected species. The relatively low density of development will also lessen the impact going forward. The recommended pre-start surveys will ensure that there will be no adverse effect on protected species. Subject to the recommended conditions the proposal accords with policy E3.

### **Access and Parking (T2 & T5)**

The phase 2 development will be served by a loop road that joins the existing road network serving phase 1. The road will be subject to a separate application for Roads Construction Consent (RCC). A temporary haul road is proposed which will provide access to construction traffic from the north. It is recommended that permission for this is granted for a period of 5 years only.

The Transportation Manager has no objection to the application subject to conditions to ensure adequate visibility at the access to the site and to individual plots and to control the formation of accesses. A further condition requiring the submission of a Construction Traffic Management Plan is also recommended to ensure that construction traffic is effectively managed throughout the construction phase of the development. The proposals will ensure safe entry and exit to the site in accordance with policy T2.

Parking will be provided within each plot. This will be assessed as part of further applications to ensure that the level of parking proposed is sufficient for the size of house proposed at that time. A condition is recommended to ensure that parking is provided in accordance with the Council's Parking Standards. The proposals comply with policy T5.

### **Drainage and Water Supply (EP5 & EP10)**

A Drainage Assessment (DA) has been provided which sets out the proposals for foul and surface water drainage.

Foul drainage will be directed in to new sewers which will connect to the system constructed as part of the phase 1 development. This included a new pumping station which pumps foul flows to the existing public sewer in Urquhart. Neither SEPA or Scottish Water has any objection. The proposal accords with policy EP10.

Surface water will be dealt with by means of surface water sewers, road drains, gullies, porous surfacing and two detention basins. The proposals are detailed in the DA and accompanying plans. The proposals will ensure that surface water from the development will be dealt with in a sustainable manner and will not increase the risk of flooding on site or elsewhere. Moray Flood Risk Management have no objection subject to additional details relating to proposed detention basins being provided. The recommended condition will ensure that the surface water management proposals are delivered. The proposal accords with policy EP5.

The development will be connected to the public water supply.

### **Design and Materials (H5)**

The current application is for serviced house plots and as such no details of individual houses are included. The details of the siting, design and materials will be assessed as part of further applications for each plot. A Design Code has been provided which identifies some of the key characteristics of the phase 1 development and some guiding principles for future development. This is considered to be advisory. All applications will be assessed against the policy prevailing at the time.

### **Affordable Housing (H8)**

Policy H8 requires 25% of all new housing units to be affordable housing. A total of 28 units are proposed on this site therefore a contribution of 7 units is required. The Housing Strategy and Policy Manager acknowledges that housing need varies across Moray and advises that there is less pressure on affordable in Urquhart than in other parts of the Elgin Housing Market. It has therefore been agreed that the affordable housing contribution can be made in the form of a commuted sum. It is recommended that this is dealt with by means of a legal agreement. This is considered to accord with policy H8.

### **Accessible Housing (H9)**

In line with policy H9 10% of the proposed private units must be built to wheelchair accessible standards. In this case no on-site affordable housing is proposed so 3 accessible units are required. Two of these must be single storey with no upper floor accommodation. It is recommended that a condition is attached which will secure the provision of accessible housing as the development progresses. The condition will ensure compliance with policy H9.

### **Development Obligations (IMP3)**

The development has been assessed for developer obligations in accordance with policy IMP3. A contribution towards healthcare facilities to reflect the increased demand associated with the development is sought. It is recommended that this is controlled through a legal agreement.



**Conclusion and Recommendation**

The proposal accords with policy. The impact on the natural environment has been fully assessed and appropriate mitigation is proposed. This proposal will safeguard an area of woodland where development was previously approved. It has been demonstrated that the development can be sited, designed and serviced in a manner that is in keeping with the surrounding development but without any unacceptable or significant adverse impact on the amenity of the surrounding area.

Overall the proposal is acceptable and accords with policy. It is recommended that the application is approved subject to conditions.

**REASON(S) FOR DECISION**

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

The proposal accords with the provisions of the local development plan and there are no material considerations that indicate otherwise.

**Author/Contact  
Officer:**

Lisa MacDonald  
Senior Planning Officer

**Ext:** 01343 563479

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



## **APPENDIX**

### **POLICY**

#### **Adopted Moray Local Development Plan 2015**

#### ***Moray Local Development Plan 2015 - Material Consideration***

##### **Primary Policy PP1: Sustainable Economic Growth**

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

##### **Primary Policy PP2: Climate Change**

In order to contribute to reducing greenhouse gas emissions, developments of 10 or more houses and buildings in excess of 500 sq m should address the following:

- Be in sustainable locations that make efficient use of land and infrastructure
- Optimise accessibility to active travel options and public transport
- Create quality open spaces, landscaped areas and green wedges that are well connected
- Utilise sustainable construction techniques and materials and encourage energy efficiency through the orientation and design of buildings
- Where practical, install low and zero carbon generating technologies
- Prevent further development that would be at risk of flooding or coastal erosion
- Where practical, meet heat and energy requirements through decentralised and local renewable or low carbon sources of heat and power
- Minimise disturbance to carbon rich soils and, in cases where it is agreed that trees can be felled, to incorporate compensatory tree planting.

Proposals must be supported by a Sustainability Statement that sets out how the above objectives have been addressed within the development. This policy is supported by supplementary guidance on climate change.

##### **Primary Policy PP3: Placemaking**

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

Developments should;

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

### **Policy H5: Development Within Rural Groupings**

This policy will apply to all groupings identified and contained in the Rural Groupings Supplementary Guidance.

New Housing within designated Rural Groupings will be acceptable in principle, provided standard technical and infrastructure requirements have been met (road access; drainage etc). The scale and design of proposals must fit the character of the area, and should not adversely impact on environmental amenity.

Potential sites have been identified in some locations. Areas of land which contribute to the environmental setting and character (eg trees; woodland; area of open space) have been identified as "amenity land", and proposals which adversely affect the amenity value of such sites, will not be approved.

During the currency of the Local Development Plan, the Council will carry out a full Review of these designations and produce Supplementary Planning Guidance that will consider matters such as revised boundaries; sites with development potential; removal of existing designations or the addition of new groupings. This will be subject of consultation, and on completion, will be adopted as a formal part of the Plan.

### **Policy E3: Protected Species**

Proposals which would have an adverse effect on a European protected species will not be approved unless;

- there is no satisfactory alternative; and
- the development is required to preserve public health or public safety, or for other reasons of overriding public interest, including those of a social or economic nature, and beneficial consequences of primary importance for the environment; and the development will not be detrimental to the maintenance of the population of species concerned at a favourable conservation status of the species concerned.

Proposals which would have an adverse effect on a nationally protected species of bird will not be approved unless;

- There is no other satisfactory solution
- The development is necessary to preserve public health or public safety
- The development will not be detrimental to the conservation status of the species concerned.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan to avoid, minimise or compensate for impacts. A licence from Scottish Natural Heritage may be required as well as planning permission. Where a protected species may be affected a species survey should be prepared to accompany the application to demonstrate how any offence under the relevant legislation will be avoided.

#### **Policy E4: Trees and Development**

The Council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as a whole, 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 protection should be replaced, unless otherwise agreed with the Council.

Woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced.

Development proposals will be required to meet the requirements set out in the Council's Trees and Development Supplementary Guidance. This includes carrying out a tree survey to identify trees on site and those to be protected. A safeguarding distance should be retained between mature trees and proposed developments.

When imposing planting or landscaping conditions, native species should be used and the Council will seek to promote green corridors.

Proposals affecting woodland will be considered against Policy ER2.

## **Policy EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)**

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

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 sq metres and above.

The Council's Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

## **Policy EP7: Control of Development in Flood Risk Areas**

New development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. 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 National Guidance and to the satisfaction of both the Scottish Environment Protection Agency and the Council is provided by the applicant. This assessment must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere. 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.

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 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 extreme 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 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
- Job related accommodation e.g. for caretakers or operational staff.

Areas within these risk categories will generally not be suitable:

- 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 flow), and
- An alternative, lower risk location is not available and
- 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 should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

### **Policy EP8: Pollution**

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

### **Policy EP9: Contaminated Land**

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

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

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

### **Policy EP10: Foul Drainage**

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been specifically allocated within its current Quality Standards Investment Programme and the following requirements apply:

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

All development within or close to settlements (as identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

### **Policy T2: Provision of Access**

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

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.



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

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

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

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

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

Significant travel generating proposals will only be supported where:

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

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

## **Policy T5: Parking Standards**

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

## **Policy IMP1: Developer Requirements**

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

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

## **Policy IMP3: Developer Obligations**

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact upon existing

infrastructure, community facilities or amenity, and such contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

The Council will prepare supplementary guidance to explain how the approach will be implemented in accordance with Circular 3/2012 on Planning Obligations. This will detail the necessary facilities and infrastructure and the scale of contributions likely to be required.

In terms of affordable housing, developments of 4 or more units will be expected to make a 25% contribution, as outlined in policy H8.

## **Maverston**

Maverston has an extant planning consent for 40 houses, two golf courses, and leisure facilities. A settlement boundary has been drawn around this consent. No further opportunities for development have been identified.

Proposals should be supported by a flood risk assessment (FRA) the outcomes of which may affect the developable area of the site.

Protected species are known to be present on site. The innovative use of greenspace could assist with surface water drainage and accommodating species issues as they arise.

**Character Description:** 3 Post War Community

### **Specific Character Features**

- **Group C** buildings dominant.

## **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 a sufficient information for the Council to carry out a Quality Audit including a topo survey, slope analysis, site sections, 3D visualisations, a Landscaping Plan, a Street Engineering Review and a Biodiversity Plan as these will not be covered by suspensive conditions on a planning consent. 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.
- For developments of 20 units and above, provide a number of character areas that have their own distinctive identity and are clearly distinguishable. Developments of less than 20 units will be considered to be one character area, unless they are part of a larger phase of development or masterplan area.
- 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.
- Landscaped areas must not be 'left-over' spaces that provide no function. 'Left-over' spaces 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 connect into wildlife corridors/ green 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 75% of car parking must be provided to the side or rear and behind the building line with a maximum of 25% 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
- Secured 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 standardized.
- Dead-end streets/cul-de-sacs will only be selectively permitted on rural edges or where topography dictates. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
- Roundabouts must be designed to create gateways and contribute to the character of the overall development.
- 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) Masterplans have been prepared for Findrassie (Elgin), Elgin South, Bilbohall (Elgin), and Dallas Dhu (Forres) and are Supplementary Guidance to the Plan. Further Masterplans will be prepared in partnership for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/ Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. A peer review organised by the Council will be undertaken at the draft and final stages in the masterplan's preparation. Following approval, the Masterplans 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 for employment land 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. "

## **DP2 HOUSING.**

**a)** Proposals for development on all designated and windfall housing sites must include a design statement and supporting information regarding the comprehensive layout and development of the whole site, addressing infrastructure, access for pedestrians, cyclists, public transport and service vehicles, landscaping, drainage, affordable and accessible housing and other matters identified by the planning authority, unless otherwise indicated in the site designation.

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

### **b) Piecemeal/ individual plot development proposals**

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

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

### **c) Housing density**

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

#### **d) Affordable Housing**

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

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

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

Further detail on the implementation of this policy is provided in the Policy Guidance note on page 44.

#### **e) Housing Mix and Tenure Integration**

Proposals for 4 or more housing units must provide a mix of house types, tenures and sizes to meet local needs as identified in the Housing Need and Demand Assessment and Local Housing Strategy.

Proposals must demonstrate tenure integration and meet the following criteria;

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

#### **f) Accessible Housing**

Housing proposals of 10 or more units will be required to provide 10% of the private sector units to wheelchair accessible standard, with all of the accessible units to be in single storey form. Flexibility may be applied on sites where topography would be particularly challenging for wheelchair users.

Further detail on the implementation of this policy is provided in the Policy Guidance note on page 44.

### **DP4 RURAL HOUSING**

a) A rural development hierarchy is identified, whereby new rural housing is directed to rural groupings that will accommodate the majority of rural housing development, followed by the re-use and replacement of traditional stone and slate buildings in the countryside and lastly to the open countryside.



Proposals must meet siting and design criteria to ensure development is low impact, integrates sensitively into the landscape, reflects the rural character of the area and is of a high design quality.

#### **b) Rural Groupings**

Identified rural groupings create a sustainable network of groupings across Moray, some have identified development opportunities, whilst others restrict development to safeguard the character and appearance of a particular grouping. All proposals for new houses in Rural Groupings must be of a traditional design or a contemporary interpretation incorporating traditional form, proportion and symmetry. Proposals must meet the design criteria of this Policy. Specific requirements for each grouping and accompanying mapping have been prepared (see volume 3). Proposals must also meet the terms of DP1 - Development Principles and other relevant policies.

#### **c) Re-use and Replacement**

The conversion of traditional stone and slate buildings in the countryside to houses will be acceptable if:

- The proposed conversion respects the character of the existing building.
- Any extensions are in keeping with the character and scale of the existing building and surrounding landscape.
- Material finishes are in keeping with the traditional building i.e. slate/corrugated roofing, natural stone/wet harl/ timber lined walls.
- Proposals for new build housing to enable conversion/rehabilitation will be supported provided they reflect traditional design and layout and are in keeping with the scale and proportion of the original building/s. A maximum threshold of 1 new house per converted unit will be applied.

Existing traditional stone and slate buildings must be retained and incorporated into proposals for conversion. Re-use and replacement of existing traditional stone and slate buildings in the countryside with houses will only be acceptable if evidence is provided to demonstrate the building is structurally unsound and incapable of being incorporated into proposals for conversion and proposals meet the criteria below.

Re-use and replacement of existing buildings in the countryside will only be acceptable if:

- There is clear physical evidence of a previous traditional building, equivalent of level 2 (see diagram on page 49), where the full extent of the building is clearly established; and
- The replacement house(s) must overlap the footprint of the original building, unless micro siting elsewhere within the site is sufficiently justified (i.e. flooding); and
- The redevelopment must be proportionate to the scale and visual impact of the original building/s and the form and positioning of the building/s must reflect the rural character. Suburban layouts will not be acceptable. Where site conditions dictate, 15% of the plot must be landscaped to assist the development to integrate sensitively; and
- The design and micro siting of the house(s) is compliant with the design and siting criteria for new houses in the countryside.

#### **d) New Houses in the Open Countryside**

- i) In the open countryside, a spatial strategy has been developed to direct new housing to the least sensitive locations by identifying pressurised and sensitive areas and areas of intermediate pressure.

Opportunities for housing in the open countryside are limited to single houses and proposals for more than one house will not be supported.

#### **ii) Pressurised and Sensitive Areas**

Due to the landscape and visual impacts associated with build-up and landscape and environmentally sensitive areas, no new housing will be permitted within the identified pressurised and sensitive areas.

#### **iii) Areas of Intermediate Pressure**

##### **a) Siting Criteria**

Proposals for single houses will be assessed against the following criteria;

1. There must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide 75% enclosure, containment and backdrop for the proposed new house. These features must be immediately adjoining the site (i.e. on the boundary). Fields drains, ditches, burns, post and wire fencing, roads and tracks do not provide adequate enclosure or containment.
2. The new house must not create ribbon development, contribute to an unacceptable build-up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location.
3. Artificial mounding, cut and fill and/or clear felling woodland to create plots will not be permitted.
4. 15% of the plot must be landscaped with native tree species (whips and feathered trees at least 1.5 metres in height, planted at a density of 1 per 4 sqm) to assist the development to integrate sensitively. Landscaping must be set back from the public road to ensure sightlines are safeguarded, a safe distance from buildings and positioned to maximise solar gain.

##### **b) Design Criteria**

The design criteria seek to promote traditional rural design and avoid insensitive suburban development that negatively impacts upon Moray's landscape. Contemporary, innovative design will be supported where it can be demonstrated that a building is of contemporary, innovative, high quality design, responds to its setting and uses appropriate high quality materials and sustainable construction techniques. Proposals of this nature must be supported by a design statement setting out how the building meets the identified requirements.

1. The maximum height of any new house must be 6.75m (measured from the corresponding ground level of the building).

2. The main form of the house must be of an appropriate scale and massing and composed from simple well-proportioned symmetrical elements. Excessive detailing involving gable features, balconies etc. that have a suburban appearance must be avoided.
3. Artificial decorative stone must not be used and no more than two primary external wall finishes (such as timber cladding and wet dash harl) must be used.
4. Houses must have a pitched roof of 35° to 50° and meet the requirements of the gable/pitch formula. All roofing shall be finished in natural slate or an alternative profiled cladding. Concrete tiles will not be permitted.
5. Windows with a horizontal emphasis must be avoided, with the exception of the very limited use of long narrow rectangular windows to frame views.
6. Boundary treatments must be post and wire fencing, low natural stone walls or native hedgerow. Boundary enclosures such as decorative blockwork and panel style timber fencing will not be permitted.
7. Access arrangements must be sympathetic to the rural setting by avoiding over engineered solutions and where possible following field boundaries.
8. To protect rural character, permitted development rights may be removed to ensure appropriate boundaries are safeguarded and to limit the curtilage associated with the house.

All rural housing proposals must make provision for communal waste collection set out in DP1 - Development Principles.

## **EP2 BIODIVERSITY**

All development proposals must retain, protect and enhance features of biological interest and provide for their appropriate management. Developments must safeguard and connect into wildlife corridors, 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 m<sup>2</sup> 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 which incorporates a Biodiversity Plan, that they have included habitat creation in the design of the development. This 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 results in the loss of natural habitats of ecological and amenity value, compensatory habitat creation will be required on an alternative site in Moray.

## **EP5 OPEN SPACE.**

### **a) Existing Open Space (ENV's and Amenity Land).**

Development which would result in a change of use of a site identified under the ENV designation in settlement statements or amenity land designation in rural groupings to anything other than an open space use will be refused.

Proposals that would result in a change of use of an ENV4 Sports Area to any other use (including other ENV categories) will be refused. The only exceptions are where the proposal is for essential community infrastructure required to deliver the key objectives of the Council and its Community Planning Partners, excluding housing, or for a site specific opportunity identified within the settlement statement. Where one of these exceptions applies, proposals must;

- Be sited and designed to minimise adverse impacts on the principal function of the space and the key qualities and features identified in the Moray Open Space Strategy Supplementary Guidance; and
- Demonstrate that there is a clear excess of the type of ENV and the loss of the open space will not negatively impact upon the quality, accessibility and quantity of open space provision and does not fragment green networks (with reference to the Moray Open Space Strategy Supplementary Guidance, green network mapping and for ENV4 Sports Area in consultation with SportScotland) or replacement open space provision of equivalent function, quality and accessibility is made.

Proposals for allotments or community growing on existing open space will be supported where they do not adversely affect the primary function of the space or the key qualities and features identified in the Moray Open Space Strategy Supplementary Guidance and a locational requirement has been identified in the Council's Food Growing Strategy. Consideration will include related aspects such as access, layout, design and car parking requirements.

Any new/proposed extension to existing cemetery sites requiring an intrusive ground investigation must be undertaken in accordance with SEPA's guidance on assessing the impacts of cemeteries on groundwater before any development occurs at the site.

Areas identified in Settlement Statements as ENV are categorised based on their primary function as set out below. These are defined in the Open Space Strategy Supplementary Guidance.

- ENV 1** Public Parks and Gardens
- ENV 2** Amenity Greenspace
- ENV 3** Playspace for children and teenagers
- ENV 4** Sports Areas
- ENV 5** Green Corridors
- ENV 6** Natural/Semi-Natural Greenspace
- ENV 7** Civic Space
- ENV 8** Allotments
- ENV 9** Cemeteries and proposed extensions

**b) Green Infrastructure and Open Space in New Development.**

New development must incorporate accessible multifunctional open space of appropriate quantity and quality to meet the needs of development and must provide green infrastructure to connect to wider green/blue networks. In Elgin, Buckie and Forres green infrastructure must be provided as required in the green network mapping. Blue drainage infrastructure will require to be incorporated within green open space. The blue-green context of the site will require to be considered from the very outset of the design phase to reduce fragmentation and maximize the multi-benefits arising from this infrastructure.

Open space provision in new developments must meet the accessibility, quality and quantity standards set out below and meet the requirements of policy PP1 Placemaking, EP2 Biodiversity, other relevant policies and any site specific requirements within the Settlement Statements. Developers must demonstrate through a Placemaking Statement that they have considered these standards in the design of the open space, this must include submission of a wider analysis plan that details existing open space outwith the site, key community facilities in the area and wider path networks.

**i) Accessibility Standard.**

Everyone will live within a five minute walk of a publicly usable space of at least 0.2ha.

**ii) Quality Standard.**

Across a development open space must achieve a very good quality score of 75%. Quality will be assessed by planning officers against the five criteria below using the bullet point prompts. Each criterion will be scored on a scale of 0 (poor) to 5 (very good) with an overall score for the whole development expressed as a percentage.

**Accessible and well connected.**

- Allows movement in and between places, consideration to be given to reflecting desire lines, permeable boundaries, and multiple access points.
- Accessible entrances in the right places.
- Accessible for all generations and mobility's, including consideration of gradient and path surfaces.
- Provide appropriately surfaced, inclusive, high quality paths.
- Connects with paths, active travel routes and other transport modes including bus routes.
- Offers connecting path network with legible waymarking and signage.

**Attractive and Appealing Places.**

- Attractive with positive image created through character and quality elements.
- Attractive setting for urban areas.
- Quality materials, equipment and furniture.
- Attractive plants and landscape elements that support character, including providing seasonal and sensory variation and food production.
- Welcoming boundaries and entrance areas.
- Adequate bin provision.
- Long term maintenance measures in place.

**Biodiverse supporting ecological networks (see Policy EP2 Biodiversity).**

- Contribute positively to biodiversity through the creation of new natural habitats for ecological and amenity value.
- Large enough to sustain wildlife populations, including green/blue networks and landscaping.
- Offers a diversity of habitats.
- Landscaping and open space form part of wider landscape structure and setting.
- Connects with wider blue/green networks Provide connections to existing green/blue networks and avoids fragmentation of existing habitats.
- Ensure a balance between areas managed positively for biodiversity and areas managed primarily for other activities e.g. play, sport.
- Resource efficient, including ensuring open space has a clear function and is not "left over".

**Promotes activity, health and well being.**

- Provides multifunctional open space for a range of outdoor physical activities reflecting user needs and location.
- Provides diverse play, sport, and recreational facilities for a range of ages and user groups.
- Providing places for social interaction, including supporting furniture to provide seating and resting opportunities.
- Appropriate high quality facilities meeting needs and reflecting the site location and site.
- Carefully sited facilities for a range of ages with consideration to be given to existing facilities, overlooking, and ease of access for users.
- Open space is flexible to accommodate changing needs.

**Safe, Welcoming and contributing to Character and Identity.**

- Safe and welcoming.
- Good levels of natural surveillance.
- Discourage anti-social behavior.
- Appropriate lighting levels.
- Sense of local identity and place.
- Good routes to wider community facilities e.g connecting to schools, shops, or transport nodes.
- Distinctive and memorable places that support local culture and identity.
- Catering for a range of functions and activities providing a multi-functional space meeting needs.
- Community involvement in management.

**iii) Quantity Standard.**

Unless otherwise stated in site designations, the following quantity standards will apply.

- Residential sites less than 10 units - landscaping to be determined under the terms of Policy DP1 Development Principles to integrate the new development.
- Residential sites 10-50 units and new industrial sites- minimum 15% open space.
- Residential sites 51-200 units- minimum 20% open space.
- Residential sites 201 units and above and Business Parks- minimum 30% open space which must include allotments, formal parks and playspaces within residential sites.

In meeting the quantity requirements, only spaces which have a clear multi benefit function will be counted. Structure and boundary landscaping areas must make provision for public access and link into adjacent green corridors. The quantity standard must be met within the designation boundaries. For windfall sites the quantity standard must be new open space provision within the application boundaries.

Open Spaces approved in new developments will be classed as ENV spaces upon granting of consent.

Proposals must also comply with the Council's Open Space Strategy Supplementary Guidance.

## **EP7 FORESTRY, WOODLANDS AND TREES.**

### **a) Forestry.**

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 all other relevant Local Development Plan policies. The Council will consult Forestry Commission Scotland on proposals which are considered to adversely affect commercial forests.

### **b) Woodlands.**

In support of the Scottish Government's Control of Woodland Removal Policy, development which involves permanent woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits 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 woodland is 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 within Moray.

Woodlands identified in the Ancient Woodland Inventory are important not just for the trees, but for the soil structure, flora and fauna that rely on such woodlands. Ancient woodland ecosystems have been created over hundreds of years and are irreplaceable. Woodland removal within native woodlands identified as a feature of sites protected under Policy EP1 or woodland identified in the Ancient Woodland Inventory will not be supported.

### **c) Trees and Tree Preservation Orders.**

Development proposals must to retain existing healthy, mature trees and incorporate them within the proposal. Where mature trees exist on or bordering a development site, a tree survey and tree protection and mitigation plan must be provided with planning applications if the trees (or their roots) have the potential to be affected by development and construction activity. Proposals must identify a safeguarding distance to ensure

construction works, including access and drainage arrangements, will not damage or interfere with the root systems in the short or longer term.

The Council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as a 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.

### **EP13 FOUL DRAINAGE**

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population must connect to the public sewerage system unless connection is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been allocated within its investment Programme and the following requirements have been met;

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

All development within or close to settlements (as above) of less than 2,000 population will require to connect to public sewerage except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add a risk of detrimental effects, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area.

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

### **EP14 POLLUTION, CONTAMINATION & HAZARDS.**

#### **a) Pollution.**

Development Proposals which may cause significant air, water, soil, light or noise pollution or exacerbate existing issues must be accompanied by a detailed assessment report on the levels, character and transmission of the potential pollution with measures to mitigate impacts. Where significant or unacceptable impacts cannot be mitigated, proposals will be refused.



**b) Contamination.**

Development proposals on potentially contaminated land will be approved where they comply with other relevant policies and;

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

**c) Hazardous sites.**

Development proposals must avoid and not impact upon hazardous sites or result in public safety concerns due to proximity or use in the vicinity of hazardous sites.



WARD 08\_17

**18/01142/APP**  
**6th September 2018**

**Residential development (316 units) and associated  
 infrastructure at R3 Ferrylea And Long 3 Forres Moray  
 for Springfield Properties PLC**

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**Comments:**

- A SITE VISIT has been carried out.
- Initial publicity advertised the application for neighbour notification purposes and as a departure from the development plan. Following amendments, the application as currently proposed is not considered to be a departure from the development plan.
- The application has been referred to the Planning and Regulatory Services Committee because: it is a major development as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 (over 50 residential units); and the application is on a housing site designated for 50 or more dwellings within the Development Plan.
- 6 letters of representation received from 4 parties.

**Procedure:**

- Request that Members delegate decision making on application 19/01184/APP for the installation of a SuDS basin at R3 Ferrylea, Forres to the Appointed Officer after the expiry of the neighbour notification period, as Moray Flood Risk Management have been consulted and have raised no objection to the application.
- Legal agreement required prior to issue of any consent in order to incorporate developer obligations towards Primary Education (extension at Applegrove Primary), Secondary Education (extension at Forres Academy), Transport (public transport provision and Orchard Road/Thornhill Road junction improvement), Healthcare (extension at Forres Health Centre; two additional dental chairs; and reconfiguration of existing pharmacy outlets), and Sports and Recreation (3G pitch in Forres).

**Recommendation: Grant Planning Permission - subject to the Following:**

**Conditions/Reasons**

1. Prior to the commencement of any development within Phase 3 of the development hereby approved, details of a scheme for a provision of a SuDS pond for this phase (including detailed maintenance schedule) shall be submitted to and approved by the Council, as Planning Authority in consultation with the

Flood Risk Management Section. Thereafter, these SuDS arrangements shall be provided and operational in accordance with the approved details prior to occupation of any dwelling within Phase 3.

**Reason:** In order to ensure the development is served by a suitable surface water drainage scheme.

2. Prior to the commencement of development details of the affordable housing specification shall be submitted to and approved by the Council, as Planning Authority in consultation with the Head of Housing and Property Service regarding the detailed arrangements for the long-term delivery and provision of the affordable housing accommodation on the site, which shall include evidence to confirm the identity of the organisation (or other similar agency) responsible for the provision and management of all affordable housing provided on the site.

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

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

3. As part of the development hereby approved, the accessible housing units shall be provided in line with the detail in accordance with the Moray Council's Accessible Housing Supplementary Planning Guidance. Prior to any development commencing, a compliance statement, along with detailed floor plans at a suitable scale, which demonstrate compliance with the Supplementary Guidance, shall be submitted to and approved in writing by the Council, as Planning Authority.

Thereafter, the accommodation as identified shall, at all times, remain as accessible housing and remain capable for adaptation for accessible housing needs unless otherwise agreed with the Council, as Planning Authority.

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

4. All construction work shall be carried out in accordance with the mitigation measures as identified in the Construction Environment Management Plan hereby approved.

**Reason:** In order to ensure all mitigation works identified within the Construction Environment Management Plan are undertaken.

5. The development shall be undertaken in accordance with the mitigation measures in relation to breeding birds as identified in Table 3 of "Forres Development: Ecological walkover survey, September 2019" by Highland Ecology and Development hereby approved.

**Reason:** In order to ensure the development does not have an adverse impact on any breeding birds present on site.

6. Notwithstanding the submitted information, no development shall commence until detailed schemes (including timing of provision) for the following information have been submitted to and approved in writing with the Council, as Planning Authority (in consultation with the Transportation Manager and Scottish Gas Networks where necessary):
- The surfacing of roads in the development that takes consideration of the character areas as shown in the approved Design and Access Statement
  - Landscaping within the site that accords with the character areas as shown in the approved Design and Access Statement and differentiates the heavy standard and multi-stemmed/feathered trees and corresponds on the landscaping scheme. The scheme shall also incorporate the grey area shaded for a separate application.
  - Provision of a kickabout football pitch within the strip of land identified as the gas pipeline offset, with a setback of at least 6.1 metres from the gas pipeline.
  - Provision of informal paths through the gas pipeline offset that bisect the pipeline.

Thereafter, the development shall be completed and provided for use in line with the approved details.

**Reason:** In the interests of the character of the development, and in safeguarding the interests of the gas network operator.

7. As part of condition 6 above, the kickabout pitch together with 50% of the landscaping in the eastern half of the gas offset area shall be provided on occupation of all affordable units identified in Phase 1A.

**Reason:** In order to ensure timeous delivery of amenities.

8. Prior to any development commencing within Phase 1B, a scheme for the proposed play area and public art (comprising a sculpture or statue, relocated outwith the Swale 4 approved as part of this development), shall be submitted to and approved by the Council, as Planning Authority. Thereafter, the play area shall be provided in accordance with the approved scheme for use by the public by no later than the occupation of the 45<sup>th</sup> residential unit hereby approved in Phase 1B.

**Reason:** In the absence of a detailed scheme for the provision of play equipment, and in order to ensure the play area proposed is suitable and provided timeously.

9. The landscaping identified within the approved landscaping scheme required under condition 6 shall be provided within the first planting season following completion of each phase (phasing as identified in drawing number FO(-)\_PL\_09 Rev E hereby approved).

**Reason:** In order to ensure the landscaping is provided timeously, in the interests of the amenity of the area.

10. In relation to the approved landscape scheme, any trees, shrubs and hedge plantings which within a period of 5 years from planting die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and spacing unless the Council, as Planning Authority gives written consent to any variation of this condition and during and after the specified period all landscaping details shall be maintained in accordance with the submitted schedule of maintenance (FO(--)\_PL-10).

**Reason:** In order to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development of the amenity, appearance, character and quality of the development and the surrounding area.

11. No development shall commence until a scheme for the provision of a communal bin storage area for flatted properties in the development has been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, no flats shall be brought into use unless they are served by the bin storage facilities as approved under this condition for their respective block.

**Reason:** In order to ensure the flatted properties are served by suitable recycling and refuse facilities.

12. No development shall commence until a scheme that details the timing for provision of footpaths/cyclepaths within the development and connecting to areas adjacent to the site hereby approved has been submitted to and approved in writing with the Council, as Planning Authority in consultation with the Roads Authority. Thereafter, the paths shall be provided and completed for use in accordance with the scheme, unless otherwise agreed in writing.

**Reason:** In order to ensure timeous delivery of paths, in the interests of sustainable travel.

13. Notwithstanding the approved details, no development shall commence unless revised plans have been submitted to and approved in writing by the Council, as Planning Authority which show the redistribution of 3 bungalows from phase 4 within other earlier phases. Thereafter the development shall be completed in accordance with those details, unless otherwise agreed in writing.

**Reason:** In order to ensure accessible bungalows are appropriately located within the development and delivered in a timeous proportionate manner across the site.

14. Prior to commencement of any part of the development served by the northern vehicular access, the following shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority:
  - a) A plan showing a visibility splay of 4.5m x 70m in both directions at the northern access to the development, with no obstructions over 0.26m in height measured from the level of the road and all boundary

walls/fences/hedges set back to a position behind the required visibility splay together with a schedule of maintenance for the splay area.

Thereafter the visibility splay shall be provided in accordance with the approved details prior to the commencement of any development served by the access.

**Reason:** To ensure acceptable visibility splays are provided and maintained at the access to the development in the interests of road safety and the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

15. Prior to commencement of any part of the development served by the southern vehicular access at West Park Croft the following shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority:
- a) a plan (scale 1:1000) showing Mannachie Road widened to a continuous minimum width of 5.5m with resurfacing over the full width of the carriageway, roads drainage, street lighting and a 3 metre wide cyclepath on the west side from the existing Falconer Avenue junction, south to the end of the site frontage at West Park Croft;
  - b) a plan showing a visibility splay of 4.5m x 90m in both directions at the West Park Croft access to the development, with no obstructions over 0.26m in height measured from the level of the road and all boundary walls/fences/hedges set back to a position behind the required visibility splay together with a schedule of maintenance for the splay area; and
  - c) evidence to demonstrate that a speed survey and a review of the speed limits along the frontage of the development onto C14E Mannachie-Rafford Road has been carried out in agreement with the Moray Council (Traffic) and the statutory process to promote and implement any new speed limit has been completed by Moray Council.

and thereafter;

- a) the road improvements shall be provided in accordance with the approved details prior to the commencement of any development served by the southern access at West Park Croft;
- b) the visibility splay shall be provided prior to the commencement of any part of the development served by the access and maintained for the lifetime of the access use; and
- c) Prior to the occupation of any houses accessed from the southern access at West Park Croft, any changes required to the speed limit as a result of the statutory process must be implemented.

**Reason:** To ensure an acceptable development in terms of visibility splays, road safety and non-vehicular accessibility, through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

16. Notwithstanding the details on drawings 'Road Layout' (FO(--)-ENG-501 Rev D) and 'Landscaping Layout' (FO\_PL\_03\_Rev H), prior to commencement of any part of the development the following details shall be submitted to and approved in

writing by the Council, as Planning Authority in consultation with the Roads Authority:

- a) a plan (scale 1:500) showing provision of a direct 2 metre wide footpath which connects the private driveways serving plots 263 and 264; and
- b) a plan (scale 1:500) showing provision of a direct 2 metre wide footpath which connects the private driveway serving plot 177 to the footway serving plot 176.

Thereafter the works shall be implemented in accordance with the approved details prior to the completion of the associated plots.

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

17. Notwithstanding the details submitted on Drawing Number FO(--) ENG 100 Rev C, prior to commencement of any part of the development, the following details shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority:
- a) Provision of a continuous 2 metre wide verge or footway around the turning head to the west of Plot 37.

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

**Reason:** To ensure an acceptable form of development and the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

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

**Reason:** To ensure the management and maintenance of effective roads drainage infrastructure proposed for the site.

19. The swales as shown on the approved plans shall remain as such in perpetuity and no development within the site shall be undertaken upon them or obstruct their operation.

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

20. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the



Roads Authority regarding the formation of any proposed/required construction access (which includes any temporary access) to the development from any public road. The required details shall include:

- a) a drawing (scale 1:500 minimum) regarding the location and design specifications of the proposed access;
- b) all traffic management measures required to ensure safe operation of the construction access; and
- c) details including materials and timescales for the formation and subsequent re-instatement of the land once any temporary construction access is no longer required.

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

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

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

- duration of works;
- construction programme;
- number of vehicle movements (i.e. materials, plant, staff, components);
- anticipated schedule for delivery of materials and plant;
- details of any temporary construction access;
- measures to be put in place to prevent material being deposited on the public road;
- measures to be put in place to safeguard the movements of pedestrians;
- traffic management measures to be put in place during works, and;
- parking provision, loading and unloading areas for construction traffic.

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

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

22. No houses shall be occupied within the development until the main road link from Grantown Road to Mannachie Road via Falconer Avenue has been completed and made available for use by all traffic.

**Reason:** To ensure the provision of infrastructure is provided to enable access for public transport.

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

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

24. Parking provision shall be provided and made available for use at all times at the following level(s) of provision:

Private housing:

- up to 3 bedrooms - 2 spaces; and
- 4 or more bedrooms - 3 spaces.

Private Flats:

- up to 2 bedrooms - 1.5 spaces per flat.

Affordable housing:

- up to 2 bedrooms - 1 space; and
- 3 or more bedrooms - 2 spaces.

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

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

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

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

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

**Reason(s) for Decision**

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

The proposal represents an acceptable departure from policy H2 of the Moray Local Development Plan 2015 on the basis that the proposal comprises a comprehensive layout for site LONG3 Forres alongside development on the remaining balance of R3 Forres. In all other respects, the proposal accords with the provisions of the Moray Local Development Plan 2015 (and whilst limited weighting is given to it, the provisions of the Proposed Moray Local Development Plan 2020), and there are no material considerations that indicate otherwise.

**List of Informatives:**

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

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

The following good practice should be adopted on site during construction works:

- chemicals and fuel should be securely stored;
- trenches must be covered at the end of each working day or include a means of escape for any wildlife falling in; and
- any temporarily exposed open pipe system should be capped in such a way as to prevent wildlife gaining access, as may happen when contractors are off-site.

This development is subject to a Unilateral Obligation in regard to arrangements for payment of developer obligations to address the impact of the development upon education, transportation, healthcare, and sports and recreation with the proposed contribution to be payable in instalments.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

For the avoidance of doubt, no new vehicular accesses or widening of accesses will be permitted on plot frontages where roadside swales are present.

Before commencing development, the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations, and provide a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations. Advice on this matter can be

obtained from the Moray Council web site or by emailing [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)

Construction Consent shall include a CCTV survey of all existing roads drainage to be adopted and core samples to determine the construction depths and materials of the existing road. The level of Road Safety Audit required for the modifications to the existing public road will be determined through the Roads Construction Consent process or subsequent to the road construction prior to any road adoption.

Planning consent does not carry with it the right to carry out works within the public road boundary and the applicant is obliged to contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

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.

A Road Safety Audit will be required as part of the Roads Construction Consent for the proposed new accesses onto Mannachie Road and the widening of Mannachie Road. The audit must be carried out in accordance with the requirements set out in the Design Manual for Roads and Bridges HD19/15.

Any new speed limit orders or changes to existing orders shall be introduced by The Moray Council with all costs met by the developer.

Requirement for any traffic calming, road construction materials and specifications and any SuDS related to the drainage of the public road must be submitted and approved through the formal Roads Construction Consent process.

For garage parking to be included within the parking provision the applicant must demonstrate the garage car parking spaces have minimum clear internal dimensions not less than 3 metres by 7 metres.

If street furniture will need to be repositioned, this shall be at the expense of the developer. Advice on these matters can be obtained by e-mailing [road.maint@moray.gov.uk](mailto:road.maint@moray.gov.uk)

Private Roads - A responsible party, constituting the Road Manager, must be nominated for a private road and this information included within the National Gazetteer through the Scottish Road Works Register (SRWR).

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

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

The applicant shall ensure that their operations do not adversely affect any Public

Utilities, which should be contacted prior to commencement of operations.

The applicants 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.

Grit bins must be provided such that no occupied house is more than 50m from its nearest grit bin, and grit bins are provided within 25m of road junctions.

Street lighting will be required as part of the development proposal. The developer must contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin - Tel (01343) 557300, Ext 7343 to discuss the proposals.

In relation to the widening of Mannachie Road and the provision of a new cyclepath and roads drainage, the developer must contact the Roads Authority Roads Maintenance Manager at Ashgrove Depot, Elgin - Tel (01343) 557300, to discuss the proposals.

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from this construction site. See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
932TE(AS)901	Dallachy type semi-detached house - elevations and floor plans
950SD(AS)901 D	Ardmore type flat - elevations and floor plans
DAL/KB/PL/01	Dallas type detached house - elevations and floor plans
DUN/KB/PL/01	Dunkeld type detached house - elevations and floor plans
FO(--)_LP_01 A	Location plan
MC/2013/A/01	A type affordable flat - elevations and floor plans
MC/2014/D/01	D type affordable semi-detached house - elevations and floor plans
MC/2017/F/01	F type affordable semi-detached house - elevations and floor plans
MC/2018/CS/01	CS type affordable semi-detached house - elevations and floor plans
MC/2018/Y/01	Y type affordable semi-detached house - elevations and floor plans
R3_SL_PL_12	Landscape management details
SR-901	Client option sun lounge details
FO(--)_PL11	Character areas
FO(--)-ENG-611	INFILTRATION AREAS
FO(--)-ENG-614	BASIN AREAS
FO(--)-ENG-650	DRAINAGE CROSS SECTIONS
FO(--)-ENG-250	SOAKAWAY TEST LOCATIONS
FO(--)-PL_07 E	PARKING LAYOUT
FO(--)-ENG-601 B	DRAINAGE LAYOUT
FO(--)-ENG-111 C	PLANNING SECTIONS
FO(--)-ENG-652	CROSS SECTIONS AND DETAILS

FO-ENG-112 C	SECTIONS LOCATION PLAN
FO(--)_PL_05 E	ACCESSIBLE HOUSING
FO-ENG-100 C	FFLS AND RETAINING WALLS
FO_PL_04 E	ROADS HIERARCHY
FO_PL_08 E	HSE GAS OFFSET
FO_PL_09 E	PHASING PLAN
FO_PL_01 F	HOUSE TYPE ALLOCATION
FO_PL_06 D	MATERIAL CONDITIONS
FO(--)_SL_01 E	SITE LAYOUT
MC/2018/C/AS/01	C type affordable detached house - elevations and floor plans
MC/2018/K/AS/01	K type affordable detached house AS - elevations and floor plans
MC/2018/K/OPP/01	K type affordable detached house OPP- elevations and floor plans
MC/2018/C/AS/01	C Type detached AS - elevations and floor plans
MC/2018/K/AS/01	K type detached AS - elevations and floor plans
MC/2018/K/OPP/01	K type detached OPP - elevations and floor plans
	Landscape planting scheme
1060BW(AS)901	Croy type detached house - elevations and floor plans
1090BW(AS)901	Cullen type detached house - elevations and floor plans
1104DT(AS)901 B	Lauder type detached house - elevations and floor plans
1237DT(-- )901 A	Nairn type detached house - elevations and floor plans
1237DT(-- )901 C	Nairn type semi-detached house - elevations and floor plans
1287DT(AS)901 C	Balerno type detached house - elevations and floor plans
133DT(00)901 F	Braemar type detached house - elevations and floor plans



1432DT(AS)901	D	Crail type detached house - elevations and floor plans
1653DT-R(AS)901	A	Kintore type detached house - elevations and floor plans
1932CT(AS)901	E	Culbin type detached house - elevations and floor plans
2053-01-01		Topographical survey
652/757CF(-- )901	F	Aulderm type flat - elevations and floor plans
1212DT(AS)901	C	Roslin - elevations and floor plans
1224DT(AS)901	F	Arden house type - elevations and floor plans
1410DT(AS)901	D	Crammond - elevations and floor plans
FO(--)-ENG-112	A	Site section location
1073SD(-- )901 J		Cupar - elevations and floor plans
2016 BB_901		BB- elevations and floor plans
2018 HH_901		HH - elevations and floor plans
FO(--)-ENF-651		Drainage cross sections
FO(--)-ENG-101	B	FFLS and retaining walls
FO(--)-ENG-110	D	Planning sections
FO(--)-ENG-210	F	Swept path 210
FO(--)-ENG-211	F	Swept path 211
FO(--)-ENG-251	A	Soakaway test locations 251
FO(--)-ENG-500	D	Road layout
FO(--)-ENG-501	D	Road layout
FO(--)-ENG-600	A	Drainage layout
FO(--)-ENG-611		Drainage areas

Information to accompany decision  
Scottish Water consultation – 25 Sep 2018

SEPA consultation – 17 Sep 2019  
Scottish Gas Networks correspondence – 24 Sep 2019

Drainage Assessment and Calculations  
Site Investigations  
Design and Access Statement  
Habitats Walkover Survey





## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**  
**18/01142/APP**

**Site Address:**  
R3 Ferrylea And Long 3  
Forres

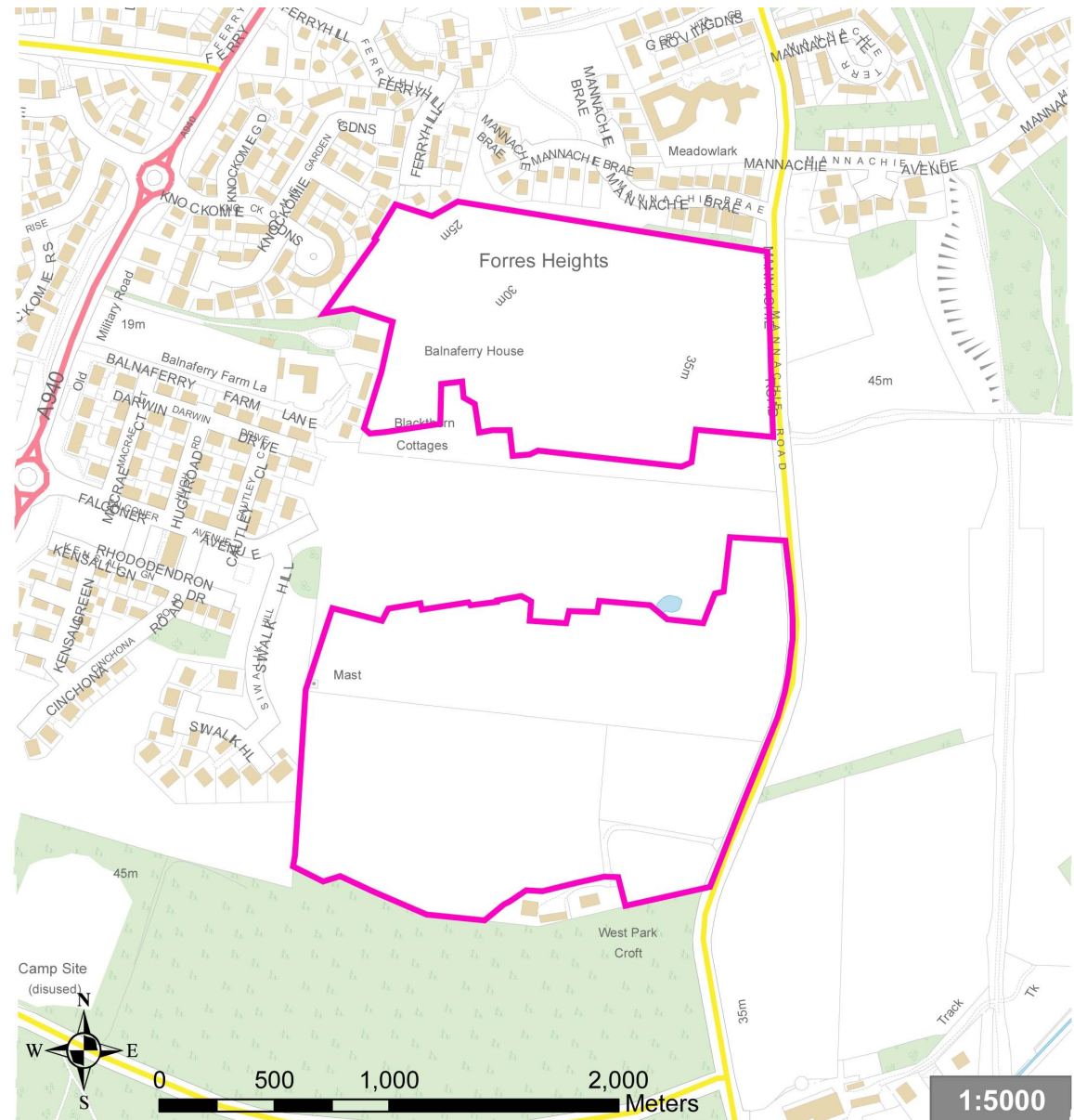
**Applicant Name:**  
Springfield Properties PLC

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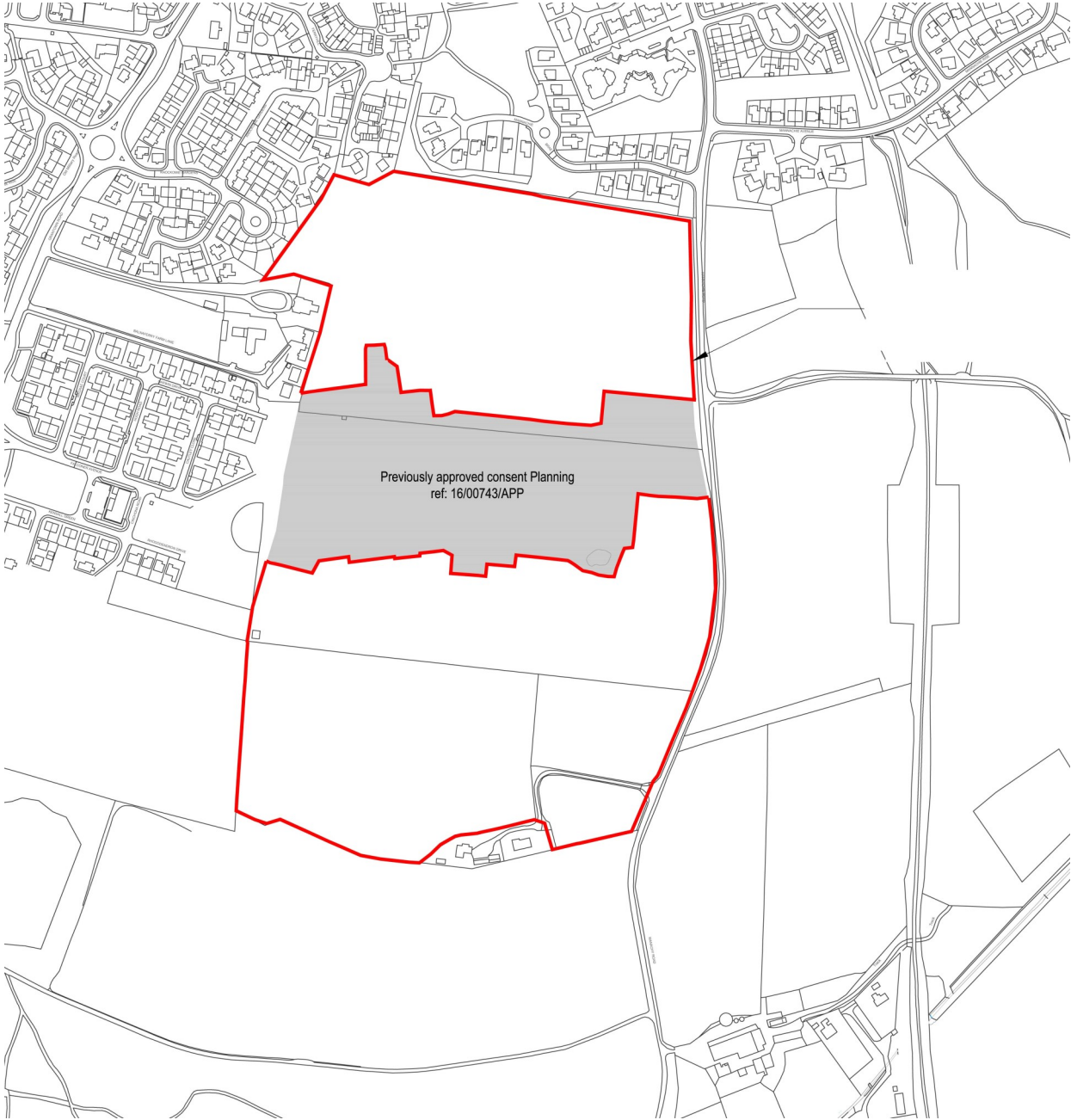
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## Location Plan



**Site Location**





## Site plan























## PLANNING APPLICATION: 18/01142/APP

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

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### **THE PROPOSAL**

- Erection of 316 residential units over the remaining balance of site R3 – Ferrylea and the entirety of LONG3 (as designated in the Moray Local Development Plan 2015 in the Forres Settlement Statement), along with associated infrastructure and open space.
- 237 units would be private (i.e. for sale on the open market) with the remaining 79 developed as affordable housing.
- Of the 237 private units – 83 would be two storey detached; 64 two storey semi-detached; 18 detached bungalows; and 72 flats (18 no. two storey blocks of 4).
- The 79 affordable units would be 36 flats (9 no. two storey blocks of 4), 26 two storey semi-detached, 3 two storey detached and 16 bungalows.
- The development would be delivered over the following phasing arrangement:
  - Phase 1a – 90 units (estimated delivery 2019-2024)
  - Phase 1b – 67 units (estimated delivery 2019-2024)
  - Phase 2 – 68 units (estimated delivery 2024-2026)
  - Phase 3 – 80 units (estimated delivery 2026-2029)
  - Phase 4 – 11 units (estimated delivery 2029-2030)
- All units will be finished in a general pallet of render and cladding to the external walls and flat profiled roof tiles, with different finishes within specified “character areas”, with landscaping and planting to complement the material finishes of the buildings.
- Houses would be served by individual driveways (some private houses will have integral garages), whilst parking for flats would be catered by communal parking in courtyard arrangements.
- The site would be accessed via linkages to existing roads/those currently under construction in the consented areas of R3. A new access would be created to the north east of the site, on to Mannachie Road. To the south east of the site, the current access to Park Croft would be upgraded and a new access put in place to access the new dwellings created off this road (11 houses plus two existing properties). Associated earthworks to accommodate the development are also proposed across the site.
- A variety of pedestrian linkages within the site, as well as to adjacent residential areas and Mannachie Road would also be created.
- Surface water within the site would at first be attenuated via swales, with subsequent run-off being discharged to SuDS infiltration ponds within the wider R3 scheme.
- Foul drainage would discharge to the public sewerage network.
- Open space would be created within the site – an open meadow in the southern section of the site, a play area within the northern portion of the site, as well as an area of open space in the western side of the site.
- The following supporting information has been submitted with the application:

- Pre-application Consultation Report
- Design and Access Statement
- Transport Assessment
- Drainage Impact Assessment
- Supporting Statement – Release of LONG3
- Site Investigation – Contaminated Land
- Walkover and Photographic Habitat Survey
- Archaeological Survey
- Construction Environment Management Plan
- Planning Statement, Design and Access and Sustainability Checklist

## **THE SITE**

- Approximately 16.76 ha area of agricultural land to the south of Forres.
- The site is split in two – the northern section fills an area to the west of Mannachie Road, with Forres Heights to the north, Knockomie Gardens and Ferrylea to the East, and phase 2 of R3 (currently under construction) to the south.
- The southern section lies to the south of phase 2 of R3, with phase 1 of R3 (Knockomie Braes) to the west, woodland and two dwellings to the south and Mannachie Road to the east.
- Both portions of the site undulate, whilst the site rises to the south towards the woodland bounding the site. A large mound is located in the south eastern corner of the site.
- Existing access in the southern portion of the site would be utilised, whilst a variety of residential roads (built or under construction) within the neighbouring sites will be continued into this proposal.
- A high pressure gas main (Aberdeen to Cannon Bridge) bisects the southern portion of the site, running east-west.
- The majority of the site lies within part of R3 Forres and LONG3 Forres (as defined in the adopted Moray Local Development Plan 2015).
- The site forms part of site R2 Forres in the Proposed Moray Local Development Plan 2020.

## **HISTORY**

### **For this Proposal (Phase 3):**

**17/00970/PAN** – Proposal of Application Notice (PAN) for residential development and associated infrastructure incorporating the balance of Forres R3 Ferrylea and Forres LONG 3.

This PAN was presented to the Planning and Regulatory Services Committee on 15 August 2017. Feedback was given by the Committee on matters that should be taken into account:

- topography of the site;
- unbroken high density development south of Forres changing character of town;
- little demand for housing on present site, and need for further development;
- design of current development unappealing, unimaginative and very dense;
- people living south of High Street are deprived of access to countryside; and

- residents have to commute into Elgin and Aberdeen for employment, resulting in Forres resembling a commuter town with abandoned housing estates during the day.

**19/00615/APP** – Proposed student accommodation development (42 bed spaces) recommended for approval alongside this application.

**19/01184/APP** – Installation of SuDS basin adjacent to this site pending consideration.

#### **For Phase 2:**

**16/00743/APP** – 120 residential units with associated infrastructure granted planning permission on 28 April 2017 following decision of Planning and Regulatory Services Committee meeting of 6 December 2016 to grant consent subject to conditions and legal agreement.

**15/01861/PAN** – PAN for residential development on part of R3 Ferrylea, Forres.

This PAN was reported to the Planning and Regulatory Services Committee on 1 December 2015. Feedback was given by the Committee on access arrangements.

#### **For Phase 1:**

**12/01110/APP** – Erection of 129 residential units and community facilities (dental practice, retail units) with associated infrastructure and landscaping, as well as masterplan covering the remaining balance of site R3 (up to 380 units) granted planning consent by Planning and Regulatory Services Committee of 18 December 2012 subject to conditions and legal agreement.

**15/01923/APP** – Application for a partial reconfiguration of the site granted under 12/01110/APP increasing number of units on part of site from 5 to 10 units granted planning consent by Planning and Regulatory Services Committee of 23 February 2016 subject to conditions.

**10/00048/PAN** – Proposal of Application Notice for housing development and community facilities.

#### **Phases 1 & 2:**

Several consents to vary house types across the consented phases have been approved.

#### **POLICY - SEE APPENDIX**

#### **ADVERTISEMENTS**

- The application as proposed was advertised for Neighbour Notification purposes.
- Initial publicity also advertised the application as a departure from the development plan. Following amendments, the application as currently proposed is not considered to be a departure from the development plan.



## **CONSULTATIONS**

**Aberdeenshire Council Archaeology Service** – Whilst extensive archaeological work has already been undertaken over most of the site, the southernmost area now identified for housing requires to be assessed and a condition requiring an archaeological written scheme of investigation (WSI) to be undertaken and approved by the Council.

**Forres Community Council** – Object on the basis that local infrastructure will be unable to cope with an additional 316 units, given that Forres has been subject to a considerable number of new build properties. In terms of healthcare, there is only one doctors' surgery and insufficient dental provision. In relation to traffic and access, there will be an increase in traffic movements associated with the development and local public transport provision is inadequate.

**Scottish Water** - No objections to the proposal, however at the time of responding, Scottish Water were unable to confirm capacity at Glenlatterach Water Treatment Works (for water supply) and Forres Waste Water Treatment Works, and as such the applicant will have to undertake a pre-development enquiry with Scottish Water.

**Scottish Gas Networks** – Requirement for paths shown in green in proposed landscaping plan to bisect gas line rather than meander. Proposed kickabout pitch will need to be at least 6.1 metres from pipeline including any ground level changes or embankments. All tree and shrub planting will have to be agreed with Scottish Gas Networks.

**Health and Safety Executive** – Does not advise against granting of consent (no objections).

**Moray Flood Risk Management** – Following the provision of additional drainage information that was not provided at the point of submission, no objections subject to conditions in relation to the provision of SuDS ponds and maintenance regimes for the SuDS scheme.

**Scottish Environment Protection Agency** – No objections following provision of detailed drainage information, informative notes on regulatory requirements on licencing matters separate to the planning process. A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from this construction site.

**Housing Strategy and Strategy Development Manager** – Policy H8 requires 25% of the total number of units in new development to be provided as affordable housing. The developer proposes 79 of the 316 units to be affordable housing, which meets the requirement of policy H8. The affordable housing mix (types of units) proposed is acceptable.

Of the 237 open market units, 10% of these should be accessible under policy H9 (24 units). At least 50% of these should be bungalows (i.e. 12 units). The proposed scheme meets this requirement, and conditions should be placed requiring these to be retained as such. A Compliance Statement must be provided with sufficiently detailed plans and section to demonstrate the interior and exterior access requirements have been met in full.

**Developer Obligations** – Obligations sought towards the following:

- Primary Education (extension at Applegrove Primary)
- Secondary Education (extension at Forres Academy)
- Transport (public transport provision and Orchard Road/Thornhill Road junction improvement)
- Healthcare (extension at Forres Health Centre; two additional dental chairs; and reconfiguration of existing pharmacy outlets)
- Sports and Recreation (3G pitch in Forres)

**Strategic Planning and Delivery** – A significant number of revisions has been undertaken to the scheme following feedback from multiple Council services. The Quality Audit undertaken highlights how the scheme has moved forward. On the basis of the most recent Quality Audit, the proposal is considered to comply with policy PP3 and its Supplementary Guidance.

R3 was originally identified for 275 units, and a subsequent Masterplan for the site identified 380 units. This phase (the remaining balance and neighbouring LONG3) is for 316 and brings the total number of units up to 575. Changing demographics have resulted in an increase in smaller households therefore density within development is changing. In addition, the capacity figures expressed for housing sites are indicative and the ultimate assessment is in relation to the capacity of the site in terms of its characteristics and the suitability of the proposed development itself. On this basis, the proposal is considered to comply with policy H1.

With regard to the release of LONG3 in terms of policy H2, the triggers for release of land were not met within the most recent housing land audit. However it is recognised that the land will be delivered in the final phase of development. In addition, R3 and LONG3 will be combined in the proposed MLDP 2020, however it is noted that this is subject to examination therefore it cannot be a material consideration in the determination of this application.

Affordable housing numbers and mix proposed meet the requirements of policy H8. In respect of policy H9, there is concern regarding the lack of integration of the bungalows to the south of the site, and their late delivery. A condition should be placed requiring these to be redistributed within the site.

In terms of biodiversity and landscaping, the developer has incorporated a variety of planting, however it is not clear from the plans how the shrub planting will relate to the character areas as outlined in the Design and Access Statement. Overall, the open space proposed is considered to be sufficient in terms of its quantity. Subject to a revised landscape scheme being secured by condition, the proposal is considered to comply with policies E2 and E5.

In terms of permeability, a condition is required to ensure linkages are provided between cul-de-sacs in the east of the site, whilst a condition is also required to ensure provision of the widening on Mannachie Road.

**Moray Access Manager** – No objections.

**Transportation Manager** – A number of off-site network transportation improvements are required, including the upgrade of Mannachie Road (per the LONG3 designation text in the MLDP), along with associated speed limit changes.

Conditions recommended in relation to a variety of access, parking, drainage, construction traffic matters, as well as informative notes for the developer.

**Environmental Health** – No objections subject to conditions ensuring mitigation measures for dust, noise, vibration and light (as detailed in the Construction Environment Management Plan) are carried out.

**Contaminated Land** – No objections following provision of site investigation details.

**Police Scotland** – Informative notes offered on Crime Prevention through Environmental Design.

## **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).

Ms Pamela Machin - 8 Ferryhill Forres Moray IV36 2GY - O

Mr James McIntosh - 9 Ferryhill Forres Moray IV36 2GY - O

Mr Chris Boseley - 46 Knockomie Gardens Forres Moray IV36 2TN - R

Mr Mick Drury - 8 Ferryhill Forres Moray IV36 2GY - O

The matters raised in the representations can be summarised as follows:

**Issue:** The proposed green space in the north western corner of the site is less than that shown in the approved Masterplan for the site – this will make the “significant increase in biodiversity” of landscaping very questionable.

**Comment (PO):** The previously prepared Masterplan is not adopted Supplementary Guidance and has limited weighting in the consideration of the application. Planning policy at a local level in relation to urban design has also changed significantly since the masterplan was approved in 2012 as part of the first phase of this designated site. In this regard, the landscaping and open space proposed for the current application is acceptable and accords with the terms of policy E5 Open Spaces.

**Issue:** The reduced green space in the north western corner of the site will result in houses (two storey) being much closer to existing properties adjacent to the site – this will result in a loss of amenity to those houses in terms of an adverse impact on privacy, reduction of light etc.

**Comment (PO):** Those properties in the north western corner of the site have been amended to be reduced to a bungalow in order to minimise the impact of the development upon existing properties.

**Issue:** Development is too large and dense, south of Forres is becoming one large housing estate.

**Comment (PO):** The proposed development is considered appropriate in terms of its layout and design, as detailed under the Observations sections.

**Issue:** Temporary soil storage in the north western part of the site has been in place since July 2017 – this was to be temporary but is still in place and it is now apparent that this is the level on which the houses will be built in this area, artificially increasing the height of the land and contributing to the adverse impact the new houses in this area will have on the amenity of existing neighbouring properties.

**Comment (PO):** The temporary storage of soil is noted. Some degree of earthworks will be necessary to accommodate the housing development, and sections provided show that there will be no adverse impact on existing properties to the north west of the site.

**Issue:** Drainage issues in the area will become more pronounced following this development.

**Comment (PO):** The proposed drainage arrangement and associated Drainage Impact Assessment considers that it is suitable for the development proposed.

**Issue:** Differences in layout from Pre-Application Consultation and that proposed, particularly in north western corner where the development is now affordable and at a greater density.

**Comment (PO):** The amendments to the scheme over that proposed at the PAC stage are not considered sufficient to require further PAC to be undertaken by the applicant. The tenancy of the houses is not relative to the determination of the application.

**Issue:** Water pumping station – lack of information and concern about noise and odour.

**Comment (PO):** Pumping stations are common features in large housing sites. It is unlikely to result in any significant noise or odour to the detriment of the amenity of residents. A condition is to be placed requiring a scheme for enclosure/screening of the pump. If there were to be issues with noise and/or odour, then this would be dealt with via Environmental Health.

**Issue:** Suspect that many people identified to move into this development will not be currently residing in Forres.

**Comment (PO):** The origin of the proposed occupants of the housing is not a material planning consideration.

**Issue:** “Forres does not have adequate health care or educational provision to support more incomers.”

**Comment (PO):** Developer obligations have been identified and sought towards expansion of schools and healthcare facilities in order to mitigate the impact of the development.

**Issue:** Impact on wildlife on site.

**Comment (PO):** The current nature (disturbed agricultural land) of the site means it is unlikely to house protected species. A habitat survey of the LONG3 section of the site found no presence of protected species and recommends any clearance works are undertaken outwith the nesting season of breeding birds.

**Issue:** Affordable housing is located far from services and public transport.

**Comment (PO):** Linkages within the site ensure that all houses, regardless of tenure, have easy access on foot/bicycle to public transport and local facilities.

## **OBSERVATIONS**

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

Further consideration of the weight to be attached to the Proposed Plan was considered and agreed at the Planning and Regulatory Services Committee on 29 January 2019, with the Committee agreeing that between June/August 2019 and adoption of the new LDP in mid-2020, the weight to be given to matters set out in the Proposed Plan will vary;

- Where matters set out in the Proposed Plan are subject to unresolved objections which will be considered through Examination, then those matters will continue to be given minimal weight as a material consideration in the development management process.
- Where matters set out in the Proposed Plan are not subject to unresolved objections, they will be given greater weight as a material consideration in the development management process.

The weight to be given will be considered on a case by case basis and will be agreed by the Development Management and Building Standards Manager and Strategic Planning and Delivery Manager.

In this case the proposal is subject to a designated site which will be subject to the Examination process and therefore will be given minimal weight.

The main issues are considered below.

### **Pre-application Consultation Report**

The application is accompanied by a Pre-Application Consultation (PAC) report, as prescribed under section 35C of the 1997 Act. This outlines the statutory consultation that the applicant undertook with the local community in relation to this application. The PAC report details that:

- A Proposal of Application Notice (Ref: 17/00970/PAN) was submitted to the Council on 20 June 2017.
- A public exhibition event was held at Forres Community Centre on 5 October 2017.
- The public exhibition was advertised in The Forres Gazette on 27 September 2017.
- Notification of the PAN was sent to Forres Community Council, Forres Community Woodlands Trust, Forres Footpath Trust and Forres Area Forum.

The form and scope of the pre-application consultation was considered to be suitable, and agreed by the Council in response to Proposal of Application Notice 17/00970/PAN.

The PAC report considers that the "overall tone of the feedback...was generally positive", with the public exhibition attracting 11 attendees. As advocated in Scottish Government Planning Circular 3/2013 (Development Management Procedures), the applicant has

provided evidence that the following matters raised by those inputting into the PAC process have been taken into consideration in formulating the proposed development:

In relation to concerns about housing density and the capacity of the site, the PAC report states that the proposed layout is based on the approved masterplan and is consistent with the overall form, layout and character of nearby residential development. Concerns about landscaping and ecological protection have been addressed by providing extensive landscaping and planting to improve the biodiversity of the site.

Comments received also raised concern on the impact of the proposed development on existing properties in terms of overlooking and privacy. The PAC report states that proposed layout and form is considered to be consistent with the existing neighbouring residences, whilst the privacy of existing neighbours will be safeguarded.

Concerns regarding drainage issues in the area have been addressed by ensuring SuDS are adopted throughout the development to ensure no surface water is discharged outwith the site.

Finally, concerns regarding soil storage on the site (currently stored in the northern portion of the site) were raised however the PAC report states that this soil will ultimately be utilised in the development via cut and fill, forming part of the completed development.

It is considered that the applicant has addressed all the relevant matters raised at the PAC stage of the application process, as has been demonstrated in the submitted PAC report.

### **Development on R3 and LONG3 (H1, H2, Forres R3 & LONG3)**

The site covers two areas identified in the MLDP 2015 for housing in the Forres Settlement Statement – R3 (Ferrylea) and LONG3 (West Park Croft). Site R3 has been under development for housing following a grant of consent under 12/01110/APP, which consented the erection of 129 houses and a masterplan for the delivery of the remaining balance of the site (including an indicative layout for LONG3). The grant of consent under 12/01110/APP can be considered to comprise phase 1 of the delivery of R3. Phase 2 has been consented under application 16/00743/APP (120 houses).

Whilst consideration must be given to the suitability of the form and layout of the development, along with a need to ensure sufficient infrastructure is provided, the principle of continued housing development on the remaining balance of site R3 is acceptable and does not conflict with policy H1. This is on the basis this application along with those consented and constructed results in a comprehensive layout for the entirety of R3.

With regard to the proposed number of units, the site was originally identified in the Moray Local Development Plan 2008 for 275 units, and a 'masterplan' was subsequently approved by the Council for 380 units. The proposed development for 'Phase 3' (316 units) results in a total figure of 575 units for the whole R3 site alongside LONG3 which significantly exceeds the 380 figure approved via the masterplan. However, changing demographics are resulting in demand for more small households which impacts on the density of development.

Policy H1 sets out that capacity figures indicated within site designations are indicative and proposed capacities will be considered against the characteristics of the site and conformity with policies PP3, H8 and IMP1. This is considered below under the relevant sections (Place-making and Affordable Housing).



In relation to LONG3, it is noted that the site is embargoed from further development as part of the Forres Settlement Statement requirements in the MLDP 2015, and is subject to the requirements of policy H2 on this basis. H2 considers that the release of LONG land in the MLDP 2015 will only be permitted where there is a shortfall in the delivery of land for housing.

A supporting statement provided by the applicant in justifying the early release of the land notes the likely circumstances of the proposed MLDP 2020 (outlined below). It highlights the delivery of other designated sites in the Forres area have stalled, and there is a subsequent need to release further land for housing in the area (hence the proposed MLDP 2020 designation R2 currently under examination).

It also considers that sufficient justification exists in the form of the need for housing in the Forres area, noting the stalled sites within the development plan, the current waiting list for affordable housing and the broad general need to increase the delivery of housing (both affordable and open market). It ultimately considers that releasing LONG3 would enable the delivery of much needed housing.

However, as noted above, the proposed MLDP 2020 is a material consideration in the determination of applications. Since its submission to Scottish Ministers for examination, the proposed MLDP 2020 now carries greater weight in instances where there are no/minimal objection to policy/designations. In this case, no weighting is given to the designation within the proposed plan on the basis it is subject to the examination process.

Whilst limited weighting is given to the proposed MLDP 2020, it is noted that both R3 and LONG3 are incorporated within a single site (R2 in the proposed MLDP 2020). Phasing information provided with the application identifies that the majority of housing within LONG3 will be delivered in later phases (estimating 2026 onwards), which if taken forward after examination, will become part of the wider new R2 site.

The Masterplan prepared for the site R3 via 12/01110/APP did exclude LONG3 but did show indicative future linkages between R3 and LONG3. The incorporation of LONG3 within this proposal allows for a comprehensive layout to be considered across the remaining balance of R3 and the entirety of LONG3.

Ultimately, the triggers required to release LONG3 have not been met, however taking account of the above considerations the proposal is considered to be an acceptable departure from policy H2, and thus the release of LONG3 is acceptable.

Designation LONG3 requires a walkover/photographic habitat survey to be submitted to assess the impact of the development upon wildlife and any potential wetlands. The survey provided with the application identifies no wetlands, and potential for breeding birds to utilise the site. Evidence of badgers using the site for commuting was found, however setts and latrines were found in the wider area.

In relation to nesting birds, any impact on them can be mitigated by clearing the site outwith nesting season (April-July/August). As badgers only pass through the site, an informative note is to be placed drawing the developer's attention to their potential presence and the need to adopt suitable work practices (e.g. covering up trenches, man holes etc. when not being worked on).

Designation LONG3 also requires Mannachie Road to be upgraded if access is taken directly to this road. In this case, the existing access is to be utilised, therefore upgrading of the road is necessary. As this is the case, a condition is to be placed requiring a scheme for the upgrade of the road to be submitted for approval and the upgrading to be in place prior to any development commencing in this area (noting it is for a later phase in the development – per the phasing plan submitted).

Linkages to adjacent woodland to the south and to pedestrian/cycle networks within the development have also been proposed, per the requirements of designation LONG3.

### **Place-making: Design and Site Layout (PP3, PP2, H8, H9, E5 & IMP1)**

During consideration of the application, discussions with the applicant have sought to promote an acceptable form of development in terms of good design and place-making principles as advocated by policy PP3 and the related Supplementary Planning Guidance (SPG). As a material consideration, a quality audit (QA) process, covering both design and site layout issues, has been agreed to assess the conformity of residential development with Policy PP3 place-making and Urban Design SPG principles.

The QA approach examines 12 criteria considered to contribute to place-making principles i.e. connections, public transport, safer environment, car parking, legibility/street hierarchy, character and identity, housing mix, access to facilities and amenities, natural features, open space, biodiversity, and landscaping. For the purposes of the QA shown below in Table 1, the landscaping and open space categories have been combined. The QA adopts a "traffic light" approach to assess the criteria where:

- "red" means 'significant place-making issues where mitigation is required and if not addressed refusal would be recommended';
- "amber" means 'design principles within PP3 and the Urban Design Guide have been met, however further quality improvements could be made'; and
- "green" means 'PP3 principles and Urban Design Supplementary Guidance are fully met'.

QAs were undertaken on the initial submission, and the two amendments to the scheme that subsequently followed. Following the most recent submission, there was a slight improvement to the scheme, as shown in Table 1 below. Subject to conditions as outlined in the table, the proposal is considered to be satisfactory in terms of the QA process, noting that there would be three green and eight amber categories.

**Table 1: Quality Audit Summary**

<b>Design Principle</b>	<b>1<sup>st</sup> Audit</b>	<b>2<sup>nd</sup> Audit</b>	<b>3<sup>rd</sup> Audit</b>	<b>Mitigation/Conditions necessary to achieve categories in Final Audit</b>	<b>FINAL AUDIT</b>
Connections				Conditions to provide footpath/cycleway along Mannachie Road and footpath between plots 177 and 176.	
Public Transport					
Safer Environment				Condition road surface materials to be used within each character area to deliver vision set out in Design Statement.	
Car Parking					
Legibility/ Street Hierarchy				Condition road surface materials to be used within each character area to deliver vision set out in Design Statement.	

Character & Identity				Condition revised landscaping plan and road surface materials to be used within each character area to deliver vision set out in Design Statement + condition details of public art, including timing of delivery.	
Housing Mix				Conditions to provide footpath between plots 177 and 176, and re-distribution of accessible bungalows within phase 4 across the development to ensure proportionality.	
Access to facilities and amenities					
Landscape & Open Space				Conditions for delivery of play park on completion of 45 <sup>th</sup> unit, revised landscaping plan to reflect location of kick-about pitch and associated amendments to planting, 50% of meadow (including kick-about pitch) to be provided on completion of affordable units within phase 1a, and revised landscaping plan to reflect planting for character areas set out in vision in Design Statement and include details on shrub planting to ensure year round foliage, colour and biodiversity/pollination.	
Biodiversity				Condition revised landscaping plan to reflect planting for character areas set out in vision in Design Statement and include details on shrub planting to ensure year round foliage, colour and enhance biodiversity/pollination.	
Natural Features/ Landscaping				Condition revised landscaping plan to reflect planting for character areas set out in vision in Design Statement and include details on shrub planting to ensure year round foliage, colour and enhance biodiversity/pollination.	

The layout of the development arranges the proposed houses into a variety of blocks and character areas. These blocks create strong building lines (rows of frontages), that offer a public face to the front of properties, and private rear gardens. The proposed road layout has incorporated a variety of street widths, which along with the use of differing material finishes (as identified in the character areas proposed in the Design and Access Statement) within the road surfacing, results in a clear hierarchy of streets (main routes, secondary routes and more “private” residential streets), as well as legibility within the development (particularly when coupled with the character areas and differing material finishes).

The proposed residential units all carry a common identity, standard of the applicant's house building style elsewhere in Moray. The house types and flats are finished in differing materials suiting specific character areas (also identified in the character areas proposed in the Design and Access Statement). Again, the use of differing external materials, along with the varying landscaping and surfacing finishes, offer a degree of variety and legibility to the visual appearance to the development.

The resultant siting and form of development is not considered to result in any significant loss of amenity to existing neighbouring residential properties (in terms of privacy, overshadowing and loss of daylight). With reference to the north western corner of the site, sections provided show sufficient separation along with appropriate house types (bungalows) in that area which does not result in any significant overlooking or overshadowing that would be detrimental to the amenity of neighbouring properties. Landscaping between such areas also offer screening, along with a softer edge to the development.

Where areas of open space are provided (notably the park in the northern section and sown meadow strip to the south), all houses and flats bounding these are orientated to overlook these, resulting in natural surveillance of the amenity spaces and offering a pleasant outlook to those houses and flats.

A variety of foot and cycle paths are proposed throughout the site. These offer linkages throughout the site and to the surrounding area, forming a permeable layout. This layout in turn promotes active and sustainable travel to local amenities (e.g. bus route, local shops, health centre, schools etc.).

The overall siting and design of the development is considered to accord with the general principles of Designing Streets, and subsequent compliance with policy PP3.

Where practical, some road sides have been given over to swales, rather than the more traditional approach of pavements on either side of the road. Whilst the technicalities of these features in terms of surface water drainage is discussed below (under Water and Drainage), the swales themselves contribute to an attractive streetscape, by incorporating grassed strips that would otherwise be pavement with buried surface water drainage infrastructure.

As was advocated in the masterplan for the site, areas of landscaping will incorporate heavy-standard tree planting throughout the development (planting height of 2.5 metres to 5 metres), alongside feathered specimen trees (smaller at 1 – 2.5 metres in height). Planting will be in a variety of species selected to contribute to the character areas proposed (i.e. complimenting material finishes of houses and road surfaces). These areas of woodland, particularly the clustered areas of woodland planting will subsequently offer enhanced biodiversity within the site.

Overall, the provision of landscaped areas comprises 30% of the application site, and provides a high quality landscape setting for the housing development that would accord with that envisaged as part of the Masterplan, as well as policies PP3 and E5 (policy E5 requires 30% of developments of 201 or more units to comprise open space).

In light of the above considerations, and subject to conditions as recommended, the proposal complies with the place-making, siting, design and amenity requirements of policies PP3, PP2, E5 & IMP1.

### **Transportation (T2, T5, IMP1)**

The Transportation Manager has identified a number of off-site improvements required to ensure the proposed development can be integrated with the existing transport network and to provide suitable infrastructure for the pedestrian, cyclist, public transport and vehicular impact of the development.

The existing speed limit along the Mannachie Road frontage of the site will require to be reviewed and is dependent on the details of the road and footway improvements which are recommended in this response. Any change to the existing speed limit will also require a review of the visibility splays required at the development junctions onto Mannachie Road. The Council will promote any change required to the speed limit at the developer's expense. The developer will be responsible for providing the appropriate signage necessary.

The assessment of development traffic within the Transport Assessment (TA) submitted highlights that the traffic modelling of the existing Forres Health Centre signalised junction on the A940 Grantown Road depended on the assumptions made about the frequency of the pedestrian stage being called (i.e. pedestrians pushing button for signalised crossing). This indicates that the junction would be at or over capacity during the AM peak hour. The response also states that application of new junction white lining to formalise a new right turn lane on the northbound approach (on Grantown Road) to the junction would be provided. However no detailed proposals for this have been submitted. The Transportation Manager considers the impact to be relatively minor and limited to a short period and does not recommend the need for further junction improvements at this location associated with the current application.

Assessment of the Moray Council's proposed signalised junction improvements to the Orchard Road/Thornhill Road crossroads on the A940 Grantown Road was requested by Transportation as it is identified within the adopted and proposed MLDPs. An outline design of the proposal was provided by Moray Council for the assessment. The TA also assessed the existing junction arrangement and a double ghost island arrangement which has been put forward by the applicant and concluded that the existing junction arrangement and proposed ghost island are estimated to have sufficient capacity.

However the assessment of the Moray Council signalised junction was forecast to have a negative impact on traffic capacity. The applicant was informed that the requirement for the signalised junction is principally for pedestrian and cycle accessibility and road safety, and should not be considered solely in terms of vehicular capacity. Traffic from the proposed development passing through this junction will impact on junction capacity and non-vehicular road users. It will also to some extent increase the number of pedestrians and cyclists at this junction. The Moray Council proposals are therefore relevant to the application in addressing road safety and accessibility.

The proposed double ghost island put forward by the applicant is unacceptable as it does not address the pedestrian, cycle and road safety issues. In this case, developer obligations are sought towards the upgrade of the Orchard Road/Thornhill Road junction.

In order to ensure appropriate provision and timing of paths within the development, conditions requiring a scheme for the timing of their provision, as well as the installation of "missing links" are recommended.

Designation LONG3 also requires Mannachie Road to be upgraded if access is taken directly to this road. In this case, the existing access is to be utilised, therefore upgrading of the road is necessary. As this is the case, a condition is to be placed requiring a scheme for the upgrade of the road to be submitted for approval and the upgrading to be in place prior to any development commencing in this area (noting it is for a later phase in the development – per the phasing plan submitted).

Subject to conditions and developer obligations as recommended, the Transportation Manager raised no objection to the proposal. On this basis, the proposal is considered to comply with the requirements of policies T2, T5 and IMP2.

### **Water and Drainage (EP5, EP10)**

All houses would be served by the public water supply and sewerage for foul drainage. In principle, this is acceptable, though the applicant will have to apply separately to Scottish Water for connection to their network. In responding to the application, Scottish Water raised no objections to the proposal, however at the time of responding, were unable to confirm capacity at Glenlatterach Water Treatment Works (for water supply) and Forres Waste Water Treatment Works, and as such the applicant will have to undertake a pre-development enquiry with Scottish Water. Nonetheless, on the basis of the response from Scottish Water (no objection), the proposal is considered to comply with policy EP10.

In relation to surface water drainage, all surface water will be treated via SuDS. Surface water from the development will be treated via above ground swales. These retain surface water, which soaks through the soil, removing pollutants in the process and ultimately aims to reduce flow and runoff by dealing with it as close as possible to its source. When that ground becomes saturated, any excess water will discharge to a series of SuDS ponds within the wider R3 site. This above ground solution enables easier maintenance (rather than buried infrastructure, is more cost effective, uses less resources and also contributes to an attractive streetscape, incorporating green infrastructure.

Moray Flood Risk Management raised no objections to the proposal, subject to conditions requiring the SuDS ponds being provided and ensuring that a maintenance scheme for the SuDS system is submitted and agreed with the Council. It is noted that a separate application for this SuDS pond has been submitted to the Council for consideration (given that it falls out with the site). Subject to conditions as recommended, the surface water drainage scheme accords with the Council's recently introduced Supplementary Guidance on Flood Risk and Drainage Impact Assessment for New Developments, as well as policy EP5.

### **Gas Pipeline - Major Accident Hazard (EP11)**

An underground high pressure gas pipeline bisects the site in its southern section. It is identified as a major accident hazard by the Health and Safety Executive (HSE). Policy EP11 requires all proposals to have regard to the presence of such sites and have regard to advice provided by the HSE. Whilst the HSE initially advised against the granting of consent, following amendments to the proposal and a lowering of the density of housing within the consultation zones, the HSE has subsequently confirmed it does not advise against the granting of consent. Accordingly the proposal does not conflict with policy EP11.

As part of the consideration of any application that may affect a gas pipeline, the pipeline operator has been consulted (Scottish Gas Networks). In responding to the proposal, they have requested that the informal paths shown in the provided landscaping scheme bisect



the pipeline, rather than meander over it. As revisions are necessary to the landscaping layout, this will be dealt with by a condition.

### **Construction Environment Management Plan**

A Construction Environment Management Plan provided with the application provides details on the various means to ensure the impact of construction works on the environment and amenity of the surrounding area will be mitigated and minimised. This covers dust, noise, vibration, light disturbance, archaeology, waste management, water, traffic management, ecological management, land contamination, energy and resource use, visual amenity and adverse weather planning. The Environmental Health Manager raised no objections to the content of this, and has recommended conditions ensuring the mitigation measures outlined in the plan in relation to dust, noise, vibration and light are carried out, however a condition will be placed ensuring the mitigation measures specified in the CEMP are carried out during construction works.

SEPA has confirmed that a Controlled Activities Regulations (CAR) Licence will also be required which will cover the surface water run-off and pollution prevention matters during the construction phase.

### **Affordable Housing (H8)**

Policy H8 requires all new housing development of 4 or more houses to provide at least 25% of the total number of units as affordable housing. This is further explained in the associated Supplementary Guidance on Affordable Housing. Affordable housing is defined at a national level via Scottish Planning Policy as:

“housing of a reasonable quality that is affordable to people on modest incomes. Affordable housing may be provided in the form of social rented accommodation, mid-market rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for self build) and low cost housing without subsidy.”

Following amendments to the scheme from its initial submission, the level of affordable housing has been increased from 54 units to 79, with 79 units providing 25% of the total number of units proposed as affordable. This complies with H8. The affordable housing will be secured via means of a condition.

### **Accessible Housing (H9)**

Policy H9 requires all developments of 10 or more units to provide a proportion of wheelchair accessible housing at a rate of 10% of units available on the open market. In this case 24 units are required and the proposed scheme meets this requirement. There is also requirement that at least 50% of the accessible properties be bungalows. It is noted 12 bungalows are provided. The Housing Section has requested a condition be placed requiring fully detailed plans of the internal layout to be provided to ensure compliance with the Housing for Varying Needs Standards. Subject to this condition, the proposal is considered to comply with policy H9.

### **Developer Obligations (IMP3)**

To address the impact of the development on local facilities and infrastructure, an assessment for developer obligations has been carried out in accordance with policy IMP3 including the associated Supplementary Guidance: Developer Obligations (March 2018). In this case, obligations have been identified and are sought towards the following:

- Primary Education (extension at Applegrove Primary)

- Secondary Education (extension at Forres Academy)
- Transport (public transport provision and Orchard Road/Thornhill Road junction improvement)
- Healthcare (extension at Forres Health Centre; two additional dental chairs; and reconfiguration of existing pharmacy outlets)
- Sports and Recreation (3G pitch in Forres)

These obligations will have to be secured by means of an appropriate legal agreement. The applicant has agreed to the heads of terms of these obligations. Subject to these being secured, the proposal is considered to comply with policy IMP3 and its Supplementary Guidance.

### **Matters Raised by Forres Community Council**

Forres Community Council has objected to the application. They have stated that local infrastructure will be unable to cope with an additional 316 units, given that Forres has been subject to a considerable number of new build properties. In terms of healthcare, there is only one doctors' surgery and insufficient dental provision. In relation to traffic and access, there will be an increase in traffic movements associated with the development and local public transport provision is inadequate.

As noted above, under policy IMP3 and the associated Supplementary Guidance, the impact of the development upon local facilities has been assessed and developer obligations are sought towards education, transport, healthcare and sports and recreation provision in Forres. Subject to these obligations being secured to offset the impact of the development on local facilities, the proposal is considered to be acceptable.

### **Conclusion and Recommendation**

The general principle of residential development on this site is considered to be acceptable. Following amendments to the scheme, the proposed layout and design of the residential scheme satisfies the various policies and guidance set out in a national and local level. Sufficient infrastructure (either existing or proposed) is sufficient to serve the proposed residential development.

Taking account of the foregoing observations, a willingness to approve subject to conditions is recommended, however consent should be withheld until developer obligations (as outlined above) are secured by means of an appropriate legal agreement.

### **REASON(S) FOR DECISION**

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

The proposal represents an acceptable departure from policy H2 of the Moray Local Development Plan 2015 on the basis that the proposal comprises a comprehensive layout for site LONG3 Forres alongside development on the remaining balance of R3 Forres. In all other respects, the proposal accords with the provisions of the Moray Local Development Plan 2015 (and whilst limited weighting is given to it, the provisions of the

Proposed Moray Local Development Plan 2020), and there are no material considerations that indicate otherwise.

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## **APPENDIX**

### **POLICY**

#### **Adopted Moray Local Development Plan 2015**

##### **Primary Policy PP1: Sustainable Economic Growth**

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

##### **Primary Policy PP2: Climate Change**

In order to contribute to reducing greenhouse gas emissions, developments of 10 or more houses and buildings in excess of 500 sq m should address the following:

- Be in sustainable locations that make efficient use of land and infrastructure
- Optimise accessibility to active travel options and public transport
- Create quality open spaces, landscaped areas and green wedges that are well connected
- Utilise sustainable construction techniques and materials and encourage energy efficiency through the orientation and design of buildings
- Where practical, install low and zero carbon generating technologies
- Prevent further development that would be at risk of flooding or coastal erosion
- Where practical, meet heat and energy requirements through decentralised and local renewable or low carbon sources of heat and power
- Minimise disturbance to carbon rich soils and, in cases where it is agreed that trees can be felled, to incorporate compensatory tree planting.

Proposals must be supported by a Sustainability Statement that sets out how the above objectives have been addressed within the development. This policy is supported by supplementary guidance on climate change.

##### **Primary Policy PP3: Placemaking**

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

Developments should;

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

## **Policy H1: Housing Land**

### **Designated sites**

Land has been designated to meet the strategic housing land requirements 2013-2025 in the settlement statements as set out in Table 1. Proposals for development on all designated housing sites must include or be supported by information regarding the comprehensive layout and development of the whole site. This allows consideration of all servicing, infrastructure and landscaping provision to be taken into account at the outset. It will also allow an assessment of any contribution or affordable housing needs to be made. Proposals must comply with the site development requirements within the settlement plans and policies and the Council's policy on Place- making and Supplementary Guidance, "People and Places".

### **Windfall sites within settlements**

New housing on land not designated for residential development within settlement boundaries will be acceptable if;

- a) The proposal does not adversely impact upon the surrounding environment, and
- b) Adequate servicing and infrastructure is available, or can be made available
- c) The site is not designated for an alternative use

d) The requirements of policies PP2, PP3 and IMP1 are met.

## **Housing Density**

Capacity figures indicated within site designations are indicative and proposed capacities will be considered against the characteristics of the site, conformity with policies PP3, H8 and IMP1.

## **Policy H2: Long Term Housing Designations (LONG)**

Long term designations are identified to set out the direction of growth and to assist in the forward planning of infrastructure and landscape enhancement/mitigation. These sites are not relied upon to meet the current housing land requirement up to 2025. The detail of these designations will be reviewed through the next local development plan. Earlier release of these areas, or sites within them, will only be considered where:

A shortfall in the 5 year effective land supply is identified in the annual Housing Land Audit which cannot be met by:

- 1) windfall provision assuming previous trends
- 2) Constrained sites which are likely to become available for development to meet the shortfall in the relevant timeframe.

In these circumstances an appropriate release of LONG term land may be recommended where:

This can be achieved without compromising delivery of a master-planned approach and where appropriate access, infrastructure and landscape setting can be secured.

The site is demonstrated to be effective within the next five years.

**Note:** *Supplementary or other guidance will be prepared to address the detailed implementation and approach to LONG sites and the conditions which will apply to early/partial release and/or progression through the next local development plan.*

## **Policy H8: Affordable Housing**

Proposals for new housing developments of 4 or more units (including conversions) must provide 25% of the total units as affordable housing.

A higher percentage contribution may be appropriate subject to funding availability as informed by the Local Housing Strategy. A lesser contribution or alternative in the form of off-site provision or a commuted payment will only be considered where exceptional site development costs or other project viability issues are demonstrated.

Supplementary or other guidance will provide further details of this policy including the proportion of provision, the specification of wheelchair accessible housing and the exceptions that may apply.



## **Policy H9: Housing Mix/Accessible Housing**

Proposals for multiple houses must meet the needs of smaller households, older people and other needs (e.g. extra care housing) identified in the Council's Housing Need and Demand Assessment.

All new residential developments must provide a range of housing of different types and sizes which should reflect the requirements of the Local Housing Strategy. Different house types should be well integrated, ensuring that the siting and design is appropriate to the location and does not conflict with the character of the local area.

Housing proposals of 10 or more units will be required to provide a proportion of wheelchair accessible housing. Flexibility may apply on less accessible sites and/or where an alternative acceptable housing mix is proposed.

Off site provision may be acceptable where sites do not have good access to local services and facilities and are not considered appropriate for housing for older people.

Supplementary or other guidance will provide further details of this policy including the proportion of provision, the specification of wheelchair accessible housing and the exceptions that may apply.

## **Policy E3: Protected Species**

Proposals which would have an adverse effect on a European protected species will not be approved unless;

- there is no satisfactory alternative; and
- the development is required to preserve public health or public safety, or for other reasons of overriding public interest, including those of a social or economic nature, and beneficial consequences of primary importance for the environment; and the development will not be detrimental to the maintenance of the population of species concerned at a favourable conservation status of the species concerned.

Proposals which would have an adverse effect on a nationally protected species of bird will not be approved unless;

- There is no other satisfactory solution
- The development is necessary to preserve public health or public safety
- The development will not be detrimental to the conservation status of the species concerned.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan to avoid, minimise or compensate for impacts. A licence from Scottish Natural Heritage may be required as well as planning permission. Where a protected species may be affected a species survey should be prepared to accompany the application to demonstrate how any offence under the relevant legislation will be avoided.

## **Policy E4: Trees and Development**

The Council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as a whole, 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 protection should be replaced, unless otherwise agreed with the Council.

Woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced.

Development proposals will be required to meet the requirements set out in the Council's Trees and Development Supplementary Guidance. This includes carrying out a tree survey to identify trees on site and those to be protected. A safeguarding distance should be retained between mature trees and proposed developments.

When imposing planting or landscaping conditions, native species should be used and the Council will seek to promote green corridors.

Proposals affecting woodland will be considered against Policy ER2.

## **Policy E5: Open Spaces**

### **Safeguarding Open Spaces**

Development which would cause the loss of, or adversely impact on, areas identified under the ENV designation in settlement statements and the amenity land designation in rural groupings will be refused unless;

- The proposal is for a public use that clearly outweighs the value of the open space or the proposed development is ancillary to the principal use and will enhance use of the site for sport and recreation; and
- The development is sited and designed to minimise adverse impacts on the recreational, amenity and biodiversity value of the site; and
- There is a clear excess of the type of ENV designation within easy access in the wider area and loss of the open space will not negatively impact upon the overall quality and quantity of open space provision, or
- Alternative provision of equal or greater benefit will be made available and is easily accessible for users of the developed space.

## **Provision of new Open Spaces**

### **Quantity**

New green spaces should be provided to the following standards;

- Residential sites less than 10 units - landscaping to be determined under the terms of policies PP3 and IMP1 to integrate the new development.
- Residential sites 10-50 units and new industrial sites- minimum 15% open space
- Residential sites 51-200 units- minimum 20% open space
- Residential sites 201 units and above and Business Parks- minimum 30% open space including allotments, formal parks and playspaces within residential sites.

### **Quality**

New green spaces should be;

- Overlooked by buildings with active frontages
- Well positioned, multi functional and easily accessible
- Well connected to adjacent green and blue corridors, public transport and neighbourhood facilities
- Safe, inclusive and welcoming
- Well maintained and performing an identified function
- Support the principles of Placemaking policy PP3.

### **Allotments**

Proposals for allotments on existing open spaces will be supported where they do not adversely affect the primary function of the space or undermine the amenity value of the area and where a specific locational requirement has been identified by the Council. Consideration will include related aspects such as access and car parking and not just the allotment area itself.

### **Policy E9: Settlement Boundaries**

Settlement boundaries are drawn around each of the towns, villages and rural communities representing the limit to which these settlements can expand during the Local Development Plan period. Development proposals immediately outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term development site which is being released for development under the terms of Policy H2.

(In accordance with policy H11, for proposals involving Gypsy/Traveller sites, a distance of 1km will be applied as being "immediately outwith".)

## **Policy BE1: Scheduled Monuments and National Designations**

### **National Designations**

Development Proposals will be refused where they will adversely affect Scheduled Monuments and nationally important archaeological sites or their settings unless the developer proves that any significant adverse effect on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

### **Local Designations**

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

- a) Local public benefits clearly outweigh the archaeological value of the site, and
- b) There is no suitable alternative site for the development, and
- c) Any adverse effects can be satisfactorily mitigated at the developers expense

Where in exceptional circumstances, the primary aim of preservation of archaeological features in situ does not prove feasible, the Council shall require the excavation and researching of a site at the developers expense.

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

## **Policy EP2: Recycling Facilities**

Proposals for new development must ensure the provision of adequate space within layouts for well designed waste storage, recycling and collection systems to maximise waste reduction and the separation of materials at source. The scheme should be designed in consultation with the Council's Waste Manager.

For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.

## **Policy EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)**

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

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 sq metres and above.

The Council's Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

### **Policy EP9: Contaminated Land**

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

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

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

### **Policy EP10: Foul Drainage**

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been specifically allocated within its current Quality Standards Investment Programme and the following requirements apply:

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

All development within or close to settlements (as identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage

problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

## **Policy ER2: Development in Woodlands**

### **All woodlands**

Development which involves the loss of woodlands will be refused where the development would result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the forest. Woodland removal will only be supported where it can be demonstrated that the impact on the woodland is clearly outweighed by social or economic benefits of national, regional and local importance, and if a programme of proportionate compensatory planting has been agreed with the Planning Authority.

### **Protected Woodlands**

Woodland removal within native woodlands, ancient semi natural and woodlands within sites protected under the terms of policies E1 and E2 will not be supported.

### **Tree surveys and new planting**

Development proposals must take account of the Council's Trees and Development supplementary guidance. The Council will require the provision of compensatory planting to mitigate the effects of woodland removal.

Where appropriate the Council will seek opportunities to create new woodland and plant native trees in new development proposals. If a development would result in the severing or impairment of connectivity between important woodland habitats, mitigation measures should be identified and implemented to support the wider green network.

## **Policy T2: Provision of Access**

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

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.

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

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

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

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

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

Significant travel generating proposals will only be supported where:

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

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



## **Policy T5: Parking Standards**

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

## **Policy IMP1: Developer Requirements**

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

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

## **Policy IMP2: Development Impact Assessments**

The Council will require applicants to provide impact assessments in association with planning applications in the following circumstances:

- a) An Environmental Assessment (EA) will be required for developments that are likely to have significant environmental affects under the terms of the regulations.
- b) A Transport Assessment (TA) will be sought where a change of use or new development is likely to generate a significant increase in the number of trips being made. TAs should identify any potential cumulative effects which would need to be addressed. Transport Assessments should assess the effects the development will have on roads and railway infrastructure including stations and any crossings. Transport Scotland (Trunk Roads) and Network Rail (Railway) should be consulted on the scoping of Transport Assessments. Moray Council's Transportation Service can assist in providing a screening opinion on whether a TA will be sought.
- c) In order to demonstrate that an out of centre retail proposal will have no unacceptable individual or cumulative impact on the vitality and viability of the identified network of town centres, a Retail Impact Assessment will be sought where appropriate. This may also apply to neighbourhood shops, ancillary retailing and recreation/tourism retailing.
- d) Where appropriate, applicants may be asked to carry out other assessments (e.g. noise; air quality; flood risk; drainage; bat; badger; other species and habitats) in order to confirm the compatibility of the proposal.

### **Policy IMP3: Developer Obligations**

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity, and such contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

The Council will prepare supplementary guidance to explain how the approach will be implemented in accordance with Circular 3/2012 on Planning Obligations. This will detail the necessary facilities and infrastructure and the scale of contributions likely to be required.

In terms of affordable housing, developments of 4 or more units will be expected to make a 25% contribution, as outlined in policy H8.

### **R3: Ferrylea**

This first phase of housing on this site is currently under construction. Future phases should be in accordance with the principles established in the approved masterplan for the whole site.

### **LONG3: West Park Croft**

This site is within the settlement boundary but embargoed from development under the terms of Policy H2. If vehicular access is to be provided via the C14e Mannachie Road

then widening of this road will be required. The provision of vehicular connections to the adjacent R3 site is desirable. Pedestrian connections will be required to adjacent developments, the adjacent woods (ENV6) and to pedestrian/cycle networks. A walkover and photographic survey of habitats is required to assess the presence of wetlands and to identify any consequent requirement to address/mitigate the impact on groundwater dependant terrestrial ecosystems.

#### **TSP24: Mannachie Road C14E/R10**

New junction on Mannachie Road (C14E) to provide a secondary access to R10 and LONG3. Extend footway connections from Forres, widen road and provide new foot and cycleway.

#### **TSP26: Mannachie Road/R3**

New access onto Mannachie Road (C14E) to provide access to R3.

#### **TSP27: Mannachie Road/R6/R3**

New junction on Mannachie Road (C14E) to provide access to R3 and R6. Extend footway connections from Forres, widen road and provide new foot and cycleway.

### **Policy E5: Open Spaces**

#### **Safeguarding Open Spaces**

Development which would cause the loss of, or adversely impact on, areas identified under the ENV designation in settlement statements and the amenity land designation in rural groupings will be refused unless;

- The proposal is for a public use that clearly outweighs the value of the open space or the proposed development is ancillary to the principal use and will enhance use of the site for sport and recreation; and
- The development is sited and designed to minimise adverse impacts on the recreational, amenity and biodiversity value of the site; and
- There is a clear excess of the type of ENV designation within easy access in the wider area and loss of the open space will not negatively impact upon the overall quality and quantity of open space provision, or
- Alternative provision of equal or greater benefit will be made available and is easily accessible for users of the developed space.

#### **Provision of new Open Spaces**

##### **Quantity**

New green spaces should be provided to the following standards;

- Residential sites less than 10 units - landscaping to be determined under the terms of policies PP3 and IMP1 to integrate the new development.

- Residential sites 10-50 units and new industrial sites- minimum 15% open space
- Residential sites 51-200 units- minimum 20% open space
- Residential sites 201 units and above and Business Parks- minimum 30% open space including allotments, formal parks and playspaces within residential sites.

## **Quality**

New green spaces should be;

- Overlooked by buildings with active frontages
- Well positioned, multi functional and easily accessible
- Well connected to adjacent green and blue corridors, public transport and neighbourhood facilities
- Safe, inclusive and welcoming
- Well maintained and performing an identified function
- Support the principles of Placemaking policy PP3.

## **Allotments**

Proposals for allotments on existing open spaces will be supported where they do not adversely affect the primary function of the space or undermine the amenity value of the area and where a specific locational requirement has been identified by the Council. Consideration will include related aspects such as access and car parking and not just the allotment area itself.

## **Policy EP11: Hazardous Sites**

The Council will have regard to the presence of major hazard sites, and apply the PADHI (Planning Advice for Development near Hazardous Installations) methodology for planning applications within the consultation distances around these sites. Formal consultations with the Health and Safety Executive and also the Scottish Environment Protection Agency (SEPA) will take place as appropriate.

## **Policy E2: Local Nature Conservation Sites and Biodiversity**

Development likely to have a significant adverse effect on Local Nature Reserves, native woodlands identified in the Native Woodland Survey of Scotland, raised peat bog, wetlands, protected species, wildlife sites or other valuable local habitat or conflict with the objectives of Local Biodiversity Action Plans will be refused unless it can be demonstrated that;

- a) local public benefits clearly outweigh the nature conservation value of the site, and
- b) there is a specific locational requirement for the development

Where there is evidence to suggest that a habitat or species of importance exists on the site, the developer will be required at his own expense to undertake a survey of the site's natural environment.

Where development is permitted which could adversely affect any of the above habitats or species the developer must put in place acceptable mitigation measures to conserve and enhance the site's residual conservation interest.

Development proposals should protect and where appropriate, create natural and semi natural habitats for their ecological, recreational and natural habitat values. Developers will be required to demonstrate that they have considered potential improvements in habitat in the design of the development and sought to include links with green and blue networks wherever possible.

## **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 a sufficient information for the Council to carry out a Quality Audit including a topo survey, slope analysis, site sections, 3D visualisations, a Landscaping Plan, a Street Engineering Review and a Biodiversity Plan as these will not be covered by suspensive conditions on a planning consent. 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.
- For developments of 20 units and above, provide a number of character areas that have their own distinctive identity and are clearly distinguishable. Developments of less than 20 units will be considered to be one character area, unless they are part of a larger phase of development or masterplan area.
- 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.
- Landscaped areas must not be 'left-over' spaces that provide no function. 'Left-over' spaces 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 connect into wildlife corridors/ green 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 75% of car parking must be



provided to the side or rear and behind the building line with a maximum of 25% 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
- Secured 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 standardized.
- Dead-end streets/cul-de-sacs will only be selectively permitted on rural edges or where topography dictates. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
- Roundabouts must be designed to create gateways and contribute to the character of the overall development.
- 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) Masterplans have been prepared for Findrassie (Elgin), Elgin South, Bilbohall (Elgin), and Dallas Dhu (Forres) and are Supplementary Guidance to the Plan. Further Masterplans will be prepared in partnership for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/ Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. A peer review organised by the Council will be undertaken at the draft and final stages in the masterplan's preparation. Following approval, the Masterplans will be Supplementary Guidance to the Plan.

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

**PP3 INFRASTRUCTURE & SERVICES.**

Development must be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services. A Utilities Plan must be submitted with planning applications setting out how existing and

new utility (including gas, water, electricity, pipelines and pylons) provision have been incorporated into the layout and design of the proposal.

**a) Development proposals will need to provide for the following infrastructure and services:**

- 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 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, community and communal parking facilities. Access to charging points must also be provided for residential on plot parking provision. Car share parking spaces must be provided within communal parking areas where a need is identified by the Transportation Manager.
- 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.

**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.
- 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, sports and recreational facilities and access routes. Obligations will be sought to reduce, eliminate or compensate for this impact.

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 developments, including extensions and conversions and will be applied proportionately.

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 400m<sup>2</sup>, 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.
- i) Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain

**(ii) Transportation**

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Minimal (25%) 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 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 and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines.
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

iii) **Water environment, pollution, contamination.**

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

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

## **DP2 HOUSING.**

**a)** Proposals for development on all designated and windfall housing sites must include a design statement and supporting information regarding the comprehensive layout and development of the whole site, addressing infrastructure, access for pedestrians, cyclists, public transport and service vehicles, landscaping, drainage, affordable and accessible housing and other matters identified by the planning authority, unless otherwise indicated in the site designation.

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

### **b) Piecemeal/ individual plot development proposals**

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

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

### **c) Housing density**

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

### **d) Affordable Housing**

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

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

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

Further detail on the implementation of this policy is provided in the Policy Guidance note on page 44.



### **e) Housing Mix and Tenure Integration**

Proposals for 4 or more housing units must provide a mix of house types, tenures and sizes to meet local needs as identified in the Housing Need and Demand Assessment and Local Housing Strategy.

Proposals must demonstrate tenure integration and meet the following criteria;

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

### **f) Accessible Housing**

Housing proposals of 10 or more units will be required to provide 10% of the private sector units to wheelchair accessible standard, with all of the accessible units to be in single storey form. Flexibility may be applied on sites where topography would be particularly challenging for wheelchair users.

Further detail on the implementation of this policy is provided in the Policy Guidance note on page 44.

## **EP2 BIODIVERSITY**

All development proposals must retain, protect and enhance features of biological interest and provide for their appropriate management. Developments must safeguard and connect into wildlife corridors, 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 m<sup>2</sup> 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 which incorporates a Biodiversity Plan, that they have included habitat creation in the design of the development. This 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 results in the loss of natural habitats of ecological and amenity value, compensatory habitat creation will be required on an alternative site in Moray.

## **EP5 OPEN SPACE.**

### **a) Existing Open Space (ENV's and Amenity Land).**

Development which would result in a change of use of a site identified under the ENV designation in settlement statements or amenity land designation in rural groupings to anything other than an open space use will be refused.

Proposals that would result in a change of use of an ENV4 Sports Area to any other use (including other ENV categories) will be refused. The only exceptions are where the proposal is for essential community infrastructure required to deliver the key objectives of the Council and its Community Planning Partners, excluding housing, or for a site specific opportunity identified within the settlement statement. Where one of these exceptions applies, proposals must;

- Be sited and designed to minimise adverse impacts on the principal function of the space and the key qualities and features identified in the Moray Open Space Strategy Supplementary Guidance; and
- Demonstrate that there is a clear excess of the type of ENV and the loss of the open space will not negatively impact upon the quality, accessibility and quantity of open space provision and does not fragment green networks (with reference to the Moray Open Space Strategy Supplementary Guidance, green network mapping and for ENV4 Sports Area in consultation with SportScotland) or replacement open space provision of equivalent function, quality and accessibility is made.

Proposals for allotments or community growing on existing open space will be supported where they do not adversely affect the primary function of the space or the key qualities and features identified in the Moray Open Space Strategy Supplementary Guidance and a locational requirement has been identified in the Council's Food Growing Strategy. Consideration will include related aspects such as access, layout, design and car parking requirements.

Any new/proposed extension to existing cemetery sites requiring an intrusive ground investigation must be undertaken in accordance with SEPA's guidance on assessing the impacts of cemeteries on groundwater before any development occurs at the site.

Areas identified in Settlement Statements as ENV are categorised based on their primary function as set out below. These are defined in the Open Space Strategy Supplementary Guidance.

- ENV 1** Public Parks and Gardens
- ENV 2** Amenity Greenspace
- ENV 3** Playspace for children and teenagers
- ENV 4** Sports Areas
- ENV 5** Green Corridors
- ENV 6** Natural/Semi-Natural Greenspace
- ENV 7** Civic Space
- ENV 8** Allotments
- ENV 9** Cemeteries and proposed extensions
- ENV 10** Private Gardens and Grounds
- ENV 11** Other Functional Greenspace

## **b) Green Infrastructure and Open Space in New Development.**

New development must incorporate accessible multifunctional open space of appropriate quantity and quality to meet the needs of development and must provide green infrastructure to connect to wider green/blue networks. In Elgin, Buckie and Forres green infrastructure must be provided as required in the green network mapping. Blue drainage infrastructure will require to be incorporated within green open space. The blue-green context of the site will require to be considered from the very outset of the design phase to reduce fragmentation and maximize the multi-benefits arising from this infrastructure.

Open space provision in new developments must meet the accessibility, quality and quantity standards set out below and meet the requirements of policy PP1 Placemaking, EP2 Biodiversity, other relevant policies and any site specific requirements within the Settlement Statements. Developers must demonstrate through a Placemaking Statement that they have considered these standards in the design of the open space, this must include submission of a wider analysis plan that details existing open space outwith the site, key community facilities in the area and wider path networks.

### **i) Accessibility Standard.**

Everyone will live within a five minute walk of a publicly usable space of at least 0.2ha.

### **ii) Quality Standard.**

Across a development open space must achieve a very good quality score of 75%. Quality will be assessed by planning officers against the five criteria below using the bullet point prompts. Each criterion will be scored on a scale of 0 (poor) to 5 (very good) with an overall score for the whole development expressed as a percentage.

#### **Accessible and well connected.**

- Allows movement in and between places, consideration to be given to reflecting desire lines, permeable boundaries, and multiple access points.
- Accessible entrances in the right places.
- Accessible for all generations and mobility's, including consideration of gradient and path surfaces.
- Provide appropriately surfaced, inclusive, high quality paths.
- Connects with paths, active travel routes and other transport modes including bus routes.
- Offers connecting path network with legible waymarking and signage.

#### **Attractive and Appealing Places.**

- Attractive with positive image created through character and quality elements.
- Attractive setting for urban areas.
- Quality materials, equipment and furniture.
- Attractive plants and landscape elements that support character, including providing seasonal and sensory variation and food production.
- Welcoming boundaries and entrance areas.
- Adequate bin provision.
- Long term maintenance measures in place.

**Biodiverse supporting ecological networks (see Policy EP2 Biodiversity).**

- Contribute positively to biodiversity through the creation of new natural habitats for ecological and amenity value.
- Large enough to sustain wildlife populations, including green/blue networks and landscaping.
- Offers a diversity of habitats.
- Landscaping and open space form part of wider landscape structure and setting.
- Connects with wider blue/green networks Provide connections to existing green/blue networks and avoids fragmentation of existing habitats.
- Ensure a balance between areas managed positively for biodiversity and areas managed primarily for other activities e.g. play, sport.
- Resource efficient, including ensuring open space has a clear function and is not "left over".

**Promotes activity, health and well being.**

- Provides multifunctional open space for a range of outdoor physical activities reflecting user needs and location.
- Provides diverse play, sport, and recreational facilities for a range of ages and user groups.
- Providing places for social interaction, including supporting furniture to provide seating and resting opportunities.
- Appropriate high quality facilities meeting needs and reflecting the site location and site.
- Carefully sited facilities for a range of ages with consideration to be given to existing facilities, overlooking, and ease of access for users.
- Open space is flexible to accommodate changing needs.

**Safe, Welcoming and contributing to Character and Identity.**

- Safe and welcoming.
- Good levels of natural surveillance.
- Discourage anti-social behavior.
- Appropriate lighting levels.
- Sense of local identity and place.
- Good routes to wider community facilities e.g connecting to schools, shops, or transport nodes.
- Distinctive and memorable places that support local culture and identity.
- Catering for a range of functions and activities providing a multi-functional space meeting needs.
- Community involvement in management.

**iii) Quantity Standard.**

Unless otherwise stated in site designations, the following quantity standards will apply.

- Residential sites less than 10 units - landscaping to be determined under the terms of Policy DP1 Development Principles to integrate the new development.
- Residential sites 10-50 units and new industrial sites- minimum 15% open space.
- Residential sites 51-200 units- minimum 20% open space.
- Residential sites 201 units and above and Business Parks- minimum 30% open space which must include allotments, formal parks and playspaces within residential sites.

In meeting the quantity requirements, only spaces which have a clear multi benefit function will be counted. Structure and boundary landscaping areas must make provision

for public access and link into adjacent green corridors. The quantity standard must be met within the designation boundaries. For windfall sites the quantity standard must be new open space provision within the application boundaries.

Open Spaces approved in new developments will be classed as ENV spaces upon granting of consent.

Proposals must also comply with the Council's Open Space Strategy Supplementary Guidance.

## **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 as they are unsustainable in the long term due to sea level rise and coastal change.

## **b) Surface Water Drainage: Sustainable Urban Drainage Systems (SUSDS)**

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 (except single houses) 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 104). 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)
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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 Technical Guidance provides further detail on the information required to support proposals.

### **EP13 FOUL DRAINAGE**

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population must connect to the public sewerage system unless connection is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been allocated within its investment Programme and the following requirements have been met;

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

All development within or close to settlements (as above) of less than 2,000 population will require to connect to public sewerage except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add a risk of detrimental effects, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area.

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

## WARD 08\_17

**19/00615/APP**  
**28th May 2019**

**Erect student residences (6 flats with total of 42 bed spaces), with associated parking and landscaping at Knockomie Braes Forres Moray for Springfield Properties**

**Comments:**

- A SITE VISIT has been carried out.
- Advertised for neighbour notification purposes – notification not possible because no premises are situated on land to which notification can be sent.
- No representations received.
- The application has been referred to the Planning and Regulatory Services Committee because the application is on a housing site designated for 50 or more dwellings within the Development Plan.

**Procedure:**

- Legal agreement required prior to issue of any consent in order to incorporate developer obligations towards Transport (public transport provision and Orchard Road/Thornhill Road junction improvement), Healthcare (extension at Forres Health Centre; two additional dental chairs; and reconfiguration of existing pharmacy outlets), and Sports and Recreation (3G pitch in Forres).

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

**Conditions/Reasons**

1. Notwithstanding the details submitted on Drawing Number P(-- )02 'Site Layout Plan' for the new roadway, no development shall commence until revised details are submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority, for the proposed 'New Roadway' which are consistent with the proposals for footway, cyclepath, swales or service verges, roads drainage and street lighting submitted in respect of planning application 18/01142/APP. Revised details shall include a crossing of the site access for the cyclepath with dropped kerbs and tactile paving and roads drainage for the new access.

**Reason** – In the interests of an acceptable form of development, pedestrian and cycle connectivity, roads drainage and the provision of information currently lacking from the submission.

2. Notwithstanding the details on drawing P(--02) 'Site Layout Plan' and in lieu of additional car parking and to address the remote location of the proposed development from any associated educational establishment, no development shall commence until details of the following have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority
- a) Details (Plan 1:1000 min) showing a direct, 3 metre wide path connection from the proposed cycle storage area to Mannachie Road, a dropped kerb access onto Mannachie Road and visibility splays for cycle access and crossings as necessary.
  - b) Details of 42 electric bicycles to be provided (with timescales for their provision) to accommodate a mix of user requirements e.g. user height, load carrying needs, user ability (tricycle).
  - c) Details of the proposed vehicle charging infrastructure to be provided.
  - d) Detailed design (Plan 1:100 min) of the proposed weatherproof secure storage/lockers/racks.
  - e) Details for the provision of cycle personal protective equipment (PPE) including storage.
  - f) Details of the management and maintenance regime for all cycle equipment and storage facilities including drying and cleaning of PPE.
  - g) Travel Plan information to be provided to visitors and a schedule for updating information. Details to include travel options for walking, cycling and public transport, maps for routes to key destinations, guidance on the use of cycle equipment, travel safety advice, contact details for maintenance and assistance.

Thereafter the development shall be implemented in accordance with the approved details and items (a) to (f) provided prior to the development being occupied or brought into use and shall be maintained for the lifetime of the development in accordance with the approved details unless otherwise agreed in writing by the Council, as Planning Authority.

**Reason** – Provision of pedestrian and cycle infrastructure required to support the sustainable transport requirements of the proposed development and to address information currently lacking from the submission

3. Prior to commencement of development a detailed drawing (Scale 1:100 min) showing a visibility splay of 2.4 metres by 35 metres measured in both directions at the site access clear of any obstruction above 0.26 metres in height measured from the level of the carriageway into the proposed new roadway shall be submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority.

Thereafter the visibility splay shall be provided prior to any occupation or use of the access, and maintained for the lifetime of the development.

**Reason** - To ensure the provision and future maintenance of visibility at the access to the development in the interests of road safety.

4. No development shall commence until a detailed drawing (scale 1:200) showing arrangements for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the public footway/carriageway are submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and thereafter the access shall be constructed in accordance with the approved drawing.

**Reason:** To ensure acceptable infrastructure at the development access through the provision of details currently lacking and to ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access.

5. No works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:
  - i. duration of works;
  - ii. construction programme;
  - iii. anticipated schedule for delivery of materials and plant;
  - iv. full details of any temporary construction access;
  - v. measures to be put in place to prevent material being deposited on the public road;
  - vi. measures to be put in place to safeguard the movements of pedestrians;
  - vii. traffic management measures to be put in place during works including any specific instructions to drivers; and
  - viii. parking provision, loading and unloading areas for construction traffic.

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

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

6. Prior to the use or occupation of the development the following infrastructure which is to be delivered in association with planning application number 18/01142/APP, shall be completed to the satisfaction of the Planning Authority in consultation with the Roads Authority.
  - a) Mannachie Road widening to a continuous minimum width of 6m with a 3m wide cyclepath on the west side from the existing Falconer Avenue junction, south to the end of the site frontage at West Park Croft.
  - b) A continuous cyclepath connection is provided from the proposed development to the existing network at Falconer Avenue.
  - c) The road link via Falconer Avenue between the A940 (Grantown Road) and C14E (Mannachie Road) shall be completed and opened to traffic including buses.

**Reason –** To ensure acceptable infrastructure is provided on the route(s) to/from the development in the interests of sustainable transport and the safety of all road users.

7. The vehicular access shall have a maximum gradient of 1:20 measured for the first 5.0 m from the edge of the public carriageway. The section of access over the public footpath/verge shall be to the Moray Council specification and surfaced in bitmac.

**Reason** - In the interests of road safety.

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

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

9. No development shall commence until a Landscape Scheme (drawn to scale) is submitted to and approved by the Council, as Planning Authority. This Landscape Scheme shall show details of the numbers, species, position, planting distances and sizes of all planting to be undertaken.

**Reason** - In order that detailed consideration can be given to the landscaping of the site.

10. That all planting, seeding or turfing forming part of the approved Landscape Scheme shall be carried out in the first planting and seeding seasons following the occupation of the student accommodation; or the completion of the building works, whichever is the sooner. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council, as Planning Authority gives written consent to any variation of this planning condition.

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

11. No development shall commence until details of the communal bin storage area, as indicated in the approved site layout plan, and approved in writing by, the Council, as Planning Authority. The communal storage areas shall be constructed in accordance with the approved details prior to the first occupation of development and thereafter maintained in perpetuity.

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

12. Notwithstanding the submitted information, no development shall commence unless a scheme for the provision of a surface water drainage system with

accompanying drainage statement, designed in line with the SuDS Manual (by CIRIA, C753) and the Council's Supplementary Guidance on Flood Risk and Drainage Impact Assessments for New Developments has been submitted to and approved in writing by the Council, as Planning Authority in consultation with Moray Flood Risk Management. Thereafter, the development shall not be occupied unless the approved surface water drainage system has been installed and provided for use.

**Reason** - In order to ensure the development is served by a suitable surface water drainage system.

13. The development hereby approved shall be used as student accommodation (sui generis) only.

**Reason** – That the form of the development and its associated infrastructure is only suitable for use as student accommodation.

**Reason(s) for Decision**

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

The proposal accords with the provisions of the Moray Local Development Plan 2015 (and whilst limited weighting is given to it, the provisions of the Proposed Moray Local Development Plan 2020), and there are no material considerations that indicate otherwise.

**List of Informatives:**

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

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

THE ENVIRONMENTAL HEALTH MANAGER, DEVELOPMENT SERVICES, has commented that:-

The premises will require a licence to operate as a House in Multiple Occupation. Further information can be obtained from Andrew Mackie, HMO Officer and further information can be found at [http://www.moray.gov.uk/moray\\_standard/page\\_65784.html](http://www.moray.gov.uk/moray_standard/page_65784.html).

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Before commencing development, the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical

information, including drawings and drainage calculations, and provide a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations. Advice on this matter can be obtained from the Moray Council web site or by emailing [constructionconsent@moray.gov.uk](mailto:constructionconsent@moray.gov.uk)

Construction Consent shall include a CCTV survey of all existing roads drainage to be adopted.

Requirement for any traffic calming, road construction materials and specifications and any SuDs related to the drainage of the public road must be submitted and approved through the formal Roads Construction Consent process.

Planning consent does not carry with it the right to carry out works within the public road boundary and the applicant is obliged to contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

If street furniture will need to be repositioned, this will be at the expense of the developer. Street lighting will be required as part of the development proposal. No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

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

The applicant shall ensure that their operations do not adversely affect any Public Utilities, which should be contacted prior to commencement of operations.

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

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.

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.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
P(-- )02	Site layout plan



P(--02	Location plan
P(--05	Elevations
P(--04	First floor plan
P(--03	Ground floor plan
P(--06	Roof plan
P(--07	Sections - sheet 1 of 3
P(--08	Sections - sheet 2 of 3
P(--09	Sections - sheet 3 of 3
2000 A	Drainage plan





## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**

**19/00615/APP**

**Site Address:**

Knockomie Braes

Forres

**Applicant Name:**

Springfield Properties

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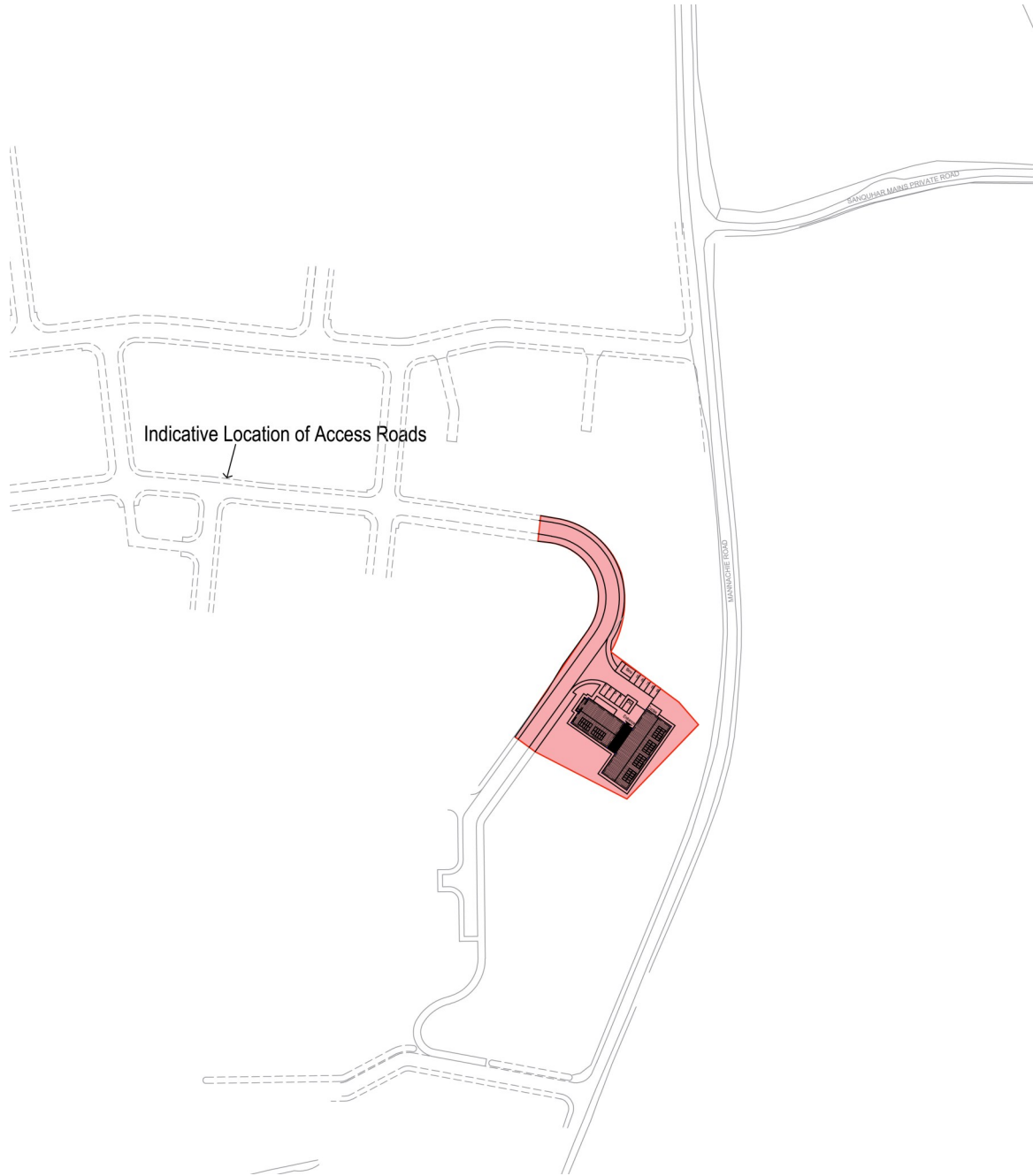
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### Location Plan



Site Location



Site plan















## PLANNING APPLICATION: 19/00615/APP

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

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### **THE PROPOSAL**

- Erection of student accommodation with associated parking and landscaping.
- The proposed building would be arranged in a T-shaped footprint over two storeys.
- Externally, the building would be finished in white and grey render, grey timber effect cladding and metal roof cladding.
- Accommodation would be arranged in 6 flats, with a total of 42 bed spaces. Four flats would have 6 bedrooms, one 8 bedrooms and another 10 bedrooms.
- Each flat would have a communal living space (lounge and kitchen).
- The facility would be served by communal laundry facilities on the ground floor, and a staff office and mail room will also be provided adjacent to the main entrance.
- 10 car parking spaces (including 1 accessible space) would be provided to the north of the site adjacent to the main entrance. Bin and cycle stores would also be provided within the parking area.
- External amenity space would be provided to the south of the building, along with external landscaping.
- The site would be accessed via roads and paths within the wider R3 and LONG3 site (currently under consideration via application 18/01142/APP).
- Water supply and foul drainage would be via public supply and sewers, whilst surface water drainage would drain to a surface water infiltration basin and permeable paving in the car park.
- A Drainage Statement has been submitted alongside the application.

### **THE SITE**

- A 0.17ha area of ground within the Forres R3 designation for housing development land in the Moray Local Development Plan 2015.
- The site is within Forres R2 in the Proposed Moray Local Development Plan 2020.
- Mannachie Road is to the east, with land under development/proposed for housing development on the remaining balance of the sites boundaries.

### **HISTORY**

**18/01142/APP** – Erection of 316 residential units and associated infrastructure and landscaping. Application currently recommended for approval alongside this application as presented to this Committee.

**19/01184/APP** – Installation of SuDS basin to serve development in R3/LONG3 Forres currently pending consideration – see report for 18/01142/APP regarding determination route.

## **POLICY – SEE APPENDIX**

## **ADVERTISEMENTS**

- Advertised for neighbour notification purposes – notification not possible because no premises are situated on land to which notification can be sent.

## **CONSULTATIONS**

**Aberdeenshire Council Archaeology Service** – No objections.

**Contaminated Land** – No objections.

**Moray Flood Risk Management** – No objections to principle of surface water soakaway scheme proposed, but recommend condition be placed requiring specifications of the drainage system to be agreed with the Council.

**Transportation Manager** – Site is remote from nearest further educational establishments (Glasgow School of Art at Altyre and Moray College in Elgin) – parking rate is low for remote location. Noting that the applicant is willing to provide electric bicycles, this is considered essential to justify the low parking provision.

Request conditions in relation to access and parking.

**Strategic Planning and Delivery** – No objections.

**Scottish Water** – No objections. Unable to confirm capacity for water supply from Glenlatterach Water Treatment Works so advised pre-development enquiry is undertaken. There is sufficient capacity in the Forres Waste Water Treatment Works.

**Environmental Health** – Informative note in relation to need for House in Multiple Occupation (HMO) licence.

**Developer Obligations** – Obligations sought towards the following:

- Transport (public transport provision and Orchard Road/Thornhill Road junction improvement)
- Healthcare (extension at Forres Health Centre; two additional dental chairs; and reconfiguration of existing pharmacy outlets)
- Sports and Recreation (3G pitch in Forres)

## **OBJECTIONS-REPRESENTATIONS**

None received.

## **OBSERVATIONS**

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

Further consideration of the weight to be attached to the Proposed Plan was considered and agreed at the Planning and Regulatory Services Committee on 29 January 2019, with the Committee agreeing that between June/August 2019 and adoption of the new LDP in mid-2020, the weight to be given to matters set out in the Proposed Plan will vary;

- Where matters set out in the Proposed Plan are subject to unresolved objections which will be considered through Examination, then those matters will continue to be given minimal weight as a material consideration in the development management process.
- Where matters set out in the Proposed Plan are not subject to unresolved objections, they will be given greater weight as a material consideration in the development management process.

The weight to be given will be considered on a case by case basis and will be agreed by the Development Management Manager and Strategic Planning and Delivery Manager.

In this case the proposal is subject to a designated site which will be subject to the Examination process and therefore will be given no weighting.

The main issues are considered below.

### **Principle of Development (R3, H1)**

The development is located on a site identified for residential development in the MLDP 2015. Although different from mainstream housing, student accommodation is still residential in nature, meeting a specific housing need for students on a temporary basis whilst living in the area to attend higher/further education at nearby establishments. Therefore the general principle of this development on such land is considered acceptable. As noted under history above, the wider site is under consideration for housing development under application 18/01142/APP. Together with those houses within R3 that are either in place or under construction, a comprehensive layout for site R3 has been provided. The proposal therefore complies with policy H1 in this regard, and is acceptable in principle. However consideration must be given to the suitability of the siting and design of the building, as well as the suitability of infrastructure serving it, either existing or proposed.

### **Design and Siting (PP3, IMP1)**

It is acknowledged that the building is of a much larger scale than the residential properties that will be sited around it.

Together with its plot density (footprint vs. site area) and separation between neighbouring buildings, the proposed building can be adequately accommodated within its context of a

modern housing development. Sufficient external amenity space has been provided, along with adequate parking and space of cycle storage and bin stances.

With regard to its design, the form, scale and style of the development has taken account of its context. Its overall height (8.1 metres) would be in keeping with the scale of the two storey houses and flats proposed within the wider R3/LONG3 development. Again it is acknowledged the building is larger in scale than the neighbouring domestic properties proposed, however on this basis the siting of the block within the site, alongside the proposed parking and amenity space, the proposal is considered to sit comfortably amongst the relatively low rise suburban development proposed.

The proposed palette of materials (white render, grey timber effect cladding and metal roof cladding) is suitable for the site – the surrounding area has a general palette of render with a mix of timber claddings, and the proposed scheme would be in keeping with this. This combination also enables the visual appearance of the building to be broken up from what otherwise could potentially be bland wall faces finished in monotonous materials.

The resultant siting and form of development is not considered to result in any significant loss of amenity to neighbouring properties (in terms of privacy, overshadowing and loss of daylight) that would warrant refusal of the proposal.

Overall, the development as proposed is considered to be sited and designed at a level appropriate to the character and amenity of the surrounding area, satisfying the requirements of policies PP3 and IMP1.

#### **Water and Drainage (EP5, EP10)**

The development would be served by the public water supply and sewerage for foul drainage. In principle, this is acceptable, though the applicant will have to apply separately to Scottish Water for connection to their network. In responding to the application, Scottish Water raised no objections to the proposal, however at the time of responding, were unable to confirm capacity at Glenlatterach Water Treatment Works (for water supply), though there was capacity at Forres Waste Water Treatment Works for foul drainage. On the basis of the response from Scottish Water (no objection), the proposal is considered to comply with policy EP10.

Surface water drainage will be via a soakaway following SuDS (Sustainable Urban Drainage) principles. Plans provided with the application show that the drainage solution would be by means of an above ground infiltration basin. Moray Flood Risk Management has no objections to the proposed surface water drainage arrangement in principle, but recommends a condition is placed requiring submission of the specifications of the soakaway to be agreed. The scheme is therefore considered to comply with policy EP5 and the Council's Supplementary Guidance on Flood Risk and Drainage Impact Assessment for New Development.

#### **Access and Parking (T2, T5)**

Roads and paths access proposed within the wider housing development would be utilised, with parking provision created in the north of the site. Policy T2 requires new development to be served by the highest level of access for end users. The wider area has multiple pedestrian/cycle links, with public transport links nearby within the wider R3 development. Cycle lockers are proposed. The development is therefore ideally placed to take advantage of these sustainable transport opportunities, whilst sufficient access is provided for vehicles.

Information provided with the application details that the proposed accommodation is to be utilised by a further education establishment. The site has been chosen in light of the proximity to the campus, and the ability for students to utilise quieter country roads to walk or cycle, some 2.0 miles in distance.

A pool of electric bikes is to be provided at the accommodation for travel to the campus. It is envisaged that all the students are overseas mature postgraduates that would not have any access to private motor vehicles therefore more sustainable transport modes will be the predominant method of travel.

On this basis, the proposal complies with policy T2.

Policy T5 requires all development to comply with the Council's Parking Standards. Parking is provided at a level appropriate to the site, with 10 parking spaces (including 1 accessible) proposed. Cycle parking is also provided. The Transportation Manager raised no objections to this arrangement. The proposal is therefore considered to comply with policy T5.

### **Developer Obligations (IMP3)**

To address the impact of the development on local facilities and infrastructure, an assessment for developer obligations has been carried out in accordance with policy IMP3 including the associated Supplementary Guidance: Developer Obligations (March 2018). In this case, obligations have been identified and are sought towards the following:

- Transport (public transport provision and Orchard Road/Thornhill Road junction improvement)
- Healthcare (extension at Forres Health Centre; two additional dental chairs; and reconfiguration of existing pharmacy outlets)
- Sports and Recreation (3G pitch in Forres)

These obligations will have to be secured by means of an appropriate legal agreement. The applicant has agreed to the Heads of Terms of these obligations. Subject to these being secured, the proposal is considered to comply with policy IMP3 and its Supplementary Guidance.

### **REASON(S) FOR DECISION**

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

The proposal accords with the provisions of the Moray Local Development Plan 2015 (and whilst limited weighting is given to it, the provisions of the Proposed Moray Local Development Plan 2020), and there are no material considerations that indicate otherwise.

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Officer:**

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Planning Officer

**Ext:** 01343 563274

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





## **APPENDIX**

### **POLICY**

#### **Adopted Moray Local Development Plan 2015**

##### **Primary Policy PP3: Placemaking**

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

Developments should;

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

##### **Policy H1: Housing Land**

###### **Designated sites**

Land has been designated to meet the strategic housing land requirements 2013-2025 in the settlement statements as set out in Table 1. Proposals for development on all designated housing sites must include or be supported by information regarding the comprehensive layout and development of the whole site. This allows consideration of all servicing, infrastructure and landscaping provision to be taken into account at the outset. It will also allow an assessment of any contribution or affordable housing needs to be made. Proposals must comply with the site development requirements within the settlement plans and policies and the Council's policy on Place- making and Supplementary Guidance, "People and Places".

## **Windfall sites within settlements**

New housing on land not designated for residential development within settlement boundaries will be acceptable if;

- a) The proposal does not adversely impact upon the surrounding environment, and
- b) Adequate servicing and infrastructure is available, or can be made available
- c) The site is not designated for an alternative use
- d) The requirements of policies PP2, PP3 and IMP1 are met.

## **Housing Density**

Capacity figures indicated within site designations are indicative and proposed capacities will be considered against the characteristics of the site, conformity with policies PP3, H8 and IMP1.

## **Policy EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)**

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

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 sq metres and above.

The Council's Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

## **Policy EP9: Contaminated Land**

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

- a) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment; and

- b) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/or treatment of any hazardous material.

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

### **Policy EP10: Foul Drainage**

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been specifically allocated within its current Quality Standards Investment Programme and the following requirements apply:

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

All development within or close to settlements (as identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

### **Policy T2: Provision of Access**

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

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

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

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

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

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

Significant travel generating proposals will only be supported where:

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

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

## **Policy T5: Parking Standards**

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

## **Policy IMP1: Developer Requirements**

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

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

## **Policy IMP3: Developer Obligations**

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact upon existing

infrastructure, community facilities or amenity, and such contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

The Council will prepare supplementary guidance to explain how the approach will be implemented in accordance with Circular 3/2012 on Planning Obligations. This will detail the necessary facilities and infrastructure and the scale of contributions likely to be required.

In terms of affordable housing, developments of 4 or more units will be expected to make a 25% contribution, as outlined in policy H8.

### **R3: Ferrylea**

This first phase of housing on this site is currently under construction. Future phases should be in accordance with the principles established in the approved masterplan for the whole site.

### **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 a sufficient information for the Council to carry out a Quality Audit including a topo survey, slope analysis, site sections, 3D visualisations, a Landscaping Plan, a Street Engineering Review and a Biodiversity Plan as these will not be covered by suspensive conditions on a planning consent. 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.
    - For developments of 20 units and above, provide a number of character areas that have their own distinctive identity and are clearly distinguishable. Developments of less than 20 units will be considered to be one character area, unless they are part of a larger phase of development or masterplan area.

- 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.
- Landscaped areas must not be 'left-over' spaces that provide no function. 'Left-over' spaces 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 connect into wildlife corridors/ green 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 75% of car parking must be provided to the side or rear and behind the building line with a maximum of 25% 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
- Secured 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 standardized.
- Dead-end streets/cul-de-sacs will only be selectively permitted on rural edges or where topography dictates. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
- Roundabouts must be designed to create gateways and contribute to the character of the overall development.
- 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) Masterplans have been prepared for Findrassie (Elgin), Elgin South, Bilbohall (Elgin), and Dallas Dhu (Forres) and are Supplementary Guidance to the Plan. Further Masterplans will be prepared in partnership for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/ Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. A peer review organised by the Council will be undertaken at the draft and final stages in the masterplan's preparation. Following approval, the Masterplans will be Supplementary Guidance to the Plan.
- (e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

### **PP3 INFRASTRUCTURE & SERVICES.**

Development must be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services. A Utilities Plan must be submitted with planning applications setting out how existing and new utility (including gas, water, electricity, pipelines and pylons) provision have been incorporated into the layout and design of the proposal.

**a) Development proposals will need to provide for the following infrastructure and services:**

- 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 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, community and communal parking facilities. Access to charging points must also be provided for residential on plot parking provision. Car share parking spaces must be provided within communal parking areas where a need is identified by the Transportation Manager.
- 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.

**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.
- 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, sports and recreational facilities and access routes. Obligations will be sought to reduce, eliminate or compensate for this impact.

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 developments, including extensions and conversions and will be applied proportionately.

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 400m<sup>2</sup>, 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.
  - i) Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain
- (ii) **Transportation**
- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
  - b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Minimal (25%) 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 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 and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines.
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

iii) **Water environment, pollution, contamination.**

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



- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

## **DP2 HOUSING.**

**a)** Proposals for development on all designated and windfall housing sites must include a design statement and supporting information regarding the comprehensive layout and development of the whole site, addressing infrastructure, access for pedestrians, cyclists, public transport and service vehicles, landscaping, drainage, affordable and accessible housing and other matters identified by the planning authority, unless otherwise indicated in the site designation.

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

### **b) Piecemeal/ individual plot development proposals**

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

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

### **c) Housing density**

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

### **d) Affordable Housing**

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

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

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

Further detail on the implementation of this policy is provided in the Policy Guidance note on page 44.

#### **e) Housing Mix and Tenure Integration**

Proposals for 4 or more housing units must provide a mix of house types, tenures and sizes to meet local needs as identified in the Housing Need and Demand Assessment and Local Housing Strategy.

Proposals must demonstrate tenure integration and meet the following criteria;

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

#### **f) Accessible Housing**

Housing proposals of 10 or more units will be required to provide 10% of the private sector units to wheelchair accessible standard, with all of the accessible units to be in single storey form. Flexibility may be applied on sites where topography would be particularly challenging for wheelchair users.

Further detail on the implementation of this policy is provided in the Policy Guidance note on page 44.

### **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 as they are unsustainable in the long term due to sea level rise and coastal change.

#### **b) Surface Water Drainage: Sustainable Urban Drainage Systems (SUSDS)**

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 (except single houses) 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 104). 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 Technical Guidance provides further detail on the information required to support proposals.

### **EP13 FOUL DRAINAGE**

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population must connect to the public sewerage system unless connection is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been allocated within its investment Programme and the following requirements have been met;

- Systems must not have an adverse effect on the water environment.
- Systems must be designed and built to a standard which will allow adoption by Scottish Water.

- Systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as above) of less than 2,000 population will require to connect to public sewerage except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add a risk of detrimental effects, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area.

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

## **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.

## **R2 Ferrylea 22.2 ha 380 units**

- Phases 1 and 2 of development has commenced with 249 units consented.
- A masterplan is required, incorporating land at West Park Croft, showing connections between all areas, proposed landscaping, the required affordable and accessible housing and required buffer to the gas pipeline.
- Lowering of density onto the rural edge required.

- Pocket park within south eastern part of site required.
- Transport Assessment required.
- Junction improvements required within Forres, scale to be determined through the Transport Assessment.
- Widening of Mannachie Road along frontage of site to 6m and provision of a 3m wide cycle path to the west side connecting to the north and completing any missing sections between the site and the existing network to the north required.
- Contribution required towards path widening along Mannachie Road to 3m wide from development to core path FR22 (including provision for a crossing).
- Widening of Mannachie Road to 5.5m from Link Road access, south to access to West Park Croft and safeguarding for future widening within site boundary beyond this is required.
- Assessment for additional bus stop infrastructure within the frontage of the development must be considered as part of the overall R2/R4/R6 bus stop infrastructure provision and accessibility to bus stops.
- A developer contribution towards public transport will be sought.
- Path links must be provided to the woodland to the south of the site, and north into adjacent housing at Mannachie Brae.
- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- Phase 1 Habitat Survey required.
- Archaeological targeted evaluation (10%) of known features and monitored topsoil strip of all remaining areas required.







**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON  
8 OCTOBER 2019**

**SUBJECT: 19/01025/ PAN - DEVELOPMENT OF HOUSING AND  
ASSOCIATED INFRASTRUCTURE AT SPYNIE HOSPITAL,  
DUFFUS ROAD, ELGIN**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND  
FINANCE)**

## **1. REASON FOR REPORT**

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 16 August 2019 for a proposed housing development and associated infrastructure by Moray Council, Housing and Property and NHS Grampian.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

## **2. RECOMMENDATION**

### **2.1 It is recommended that:**

- (i) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- (ii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

## **3. BACKGROUND**

- 3.1 Scottish Government has published guidance which encourages elected members to highlight any issues with a proposed development at the pre-application stage which they would wish to see taken into account within any formal application for planning permission.
- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to the applicant (paragraph 4 of the Minute refers).
- 3.3 This current report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc. Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 As described, this PAN relates to a proposal for housing and associated infrastructure on the area previously occupied by the now demolished Spynie Hospital, Elgin which includes the area identified as OPP6 in the Local Development Plan 2015. The PAN includes a Location Plan (**Appendix 1**) which defines the extent of the proposed development site. Some indicative layout designs have been submitted at the moment, but no definitive layout has yet been prepared. Of note in the proposed Moray Local Development Plan 2020 this area is to become a residential designation R22.
- 3.5 Relevant to the current Hierarchy Regulations and for residential development on a site which exceeds 2 hectares (4.6h) the proposal would be a major development for planning purposes. As such, the proposal would be subject to PAN and pre-application consultation with the local community procedures. The applicant has also been advised of the Council's pre-application advice service to assist in identifying key issues and information that would be expected to accompany any formal application, and have lodged a separate pre-application enquiry with the Development Management Section.
- 3.6 A formal response has been issued to the applicant to confirm that the proposed arrangements for engaging with the local community are sufficient. The applicant has served a copy of the PAN on Elgin Community Council. The applicant has been advised that no additional parties require to be notified with a copy of the PAN.

#### **4. SUMMARY OF IMPLICATIONS**

##### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Identifying key issues at an early stage to assist with front loading major planning applications is a vital aspect of supporting and facilitating the Council's priority for economic development in Moray.

**(b) Policy and Legal**

Scottish Government guidance on the role of councillors in pre-application procedures affords elected members the opportunity to offer general provisional views on forthcoming developments which are the subject of a PAN where the details of the development have yet to be finalised.

**(c) Financial implications**

None

**(d) Risk Implications**

None

**(e) Staffing Implications**

None

**(f) Property**

None

**(g) Equalities/Socio Economic Impact**

None

**(h) Consultations**

The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, Legal Services Manager, Building Standards and Development Management Manager, the Equal Opportunities Officer, Strategic Planning and Delivery Manager, and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

Members of Moray Council who are not on the Planning & Regulatory Services Committee have also been consulted and any views received on the proposal will be made known at the meeting.

**5. CONCLUSION**

- 5.1 The Council has received a PAN intimating the intention that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for housing and associated infrastructure at the former Spynie Hospital site, Elgin. The Committee (and any other Member(s) of the Council) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.**

Author of Report: Neal MacPherson, Principal Planning Officer

Background Papers: N/A

Ref: 19/01025/ PAN








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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON  
8 OCTOBER 2019**

**SUBJECT: 19/00930/PAN – R15 DEVELOPMENT SITE, BILBOHALL ROAD,  
ELGIN, MORAY**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND  
FINANCE)**

## **1. REASON FOR REPORT**

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 26 July 2019 by Moray Council, on behalf of The Bilbohall Consortium.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

## **2. RECOMMENDATION**

### **2.1 It is recommended that:**

- (i) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- (ii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

## **3. BACKGROUND**

- 3.1 Scottish Government has published guidance which encourages elected members to highlight any issues with a proposed development at the pre-



application stage which they would wish to see taken into account within any formal application for planning permission.

- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to the applicant (paragraph 4 of the Minute refers).
- 3.3 This current report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc. Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 As described, this PAN relates to a proposal for Development of housing and associated infrastructure in the areas identified in the Bilbohall Masterplan, Elgin. The PAN includes a Location Plan (**Appendix 1**) which defines the extent of the proposed development site. No house designs or site layout arrangements have been provided at this stage but the adopted Bilbohall Masterplan does give specific guidance about anticipated layout, infrastructure and landscaping for the area. The area is currently occupied by a number of designations (R3 Bilbohall South, R4 South West Elgin High School, R12 Konockmasting Wood, CF2 Edgar Road and OPP7 Bilbohall) within the Elgin Settlement boundary.
- 3.5 Relevant to the current Hierarchy Regulations and for residential development on a site which exceeds 2 hectares, the proposal would be a major development for planning purposes. As such, the proposal would be subject to PAN and pre-application consultation with the local community.
- 3.6 Beyond the consultation that was undertaken as part of the master planning process, a formal response has been issued to the applicant to confirm that the proposed arrangements for engaging with the local community are sufficient. The applicant has served a copy of the PAN on Elgin Community Council and has been encouraged to consult with relevant residents associations also.

#### **4. SUMMARY OF IMPLICATIONS**

##### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Identifying key issues at an early stage to assist with front loading major planning applications is a vital aspect of supporting and facilitating the Council's priority for economic development in Moray.

**(b) Policy and Legal**

Scottish Government guidance on the role of councillors in pre-application procedures affords elected members the opportunity to offer general provisional views on forthcoming developments which are the subject of a PAN where the details of the development have yet to be finalised.

**(c) Financial implications**

None.

**(d) Risk Implications**

None.

**(e) Staffing Implications**

None.

**(f) Property**

None.

**(g) Equalities/Socio Economic Impact**

None.

**(h) Consultations**

The Corporate Director (Economic Development Planning & Infrastructure), the Head of Development Services, Legal Services Manager, Building Standards and Development Management Manager, the Equal Opportunities Officer, Strategic Planning and Delivery Manager, and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

Members of Moray Council who are not on the Planning & Regulatory Services Committee have also been consulted and any views received on the proposal will be made known at the meeting.

**5. CONCLUSION**

- 5.1 The Council has received a PAN intimating the intention that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for development of housing and associated infrastructure in the areas identified in the**

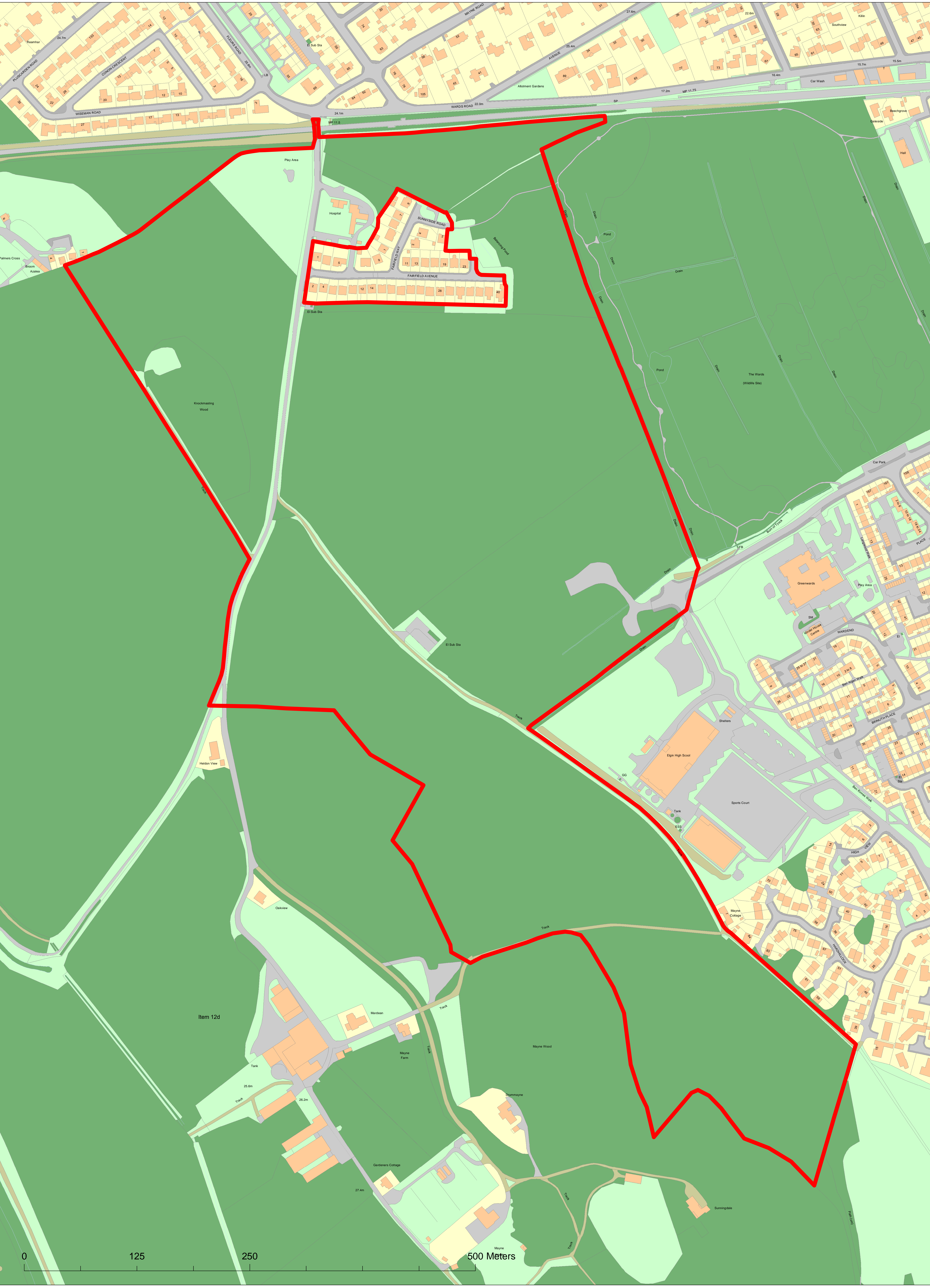
**Bilbohall Masterplan area at Bilbohall, Elgin. The Committee (and any other Member(s) of the Council) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.**

Author of Report: Neal MacPherson, Principal Planning Officer

Background Papers:

Ref: 19/00930/PAN











**REPORT TO: PLANNING & REGULATORY SERVICES COMMITTEE ON  
8 OCTOBER 2019**

**SUBJECT: DISCHARGE OF PLANNING CONDITION IMPOSED ON  
19/00550/APP – LINKWOOD STEADING, LINKWOOD ROAD,  
ELGIN**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND  
FINANCE)**

## **1. REASON FOR REPORT**

- 1.1 To inform the Committee of the details submitted by the applicant to discharge condition 2 imposed on decision notice 19/00550/APP in relation to a scheme of material finishes for the external walls of the 6 apartments granted consent on 25 September 2019.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as Planning Authority.

## **2. RECOMMENDATION**

- 2.1 **It is recommended that the Committee agree to discharge condition 2 imposed on planning permission 19/00550/APP and approve the details submitted, Appendix 1 (Appendix 2 - Option 2) subject to the feature stone being reclaimed or natural stone and the timber features and roughcast finish to be replaced with reclaimed or natural stone.**

## **3. BACKGROUND**

- 3.1 Planning consent was granted under reference 19/00550/APP at the Planning and Regulatory Services Committee on 20 August 2019 subject to a number of planning conditions and modification of a S.75 legal agreement (para 10 of the Minute refers). The consent was issued on 25 September 2019.
- 3.2 Members of this committee agreed the Officers recommendation subject to the details for discharging condition 2 to be brought back before this committee for consideration and final discharge.

#### **4. Observations**

- 4.1 Condition 2 imposed on planning consent 19/00550/APP states the following:

Notwithstanding the details shown on drawing EL43\_STDNG\_PL01 Rev A hereby approved, prior to any development commencing a scheme of material finishes for the external walls shall be submitted to and approved in writing with the Council, as Planning Authority. The scheme must show the walls of the front south west facing elevation finished in stone reclaimed from the steading that previously stood on the site and if necessary, new natural stone work incorporated, along with an appropriate arch feature to the ground floor window of the central gable. Thereafter the development shall be implemented in accordance with the approved details.

**Reason:** In the interest of the character of the development and surrounding area.

- 4.2 The applicant Springfield Properties have now submitted options to seek compliance with this condition and stated that these “are the only commercially suitable proposals which would allow development to proceed”. For the avoidance of doubt no information has been provided to support this statement. The applicant has also stressed that the original steading had infilled concrete openings which reduced the proportion of actual stone used in the building. **Appendix 2** shows the two options presented and the percentage of the elevation proposed to be in stone.
- 4.3 The reason for the condition was to ensure the character of the original steading was re-created and without the whole of the front elevation being in natural stone (excluding the openings) this would not occur. The introduction of timber and roughcast alongside the stone creates a mixed palette of materials that creates a building with a modern feel and fails to replicate the essential character and materials of the original steading that has been lost. The subsequent infill of former openings with concrete blocks would not negate the need to diminish the merits of the façade that was to be re-constructed.
- 4.4 In terms of Moray Local Development Plan 2015, policy PP3 Placemaking has a strong emphasis on high quality outcomes including creating places with character and identity. Linkwood Steading was part of the R10 designation required the main façade to be retained. On this basis the details are only recommended to be agreed subject to the feature stone being reclaimed or natural stone and the timber features and roughcast finish being replaced with reclaimed or natural stone.

#### **5. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

High quality development supports economic development.

**(b) Policy and Legal**

Town & Country Planning Act 1997 and Adopted Moray Local Development Plan 2015.

**(c) Financial implications**

None.

**(d) Risk Implications**

None.

**(e) Staffing Implications**

None.

**(f) Property**

None.

**(g) Equalities/Socio Economic Impact**

None.

**(h) Consultations**

Head of Development Services, Strategic Planning & Delivery Manager, Legal Services Manager and Lissa Rowan, Committee Services Officer.

**6. CONCLUSION**

- 6.1 Agree the discharge of condition 2 imposed on 19/00550/APP and approve the details submitted, Appendix 1, (Appendix 2 - Option 2) subject to the feature stone being reclaimed or natural stone and the timber features and roughcast finish to be replaced with reclaimed or natural stone.**

Author of Report: Beverly Smith, Development Management and Building Standards Manager

Background Papers: Appendix 1 & 2

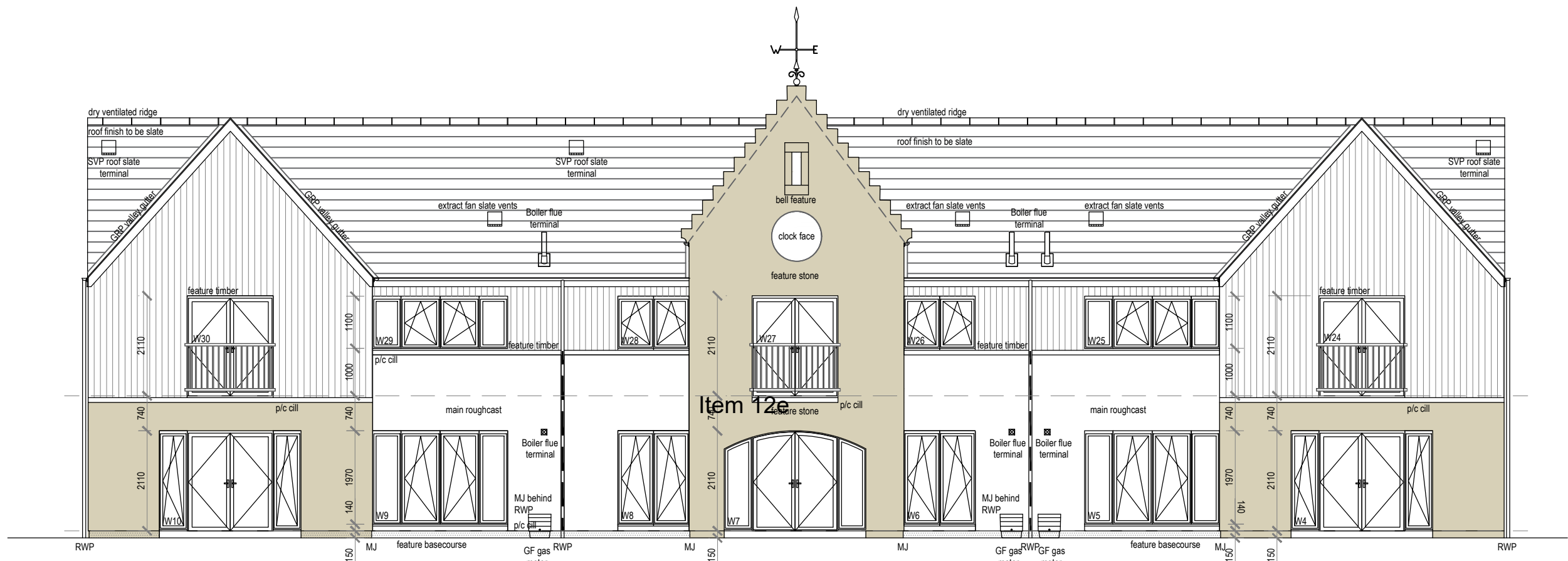
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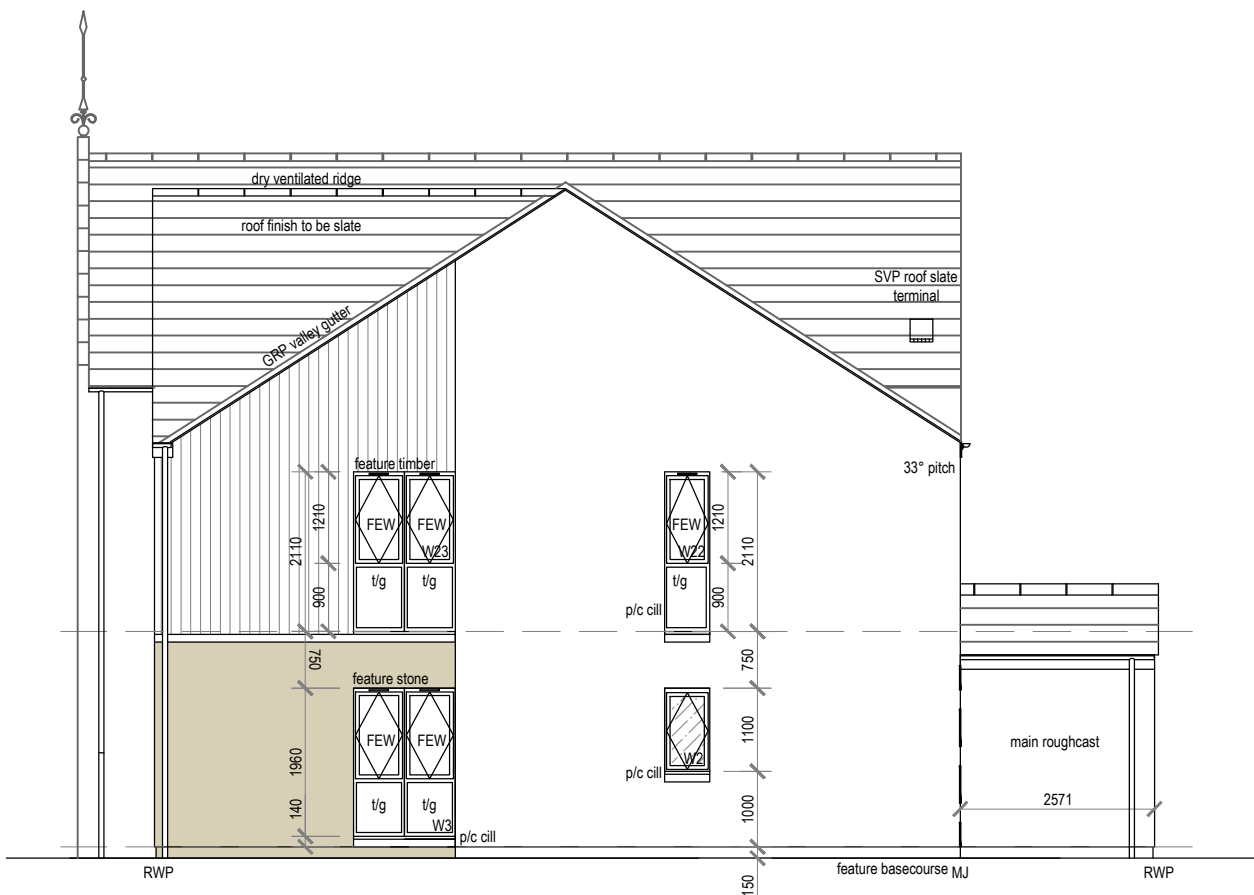


Important notes for clients / contractors  
No works are to commence on site until all relevant approvals have been obtained. Any deviations to the approved plans have to be reported to this office. Contractors to check all dimensions on site prior to commencement of work. Given dimensions only to be used. "DO NOT SCALE". The copyright of this drawing and design remain the sole property of Springfield Properties Plc and must not under any circumstance be reproduced, in any way without express written consent.

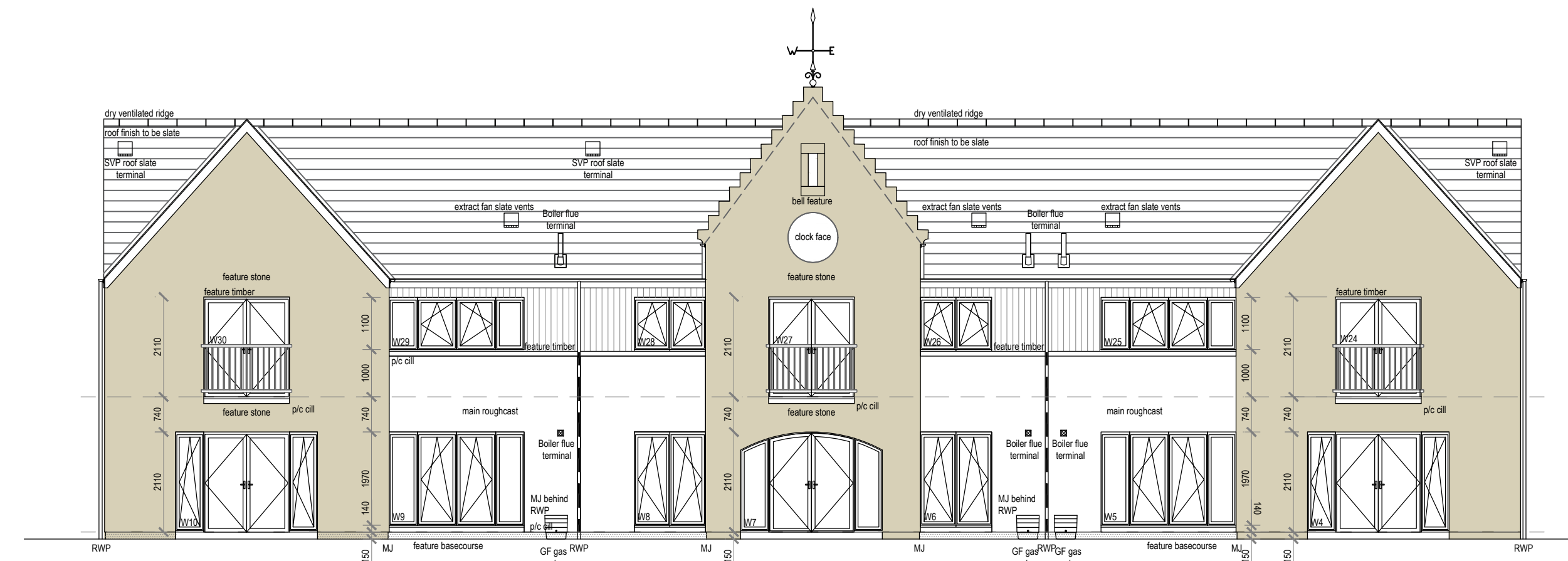
- feature base
- feature timber
- feature stone



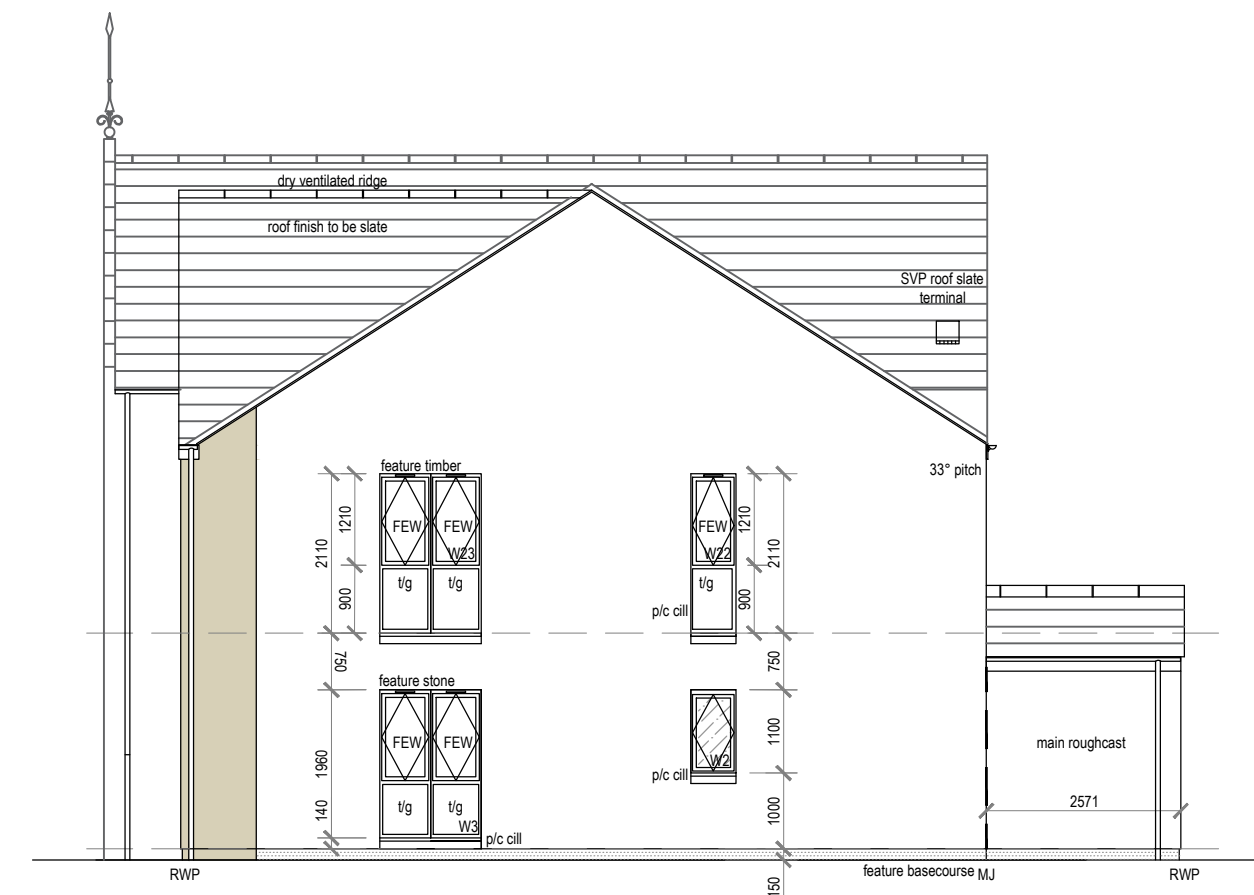
Front Elevation 1:100



Side Elevation 1:100



Front Elevation 1:100



Side Elevation 1:100

Rev.	Date	Remarks	By	Ch.
Revisions				



Springfield Properties Plc

Elgin Office  
Alexander Fleming House,  
8 Southfield Drive,  
Elgin, Moray,  
IV30 6GR

Larbert Office  
Springfield House,  
Central Park Avenue,  
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FK5 4RX

Tel: 01343 552 500  
Fax: 01343 551 776  
Email: info@springfield.co.uk

Tel: 01324 555 536  
Fax: 01324 574 890  
Email: larbert@springfield.co.uk

Project  
EL43  
Linkwood Steading,  
Elgin

Drawing  
Building Warrant  
Proposed Front and Rear Elevations  
Plots 501-506

Scale	Date	Drawn by	Checked by
1:10	11/07/2019	SM	BW

Drawn by  
EL43\_PL1501-506\_04

Rev	B
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**Existing:**

Area of Existing Front Elevation	182.26m <sup>2</sup>
Area of Existing Openings	70.83m <sup>2</sup>
Percentage of Existing Elevation in Stone	<b>38.8%</b>



**Option 1:**

Area of Front Elevation	190.67m <sup>2</sup>
Area of Existing Openings	18.5m <sup>2</sup>
Area of Stone Less Openings	52.6m <sup>2</sup>
Percentage of Existing Elevation in Stone	<b>27.5%</b>



**Option 2**

Area of Front Elevation	190.67m <sup>2</sup>
Area of Existing Openings	29.9m <sup>2</sup>
Area of Stone Less Openings	89.9m <sup>2</sup>
Percentage of Existing Elevation in Stone	<b>47.14%</b>






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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON  
8 OCTOBER 2019**

**SUBJECT: ENVIRONMENTAL HEALTH SERVICE DELIVERY PLAN**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND  
FINANCE)**

**1. REASON FOR REPORT**

- 1.1 To approve the Food Law Enforcement Service Delivery Plan 2019-2020 and note the Performance Review based on the Food Law Enforcement Service Delivery Plan 2017/18.
- 1.2 This report is submitted to Committee in terms of Section III (E) (16 of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as the Environmental Health Authority.

**2. RECOMMENDATION**

**2.1 It is recommended that the Committee:**

- (i) **approve the Environmental Health Service Delivery Plan for 2019/2020; and**
- (ii) **notes the Performance Review based on the Food Law Enforcement Strategy Service Delivery Plan 2017-18 (Appendix 2)**

### **3. BACKGROUND**

- 3.1 The Food Standards Scotland (FSS) was formed on 1 April 2015 and has a key role as the central competent Authority in overseeing official feed and food controls undertaken by Local Authorities. Powers enabling FSS to monitor and audit Local Authorities are contained in the Food Standards Act 1999 and the Official Feed and Food Controls Regulations 2009.
- 3.2 The Framework Agreement on Official Feed and Food Controls by Local Authorities issued by FSS recognises that Service Plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally.
- 3.3 Moray Council's Food Law Enforcement Service Delivery Plan is developed annually to ensure compliance with the FSS Framework Agreement. This Plan replaced all previously approved Food Law Enforcement delivery plans. The proposed plan for 2019/2020 is attached as **APPENDIX 1**.
- 3.4 Service Plans must include a review of performance in order to address any variances from meeting the requirements of the Service Plan and identify areas for improvement. The Food Hygiene performance identified - Category A 22 of 24 inspections completed on time (92%) with 2 done late. Category B premises inspection was 61 of 70 inspections within target date, and 9 done late. For Food Standards, 100% of Category A premises were inspected within the target date and 84% of Category B inspections met the target dates. The percentage of broadly compliant premises remains fairly static at 80%. Maintenance of performance remains challenging due to the reduction in appropriately qualified staff. The national shortage of Environmental Health Officers continues to make recruitment challenging. There are currently 2 Graduate Environmental Health Officers in post with the expected timescale of October 2021 until they are fully qualified and can absorb a full range of duties. Over the previous several months, there have been a number of staff changes and a revision of service delivery. The full performance review of the 2017/18 plan is attached as **APPENDIX 2**.

### **4. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Assist Moray Council to meet its priorities of growing and diverse and sustainable economy and healthier citizens.

**(b) Policy and Legal**

This Authority has a statutory duty to comply with the Framework Agreement in accordance with the Food Standards Act 1999. These duties include requirements for the planning, management and delivery of the Local Food Law Enforcement service.

**(c) Financial implications**

The Plan was developed with due consideration to available resources and will be delivered within existing budgets. Any future budget cuts will undoubtedly affect the performance achievable.

**(d) Risk Implications**

Failure to provide a Service Plan could leave the Council open to criticism and challenge from FSS for failing in its statutory duties. FSS can exercise its default powers to take over the running of the food service at full cost to the Council.

Failure to implement the Service Plan may result in an increase in food borne illness and complaints with a consequential cost to food businesses and the community. There may also be a negative impact on Moray's excellent reputation for food production.

Brexit has introduced significant uncertainties in the potential resources required for imports and exports and maintaining existing supply chains and water treatments etc.

**(e) Staffing Implications**

The Plan will be delivered within the existing staff resources. There remain challenges in recruiting suitably qualified staff and managing absence.

**(f) Property**

None.

**(g) Equalities/Socio Economic Impact**

Not required.

**(h) Consultations**

Head of Development Services, Head of Environmental Services, Legal Services Manager, Paul Connor (Principal Accountant), the Equal Opportunities Officer, Lissa Rowan (Committee Services Officer), Russell Anderson (Principal Environmental Health Officer)

**5. CONCLUSION**

**5.1 That the Committee approve the Food Law Enforcement Service Delivery Plan 2019/2020 and notes the Performance Review Food Law Enforcement Strategy Service Delivery Plan 2017/18**

Author of Report: Karen Sievwright, Environmental Health & Trading Standards Manager

Background Papers: Appendix 1 (Staff Structure) & 2 (Food Service Scope)  
Ref:







**DEVELOPMENT SERVICES**

**ENVIRONMENTAL HEALTH**

**FOOD LAW ENFORCEMENT**

**SERVICE DELIVERY PLAN**

**2019 - 2020**

# MORAY COUNCIL

## FOOD LAW ENFORCEMENT SERVICE DELIVERY PLAN

### 1. SERVICE, AIMS AND OBJECTIVES

#### 1.1 The Service

Environmental Health exists to maintain and improve standards relating to food safety, health and safety at work, environmental protection, including contaminated land, public health, private water supplies, housing and animal health and welfare, so that the quality of life of those living, working and visiting Moray is enhanced.

Environmental Health will provide effective, efficient advice and services to the public, commercial sector and other internal and external agencies on all matters for which it has a statutory responsibility.

Environmental Health will eliminate unnecessary enforcement activity that impacts on responsible business and will implement the Government's Regulatory Reforms.

Environmental Health will promote sustained compliance with the Law, ensure that duty holders take action to deal immediately with serious breaches of the Law and hold to account those who breach Legal requirements which may include recommending prosecution or serving statutory notices.

Environmental Health will, through advice given to legitimate businesses, particularly during start up, promote good business without stifling entrepreneurial activities. To enable this, businesses must behave ethically, engage early and openly with Regulators and strive to comply.

Environmental Health will endeavour to comply with the requirements of the Regulators code in all enforcement matters as it exemplifies best practice and identifies the need for Regulatory Services to adopt a positive and proactive approach towards ensuring compliance. This will be undertaken by:

- Adopting a positive enabling approach by helping and encouraging businesses and individuals to understand and comply with the Law
- Ensuring proportionality when dealing with breaches of the Law
- Use risk assessments, intelligence and evidence to target resources to the areas that require them most
- Ensure effective two-way communication with those that are Regulated
- Adopt an education based approach with a robust and effective enforcement when required
- Ensure the policies are transparent, accountable, consistent, proportionate and targeted
- Pursuing continuous improvement in Regulatory practice based on the principles of better Regulation

We will provide information and advice in plain language. We will be open about how we do our work, including any charges made. We will take account of businesses, consumers, workforce representatives' and other stakeholders' views.

We believe that prevention is better than cure and that our role therefore involves actively working with businesses, especially small and medium sized businesses, to advise on and assist with compliance. We will provide a courteous and efficient service and our staff will identify themselves by name. We will provide a contact point and telephone number for further dealings with us and we will encourage businesses to seek advice/information from us. Applications for approval of establishments, licences, registrations etc., will be dealt with efficiently and promptly. We will ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise overlaps and time delays.

We have an effective and timely complaints procedure. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely time-scales involved.

We will minimise the costs of compliance for businesses by ensuring that any action we require is proportionate for the risks. As far as the Law allows, we will take account of the circumstances of the case and the attitude of the operator when considering action. We will take particular care to work with small businesses and voluntary and community organisations so that they can meet their Legal obligations without unnecessary expense, where practicable.

We carry out our duties in a fair, equitable and consistent manner. While inspectors are expected to exercise judgement in individual cases, we have arrangements in place to promote consistency, including effective arrangements for liaison with other Authorities and Enforcement bodies using the 'Home Authority' principle operated by the Local Authorities Co-ordinators of Regulatory Services (LACORS).

## **Food Safety**

Food law enforcement is carried out by authorised Environmental Health Officers and Food Safety Officers within Moray Council's Environmental Health team.

The Service has two main aims:

- a. To maintain and improve public health within Moray by carrying out the Council's food law enforcement responsibilities in a consistent, planned and accountable manner to ensure that:
  - Food (which includes drink) is safe to eat
  - Food is handled and produced hygienically
  - Foreseeable incidents of food poisoning or injury as a consequence of the consumption of food are identified and prevented
  - The quality, composition, labelling, presentation and advertising of food and materials in contact with food are satisfactory
- b. To provide an effective, efficient, support and advice service to the public, the commercial sector and other agencies on food safety matters. Thereby

securing the objective that all food purchased or traded in Moray is manufactured, described and handled safely and to consistent standards, which is essential for the well-being of consumers, food businesses and the wider economy.

The Service works collaboratively with Food Standards Scotland (FSS) which was established by the Food (Scotland) Act 2015 to deliver independent consistent, evidence based and consumer focused information to protect public health, help improve the Scottish diet and protect the interests of the consumer in relation to food.

The FSS Strategy for 2016-2019 incorporated a 3-year Corporate Plan, April 2016-March 2019, which had been developed by FSS and set the direction to help deliver the FSS vision of “creating a food and drink environment in Scotland that benefits, protects and is trusted by consumers”. The Corporate Plan outcomes are that:

- Food is safe
- Food is authentic
- Consumers have healthier diets

The Environmental Health Service works in partnership with the public and businesses in the Moray Council area.

Due regard is given to guidance issued by FSS, Scottish Government, Royal Environmental Health Institute of Scotland (REHIS), Health Protection Scotland (HPS), Scottish Food Enforcement Liaison Committee (SFELC) and Society of Chief Officers of Environmental Health in Scotland (SOCOEHS).

## **1.2 Links to Corporate Plans**

The Food Law Enforcement Service Delivery Plan is delivered by the Environmental Health Team which forms part of Development Services.

Development Services has many roles including developing partnerships with business and local and national agencies to promote economic development, attracting external funding, assisting vulnerable groups with financial and welfare benefit issues and ensuring public health and community safety. It seeks to protect and enhance our environment, heritage and culture and enable opportunities for development and growth.

Development Services seek to ensure development in Moray is sustainable, providing a safe and valued environment both now and in the future.

The Food Law Enforcement Service Delivery Plan is linked to the Development Services Service Plan 2019-2020 currently being developed which in turn is linked to ‘The Moray Local Outcome Improvement Plan which identifies the following priorities of the ‘Community Planning Board’:-

- Growing, diverse and sustainable economy
- Building a better future for our children and young people in Moray
- Empowering and connecting communities
- Changing our relationship with alcohol

### 1.3 Workload Priorities

The Service recognises that there has been a significant reduction in staff resources available to undertake the full range of functions required by the FSS Food Law Code of Practice (Scotland) which was published on 1 April 2015 and for the forthcoming year tasks will be prioritised in the following order:

a. Emergencies and threats to public health:

- Food alerts, outbreaks/incidents, infectious diseases notifications
- Food fraud
- Formal action to protect public health, including revisits, Hygiene Emergency Prohibition Notices, Remedial Action Notices
- Food and Water complaints where there is a potential risk to public health

b. Planned highest risk inspections:

- Food hygiene<sup>1</sup> – category A/B risk rated premises
- Approved establishments
- New or unrated premises where there are cross contamination risks
- Food standards<sup>2</sup> - Category A risk rated premises

c. Planned higher risk inspections

- Food hygiene – category C risk rated premises where there are potential risks of cross contamination; those that are not “broadly compliant”<sup>3</sup> with Food Law and those that are overdue for inspection\*
- Food standards – new or unrated potentially high risk premises
- Advice to high risk establishments
- Licensing of high risk establishments

d. Planned lower risk inspections

- food hygiene – category C risk rated premises (not included in 3 above)
- category D risk rated catering premises
- food standards – category B risk rated premises

e. All other work and lowest rated establishments inspected as resources permit

These priorities have been established to ensure the best practical service in addressing the food safety and public health needs of Moray within existing

resources. The priorities are also based on the principles contained in the Scottish Regulators Strategic Code of Practice.

1 See page 11

2 See page 13

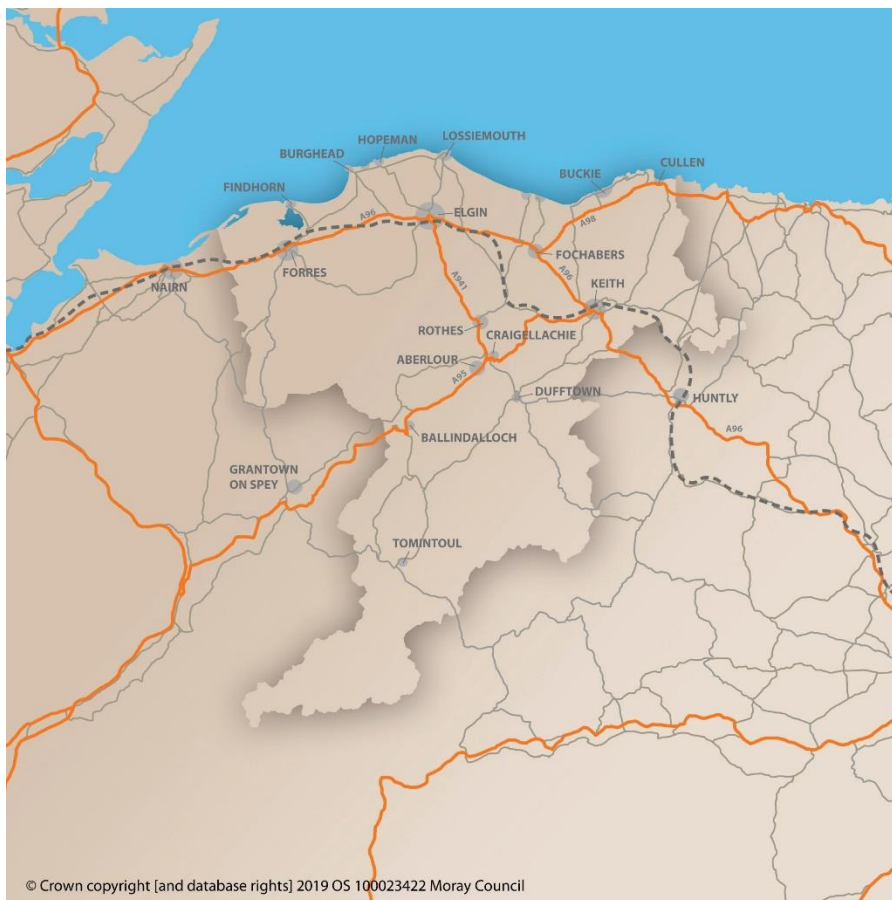
3 See page 12

## 2. BACKGROUND

### 2.1 Profile of the Local Authority

Moray Council covers an area of 2,238 square kilometres from the Cairngorm Mountains in the south to the coast of the Moray Firth in the north. The population is 95,520 which is 1.8% of the total for Scotland and just over half of the population live in the 5 main towns of Elgin, Forres, Buckie, Lossiemouth and Keith.

Within Moray, the main industries are agriculture, whisky distilling, fish processing, food processing and tourism. There are also 2 Ministry of Defence Establishments namely RAF Lossiemouth and Kinloss Barracks that contribute to the local economy.





## 2.2 Organisational Structure

The Service Structure is attached at **Appendix 1**.

The structure of Development Services was formed during 2000. The Head of Development Services has overall managerial responsibilities for all Development Services functions. The Environmental Health & Trading Standards Manager has responsibility for management of the Food Law Enforcement Service assisted by a Principal Environmental Health Officer

## 2.3 Scope of the Food Service

The Food Law Enforcement Service is provided through multi-disciplinary Environmental Health Officers (EHO) and a Food Safety Officer. This means in addition to food law, EHOs have responsibilities for other aspects of Environmental Health including health and safety at work, public health, environmental protection and housing. The full scope of the food service is set out in **Appendix 1(B)**.

The Food Law Enforcement Service involves:

- Implementing and maintaining a documented programme of food hygiene/food standards interventions. The interventions are designed to ensure the safety of food by means of a programme of inspections designed to check compliance with current Laws and Codes of Practice and to educate, train and work in partnership with all parts of the food industry. This Authority will ensure, as far as practicable, that interventions are carried out in accordance with that programme. Interventions are applied in a risk based manner so that more intensive intervention is directed at those businesses that present the greatest risk to public health.
- Carrying out visits/re-visits between programmed interventions where significant contraventions are found or following intelligence or complaints.
- Implementing a documented Food Safety Enforcement Decision Procedure, based on the Environmental Health Enforcement Policy, which is published and available to businesses and consumers.
- Preparing and publishing a Microbiological and Chemical Food Sampling Policy and making it available to businesses and consumers.
- Identifying sampling priorities and preparing a microbiological and chemical sampling programme in consultation with the Aberdeen Scientific Services Laboratory (ASSL), Aberdeen City Council and Aberdeenshire Council.

- Implementing a documented policy in relation to food complaints ensuring timeous and proportionate action.
- Implementing the Infectious Disease Incident Plan, in respect of cases of food borne diseases. This Plan contains clear links of communication and responsibility and is produced in conjunction with NHS Grampian, Aberdeen City Council and Aberdeenshire Council.
- Implementing and documenting the procedures for responding to 'food alerts' received from FSS and reacting to emergencies and immediate threats to public health. Food alerts secure the withdrawal of any suspect foods from premises in Moray.
- Providing advice to businesses and the public and providing advice during inspections.
- Liaising with colleagues in Moray Council, other Local Authorities, professional bodies, central government to ensure a co-ordinated approach to food related matters including representation on the following groups:
  - North of Scotland Food Liaison Group
  - The Society of Chief Officers of Environmental Health in Scotland
- Participating in food safety initiatives such as; the Food Hygiene Information Scheme (FHIS), Food Safety Week, Eat Safe and the Healthy Living Award where resources permit
- Promoting the implementation of Cook**Safe**, a written food safety management system designed to assist caterers comply with Food Safety Law.
- Providing guidance and raising awareness of food safety to the public and businesses to ensure compliance with Food Law. This is achieved through leaflets, seminars, display stands and training as resources permit.

## 2.4 Demands on the Food-Service

There are 1284 food businesses in Moray, all of which are included in the Intervention Programme and are subject to the Enforcement Policy.

The Moray area has a relatively large number of food manufacturing companies within its boundaries. Approximately 8% of premises are manufacturers and Moray is the Home Authority for major food manufacturers including Baxters of Speyside and Walkers of Aberlour. There are 10 catering establishments associated with the 2 MOD establishments.

In addition there are 12 premises Approved in terms of EC Regulation 853/2004 for producing, manufacturing, or storing products of animal origin.

These premises include several meat and fish processors, an ice cream manufacturer and a cold store. There are also 7 registered egg packers and due to the packing activity involved, these businesses now require to be approved in accordance with EC Hygiene Regulation 853/2004. In total there are 20 premises requiring approval within Moray.

Preparation for BREXIT and support for the exporting businesses is expected to add to the workload and will be prioritised in accordance with Scottish Government direction. Work is ongoing with the Export Certification expectations.

### Premises Profile

The food premises in Moray can be categorised as follows: -

Type	Number
Primary Producers	25
Abattoirs	2
Manufacturers/Packers	107
Importers/Exporters	1
Distributors/Transporters	29
Retailers	268
Restaurants/Caterers	803
<b>Total</b>	<b>1235</b>

### Primary Product Enforcement

EC Regulation 852/2004 Annex 1 provides food safety requirements for primary producers such as livestock, crop and horticulture farm premises. Enforcement in these businesses is shared between Scottish Government Rural Inspections Payments Directorate Agricultural Inspections (SGRIPD) and Local Authority Environmental Health and Trading Standards Enforcement Officers. The enforcement regime for primary producers is driven by FSS, who are responsible for developing a premises database and issuing the required inspection programme. The additional expenditure for these inspections is recouped from FSS. Duplication of farm visits by SGRIPD is avoided and farms subject to quality assurance schemes are visited less frequently than those that are not part of these schemes. It is intended to inspect 12 farms during 2019-2020

There are now only 2 dairies (production holdings) in Moray.

### Official Controls of Wild Pectinidae (Scallops)

The official sampling controls for harvested wild scallops have been transferred from offshore to the first point of arrival at the processor and are now the responsibility of the Local Authority Environmental Health Service. There are no processors currently approved for processing Scallops in Moray.

### Shellfish Sampling

In accordance with EC Regulations 854/2004 shellfish harvesting sites may require to be sampled to ensure compliance with official controls. There are two sites within Moray namely Culbin Sands and Findhorn Bay. No sampling at present is being carried out because harvesting from these sites is subject to restriction by Scottish Natural Heritage.

### Imported Food

There are currently no requirements for most non-animal product imports to be inspected at the point of entry into the country. It is important therefore, that checks are carried out by Authorities such as Moray to maintain public health safeguards. This is achieved by ensuring imported food is inspected for fitness and legitimate import, during routine inspections and by ensuring that Imported Food Control Legislation is enforced in accordance with the Enforcement Policy and FSS guidance on the inland enforcement of imported feed and food controls. The FSS Early Warning System provides monthly information on hazards associated with imported foods and this intelligence is considered in relation to Moray Council's food sampling programme. Any changes required as part of Brexit will be incorporated as directed.

### External Factors

A number of events such as agricultural shows, music festivals, charity events, continental markets, farmer's markets and highland games are held throughout Moray on an annual basis, particularly during the summer months. Intervention (advice, guidance or enforcement) is required in response to 'one off' businesses, food retailers and caterers from out with Moray attending these events. These interventions are in addition to the planned programme and place an increased demand on resources. In addition there is the added requirement of Brexit which irrespective of the outcome will have a currently undetermined demand on resources.

### Service Delivery Points

All authorised Food Enforcement Officers are based at The Annexe, Council Office, High Street, Elgin. Moray Council service delivery points are based at the Access Points in the towns of Elgin, Forres, Keith and Buckie. The Access Point in Elgin is available from 8.45am until 5pm Monday to Friday, the other access points are available alternate mornings and afternoons. The Environmental Health team provides a service from 7am until 7pm. Officers are available out with these hours should the situation demand. The Council's emergency telephone number is available 7 days a week.

## **2.5 Enforcement Policy**

The Environmental Health Enforcement Policy provides detailed enforcement procedures with action taken being proportionate to the scale of the identified problem.

The enforcement policy incorporates the principles of the Scottish Regulators Strategic Code of Practice.

A detailed Food Safety Enforcement Decision Procedure has been implemented to ensure compliance with Food Legislation, the FSS Framework Agreement on Local Authority Food Law Enforcement, the Food Law Code of Practice (Scotland) and associated Guidance.

The Enforcement Policy and the Enforcement Decision Procedure apply to establishments owned and operated by Moray Council. All serious breaches of food law in these establishments will be brought to the attention of the Chief Executive without delay.

### **3. SERVICE DELIVERY**

#### **3.1 Food Premises Interventions**

##### General

Food hygiene interventions are designed to ensure that food meets the requirements of Food Law, including microbiological quality, absence of pathogenic micro-organisms and safety for consumption.

Food standards interventions are designed to ensure that food meets the requirements of Food Standards Law, including proper presentation, labelling, and advertising so as not to confuse or mislead; compliance with compositional standards; and the absence of non-permitted or excessive levels of additives, contaminants and residues. Additional requirements for nutritional and allergen labelling were introduced during 2014.

##### Intervention Programme

The Food Hygiene and Food Standards Intervention Programme is produced annually on 1 April.

The annual programme includes the name and address of the premises, the risk category, the due date and the number of interventions programmed.

Food Standards Interventions are carried out jointly with Food Hygiene Interventions. Where the food standards risk rating\* requires a more frequent intervention than the food hygiene risk rating, the date of the Food Standards Intervention determines the programmed intervention date. This will no longer be applicable when the proposed new Food Law Risk Assessment is implemented as this new assessment combines both disciplines.

## Performance Monitoring

All premises are held on the IDOX UNI-form database and all Officers have individual measurable intervention targets based on risk. UNI-form generates reports on interventions due and completed on a weekly, quarterly and annual basis. A fortnightly Manager's monitoring report is also generated. In addition to monitoring a number of inspections quality checks will be conducted.

## Food Law Code of Practice (Scotland)

A new Code of Practice was published on 31 Jan 2019 following formation of FSS and it contains details of an enforcement regime based on 'official control interventions'. These include:

- Inspections
- Monitoring
- Surveillance
- Verification
- Auditing
- Sampling

This Code of Practice allows enforcement authorities to select the most appropriate choice of intervention, dependent on the level of compliance of specific premises, which is not mandatorily based on inspection.

The interventions must provide sufficient information to establish that food related activities carried out at food establishments comply with Food Law.

The official control intervention choice for Moray during 2019-2020 has been agreed as inspection only.

\* see page 13

## Food Hygiene

The minimum frequency for Food Hygiene Interventions is determined by the rating scheme in accordance with the new Food Law Code of Practice (Scotland) Annex 5 the frequency is as follows:

CATEGORY	POINT RANGE	MINIMUM FREQUENCY
A	92 or higher	(at least) every 6 months
B	72-91	(at least) every 12 months
C	52-71	(at least) every 18 months
D	31-51	(at least) every 2 years
E	0-30	Alternative Enforcement Strategy or Intervention every 3 years

## Food Hygiene Inspections Due 1/04/2019– 31/03/2020

Category	Number of Inspections
A	8
B	66
C	145
D	94
E	23
Unrated	64
<b>Total</b>	<b>400</b>

### Cross Contamination Strategy

All the inspections that were delayed due to the adoption of the Cross Contamination Strategy have been rescheduled and will be inspected by the end of March 2020.

### Alternative Enforcement Procedure

An Alternative Enforcement Procedure for food hygiene consisting of a self-explanatory letter and an assessment questionnaire, is in place for all E rated premises. Non returns will be visited.

### Revisits

Revisits are carried out when an Officer gives any premises inspected a score of 15 or more in any of the 3 compliance elements of the Food Hygiene Inspection rating scheme contained in the Food Law Code of Practice (Scotland) Annex 5. This score (which consists of an assessment of food safety procedures, structural compliance and confidence in management) acts as a 'trigger value' for a revisit to be scheduled and these inspections are added to the intervention programme. Once the new FLRS rating scheme is introduced the revisits and increased interventions for non-compliant premises will be in accordance with the new scheme.

### 'Broadly Compliant' with Food Law

The Food Law Code of Practice (Scotland) introduced a performance outcome measure, namely the number of premises 'broadly compliant' with Food Law.

In respect of food hygiene 'broadly compliant' premises have a rating score of no more than 10 in relation to those parts of the rating scoring scheme that can be influenced by enforcement officers i.e. compliance with hygiene requirements, structural requirements and confidence in management. The performance target is 85%.

Similarly, for food standards a score of no more than 10 in parts relating to current level of compliance and confidence in management are considered 'broadly compliant'.



### Additional Interventions

Additional reactive food interventions are required in respect of complaints, communicable disease notifications, training, advice and sampling.

### Food Standards

The minimum frequency for Food Standards Inspections is also determined by the rating scheme in the Food Law Code of Practice (Scotland). The rating scheme is as follows:

Category	Point Range	Minimum Frequency
A	101-180	At least every 12 months
B	46-100	At least every 24 months
C	0-45	Alternative enforcement strategy

### Food Standards Inspection due 1/04/2019 – 31/03/2020

Category	Number of Inspections
A	0
B	171
C	139
<b>Total</b>	<b>310</b>

Priority is given to Category A rated premises which require to be inspected every 12 months.

In accordance with the Food Law Code of Practice (Scotland) all interventions should be completed within 28 days of the due date.

This will change with the new FLRA scheme which is expected to be implemented 1/7/19. The new scheme is to ensure the risk assessment identifies the highest risk premises and reduces the number of inspections for those premises that demonstrate sustained acceptable standards. It will take 4 years for all premises to be inspected and assessed with the new risk assessment scheme.

### Approved Premises

There are presently 12 premises subject to EC Approval for the production/manufacture/storage of products of animal origin and 8 egg packing stations.

#### Approved Premises at 01/04/2019

Premises	Number
Fish Products	5
Meat Products	3
Fish/meat product	1
Egg Products	1
Dairy Products	1
Standalone cold store	1
Egg Packing Stations	7
<b>Total</b>	<b>19</b>

Approved premises across Moray were inspected by one Officer who had experience in inspection of these premises and had HACCP evaluation qualifications as specified in the Food Law Code of Practice (Scotland). Additional training is programmed to ensure all Food Enforcement Officers have undertaken advanced HACCP, OCV training where places are awarded by FSS and product specific training by experienced staff necessary for the inspection of the specialist and complex manufacturing processes in these premises. This will build resilience into the team and ensure adequate resources available to inspect approved premises.

#### Food Hygiene Information Scheme (FHIS)

This Authority launched the national Food Hygiene Information Scheme (FHIS) project on 26 April 2011. All 32 Scottish Local Authorities participate in the scheme.

The Scheme provides basic information to the public about a business compliant with the Food Hygiene (Scotland) Regulations 2006.

FHIS is easy for consumers to understand and simple for Local Authorities to apply. The 'Pass' standard represents a single level of compliance that is satisfactory in terms of consumer expectations and also as an enforcement outcome. Establishments are assessed during programmed inspections; there is no need for separate inspection scheduling. It is designed to simply reflect the Local Authority's most up to date information and to fit existing enforcement procedures.

The two outcomes of compliance assessment under the Scheme are 'Pass' or 'Improvement Required' (failure to achieve a Pass). The designation 'Pass' provides reassurance that the establishment has been inspected and meets Food Hygiene Legal requirements. The 'Pass' standard essentially represents a situation where the Officer does not consider it necessary to revisit the establishment for enforcement purposes until the next programmed intervention. 'Pass' is incompatible with the existence of even minor recurring contraventions notified at successive visits. Any establishment that falls below the required standard for a 'Pass' is classified as 'Improvement Required'.

Establishments that have registered under Hygiene Legislation but have not yet been inspected are classed as 'Awaiting Inspection'.

The Scheme applies to all catering and retail operations but allows for exemptions in prescribed circumstances where both the Local Authority and the food business operator agree.

The Scheme includes the following measures to ensure that it is fair to businesses:

- procedures for appeal against an Officer's judgement
- procedures for requesting reassessment where compliance has been achieved

Experience has shown that reassessments do not result in a significant additional burden for enforcement staff and there have been no appeals since the Scheme was introduced.

### **3.2 Food Complaints**

All complaints regarding food stuffs or the hygiene of premises are investigated in accordance with the Council's Food Complaint Policy.

Investigating food complaints can be quite involved and often requires working with colleagues from other Authorities. This, along with the time taken to receive reports from the analyst etc, can increase the time taken to resolve the complaint. Complaints about food very rarely result in formal action, mainly due to the lack of evidence which could be relied on in court.

Complainant's details are confidential unless otherwise agreed. Where the complainant has agreed to have their name and address divulged, this will only occur once the investigation has been concluded.

It is recognised that food complaints help identify failings in food processing and handling which require to be rectified to prevent future problems. The outcome of investigations can lead to improvements to food produced in Moray.

### **3.3 Home Authority Principle**

A Home Authority is the Local Authority where the relevant decision making base of a business is located. Moray Council supports the Home Authority Principle as specified in the Food Law Code of Practice (Scotland). This Principle has been developed by Food and Trading Standards Authorities to provide contact points for advice and guidance to encourage good enforcement practice. The aims are to protect the consumer, encourage fair-trading, consistency and common sense by:

- Encouraging Authorities to place special emphasis on goods and services originating within their area
- Providing businesses with a Home Authority source of guidance and advice
- Supporting efficient liaison between Local Authorities
- Providing a system for the resolution of problems and disputes

The Principle is supported by Local Authorities, central government, trade and industry associations, consumer and professional Regulatory bodies.

### 3.4 **Advice to Businesses**

The Environmental Health Service is keen to provide support and advice to businesses. This includes:

- Advice during programmed interventions
- 'Drop in' advice to businesses
- Distributing advisory booklets/leaflets and business information sheets
- Responding promptly to queries
- Provision of training/seminars as resources permit
- Promote the FSS Cook**Safe** Food Safety Assurance System during inspections

### 3.5 **Food Sampling**

Food sampling is carried out to a set annual programme for microbiological, compositional and labelling parameters agreed between ASSL, Aberdeenshire Council, Aberdeen City Council and Moray Council.

The purpose of sampling is to ensure that food manufactured, distributed, prepared and retailed within Moray is fit for human consumption and complies with the relevant Food Hygiene and Food Standards Legislation and/or guidelines for the type of food.

The type of food sampled varies but sampling is targeted towards food produced locally for local consumption or for distribution out-with Moray. Whenever possible, sampling is carried out in accordance with local, regional and national surveys, projects and/or investigations initiated by local or national intelligence or by regional and national bodies such as the North of Scotland Food Liaison Group, the Scottish Food Enforcement Liaison Committee, the Health Protection Agency or The Society of Chief Officers of Environmental Health in Scotland.

ASSL is included on the list of Official Food Control Laboratories in the United Kingdom as notified to the European Commission for both chemical analysis and microbiological examination. The target for microbiological samples is 1.5 per 1000 of population and the chemical sample target is 2 per 1000.

Category	Number of Samples
Microbiological	90
Chemical	136

### 3.6 **Control and Investigation of Food Related Outbreaks and Infectious Disease**

The NHS Grampian Infectious Disease Incident Plan has been developed to control major outbreaks of food poisoning and communicable disease. The document which is reviewed every 2 years describes the actions to be taken to manage an incident or outbreak that presents an actual or potential risk to the public health in any setting in Grampian. The document is prepared by the NHS Grampian Clinical Lead of the Health Protection Team; reviewed by NHS Grampian Director of Public Health and approved by NHS Grampian Board, and the Environmental Health Sections of Aberdeen City, Aberdeenshire and Moray Council.

All cases of food related infectious disease notified “for action” by Grampian Health Board are contacted within 24 hours. Outbreaks are investigated to ensure adequate controls are in place to prevent further spread. There are monthly meetings between NHS Grampian, Aberdeen City, Aberdeenshire and Moray Council.

A documented procedure is available for the investigation of notifications of food related infectious disease.

A Memorandum of Understanding between NHS Grampian Health Protection Team and Moray Council Environmental Health Service is in place.

Food poisoning and other communicable disease outbreaks can place a major demand on resources but it is anticipated that such incidents can be dealt with utilising existing staff. Informal arrangements exist with neighbouring authorities to share resources if required.

### 3.7 **Food Safety Incidents**

Food safety emergencies and incidents which pose a serious risk to public safety are a priority issue for the Service.

FSS issues food incident alerts through the issuing of Product Recall Information Notices, Allergy Alerts and Food Alerts for Action.

These alerts contain information product withdrawals and recalls to inform consumers and local authorities about problems associated with food.

Food alerts marked “for action” by Local Authorities are issued by FSS where specific action requires to be taken by Local Authorities to remove a public health risk. These alerts are dealt with by Enforcement Officers in accordance

with the Food Law Code of Practice (Scotland). Action taken following food alerts ensures that any suspect food supplied to premises in Moray is withdrawn from sale.

Documented procedures are in place to ensure that food alerts issued by the FSS and local incidents which need to be reported to the FSS, are dealt with promptly.

Out of hours contact arrangements for authorised officers are arranged through the Environmental Health Directory issued by the FSS, the emergency planning provisions and Moray Council's emergency out of hours contact telephone service.

### **3.8 Food Crime**

Food crime is a risk to public health and to the global reputation and economy of the Scottish food and drink industry. Examples of this type of criminality could be any of the following:

- Fraud - food or drink that has been adulterated or substituted using poorer quality, mislabeled or dangerous ingredients, deliberate mislabelling the product's country of origin, for example claiming the product is Scottish when it is produced elsewhere.
- Illicit goods – selling a product as something it isn't, such as counterfeit alcohol e.g. fake vodka or wine.
- Identity theft - fraudulently using the identity of a legitimate food business and the movement of livestock and food using falsified documents.
- Illegal slaughter – the slaughter of farmed and wild animals in conditions which do not meet animal welfare or hygiene standards.
- Unfit food - everything from putting animal by-products back into the food chain, to beef and poultry of unknown origin, or selling goods after their 'use by' date.

The Scottish Food Crime and Incidents Unit (SFCIU) is the investigations and intelligence gathering arms of Food Standards Scotland (FSS) who focus on tackling food crime and maintaining consumer protection.

Moray Council works in partnership with the SFCIU and utilises MEMEX which is a COSLA intelligence database shared with Trading Standards Scotland, Food Standards Scotland and Local Authority Environmental Health services.

### **3.9 Liaison with other Organisations**

Arrangements are in place to ensure that enforcement action taken is consistent with those of neighbouring Local Authorities. This includes representation on the following committees:

- The North of Scotland Food Liaison Group
- The NHS Grampian Health Protection Group

In addition, there is regular liaison with other services within Moray Council to review Building Warrant applications, Planning Applications, and Licensing Applications. The Service also works with Legal, Education and Social Care, Environmental Protection and Corporate Communications to ensure a corporate approach.

### **3.10 Food Safety and Standards Promotion**

The Environmental Health Section has a limited involvement in food safety promotional work in view of the resource implications.

This Authority also supports the Eat Safe Award Scheme launched in 2005. The Scheme provides an incentive for caterers to strive for standards beyond those required by Law and also assists consumers to make informed choices about where to eat by providing a recognisable sign of excellence in food hygiene.

## **4. RESOURCES**

### **4.1 Financial Allocation**

The current budget for 2019/2020 for food safety enforcement is contained in an overall budget for Environmental Health which is £941 623 net.

### **4.2 Staff Allocation**

A total of 7 Environmental Health Officers, inclusive of the Environmental Health & Trading Standards Manager, are involved in food safety enforcement and 2 part-time Food Safety Officers.

All Environmental Health Officers are multi-disciplinary, undertaking a wide range of Environmental Health duties. To determine full time equivalent the work streams and workloads of the EHOs are scrutinised and a determination made from this. The FTE of officers time spent on food is 3.

The level of FTE Officers was already reduced due to deletion of posts through budget savings and vacant posts which could not be filled because of the national shortage of qualified Environmental Health Officers. To address the shortage where recruitment of qualified officers has failed the posts have been filled with graduate EHO trainees. The Graduate Development Scheme has the effect of reducing the qualification time for an Environmental Health Officer from 4 years to 2 years.

This drop in staffing numbers continues have an effect on performance.

Prioritisation of the highest and higher risk premises continues but failure to carry out interventions in lower risk premises can result in more premises becoming higher risk.

Resilience of this service to deal with any significant outbreak or national crisis is currently low.

Significant streamlining of work processes has provided some efficiencies and the service continues to monitor workload and direct resources as necessary to provide a quality service within the budget restrictions in place.

#### **4.3 Staff Development Plan**

The Food Law Code of Practice (Scotland) requires that every Officer achieves a minimum of ten hours food safety training annually. Officers who are members of the Royal Environmental Health Institute of Scotland are also required to complete twenty hours training and development every year as part of the Continuous Professional Development Scheme. Where this is achieved Officers can be awarded Chartered status.

2 Environmental Health Officers in Moray have attained Chartered status.

Where budget permits the Environmental Health Section is committed to the ongoing training of all Officers involved in food safety enforcement through attendance at update courses and conferences organised by FSS, the Royal Environmental Health Institute for Scotland, and Health Protection Scotland. All Environmental Health Officers and the Food Safety Officer participate in the Continuing Professional Development (CPD) Programme as required by the COP. Cascade training is provided and there are regular staff meetings. Food Focus meetings are used to discuss case-loads, improve consistency and ensure compliance with current Legislation and guidance. All Officers participate in the Employee Review and Development (ERDP) process, which identifies and addresses staff development needs. A record of staff training is maintained.

Authorised Officers dealing with the specialist food processes such as canning, thermal processing, vacuum packing etc. are supported and have access to expertise to enable competent inspections. This includes releasing Officers to relevant courses and providing relevant guidance and documentation and providing suitable resources to support CPD.

#### **4.4 Service Review**

A review and redesign of Environmental Health and Trading Standards was undertaken in 2018 resulting in changes to the management structure and staff levels. This was driven by the need to achieve budget savings and opportunities arising through retirement.

### **5. QUALITY ASSESSMENT**

5.1 The measures taken to assess the quality of the food safety service include:

- Business and service user customer satisfaction surveys. These are analysed annually for trends;



- Fortnightly audits of the Food Hygiene Inspection Programme are carried out by the Environmental Health & Trading Standards Manager;
- Ad hoc monitoring of inspection reports and letters;
- Accompanied visits;
- Peer accompanied visits and assessments;
- Food Focus meetings;
- Food Hygiene/Food Standards Self Audit Check List – 10% audited by Principle Officer;
- Quarterly monitoring of risk ratings;
- Regular database monitoring to ensure accuracy and consistency in database management; interventions and inspections; follow-up actions and enforcement;
- Annual Employee Review and Development Programme (ERDP);
- External audit by the FSS which is carried out approximately every three years.

## **6. REVIEW**

### **6.1 Review against the Service Plan**

The Development Services Service Plan which incorporates Environmental Health performance is reviewed on a quarterly basis. Due attention is paid to specific performance targets, performance standards, targeted outcomes. Stakeholders comments and complaints against the Service are monitored regularly.

The annual review on the previous year's performance against the Food Law Enforcement Service Delivery Plan is appended to this Plan as APPENDIX 3

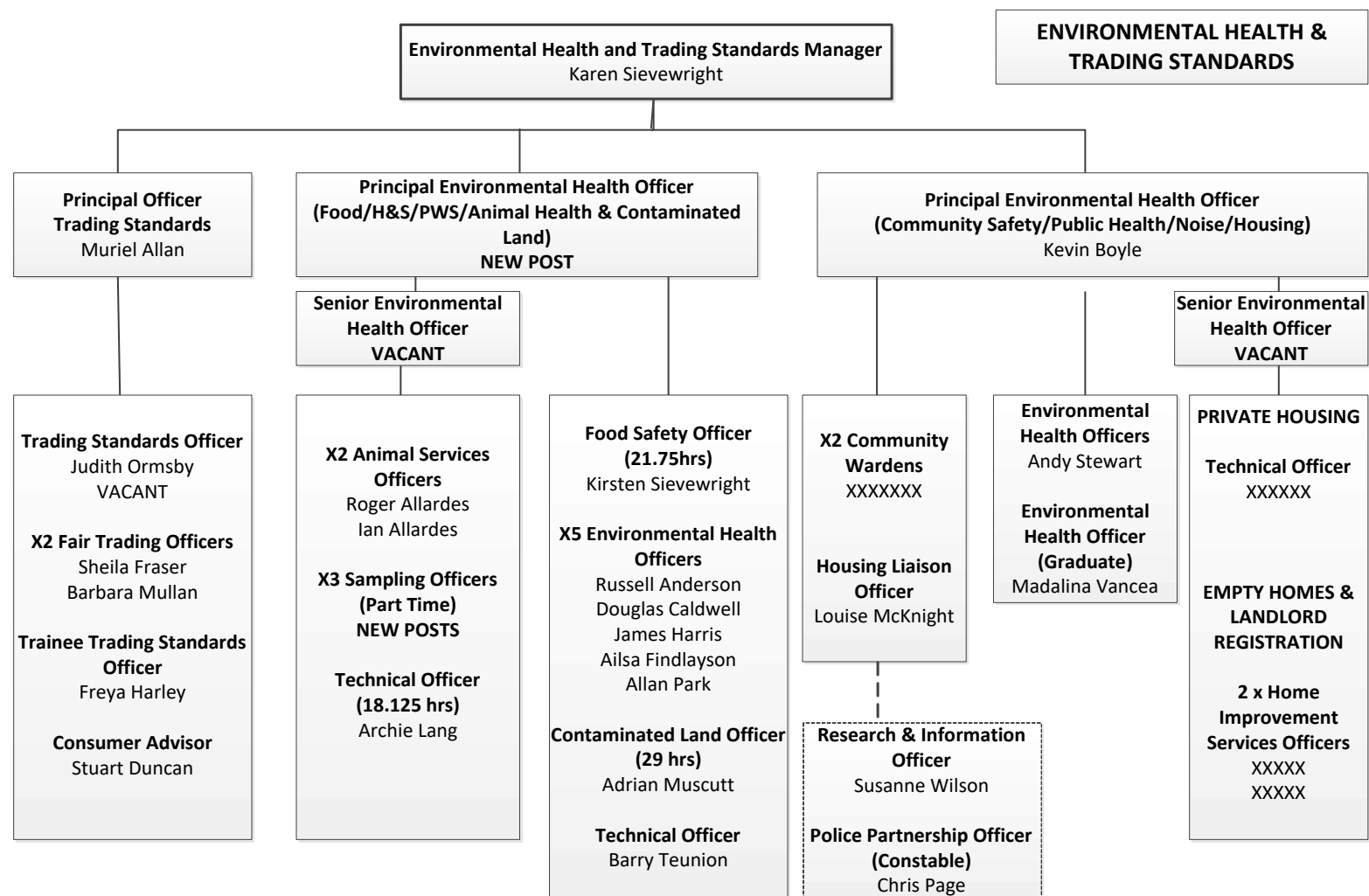
The status and adequacy of the Food Law Enforcement Service Delivery Plan in relation to new objectives resulting from changing circumstances will be revised annually.

### **6.2 Identification of any variation from the Service Plan/Areas for Improvement**

Variations and areas for improvement are incorporated into the Food Law Enforcement Service Delivery Plan Review.

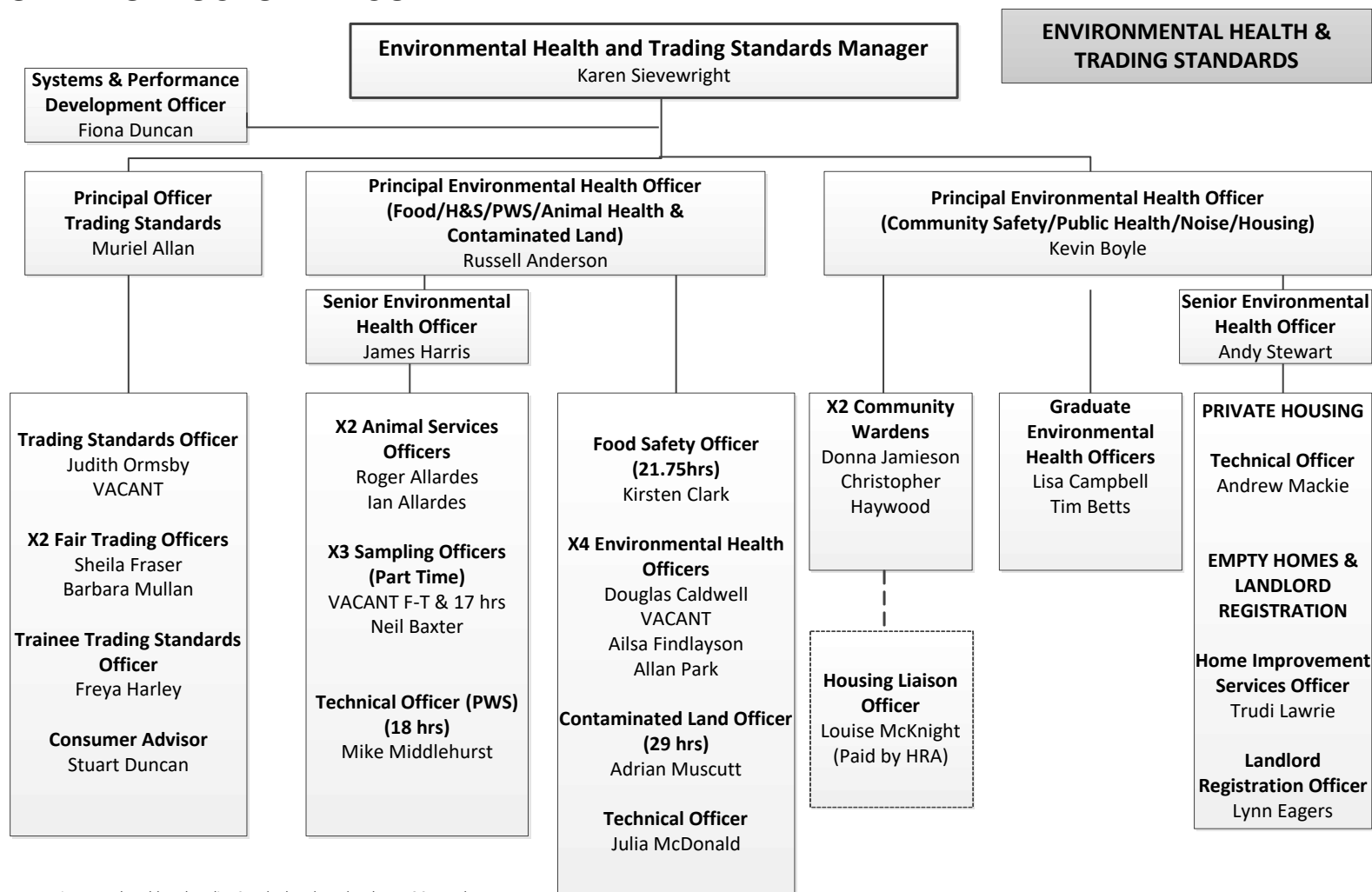
## STAFF STRUCTURE (@ March 2019)

## APPENDIX I(a)



## STAFF STRUCTURE - CURRENT

## APPENDIX I(b)



Environmental Health and Trading Standards.vsd Updated on: 16 September 2019



**PERFORMANCE REVIEW AGAINST THE 2017-2018  
FOOD LAW ENFORCEMENT SERVICE DELIVERY PLAN**

**(Reference: FSS Framework Agreement  
on Official Feed and Food Controls  
by Local Authority Section 6.1)**

## **Demands on the Food Service (\*\*Section 2.4)**

The number of food businesses by type:

Type	Number	
	1 April 2017	1 April 2018
Primary producers	33	24
Slaughterhouse	1	2
Manufacturing/Processing/Packer	107	105
Importing/exporting	2	1
Distributing/transporting	26	26
Retailers	299	290
Restaurants and catering (inc street traders)	855	836
<b>Total</b>	<b>1326</b>	<b>1284</b>

The number of premises requiring approval for production/manufacture of products of animal origin

1 April 2017	1 April 2018
20	20
All of these premises with the exception of 6 egg packing stations have been Approved in terms of the Food Hygiene (Scotland) Regulations 2006 and EC Regulation 853/2004. Egg Packing stations will be Approved as resources permit.	

## **Food Premises Interventions (Section 3.1)**

### **Food Hygiene**

Risk Category	2017/2018	
	Target*	Achieved
A	24	22
B	70	61
C	104	73
D	95	79
E	15	1

\*\* Section numbers relate to the FSA(S) Framework Agreement on Official Feed and Food Controls by Local Authority

### **Food Standards**

Risk Category	2017/2018	
	Target*	Achieved
A	2	2
B	139	117
C	212	79

Conflicting demands and resource pressures including staff reduction, long term sickness absence along with an increase in work from other aspects of environmental health had an

impact on inspection performance. Due to the recruitment difficulties students have been taken on which increases the workload of officers not only in having to undertake more inspections per officer but time in providing the necessary training and support. This service has experienced a qualified staff shortage for 5 years. Service has been recently reorganised after the last budget cuts and new structure will be in place from 1<sup>st</sup> April 2019.

### **Premises Broadly Compliant with Food Law**

<b>1 April 2017</b>	<b>1 April 2018</b>
<b>78.8%</b>	<b>80.4%</b>

### **Food Hygiene Information Scheme (FHIS) – Pass (%)**

<b>1 April 2017</b>	<b>1 April 2018</b>
<b>72.7%</b>	<b>79.5%</b>
The percentage of businesses achieving a pass continues to increase.	

### **Food Complaints (Section 3.2)**

	<b>Food complaints received 1 April 2015 2016 - 31 March 2016 2017</b>	<b>Food complaints received 1 April 2017 - 31 March 2018</b>
Complaints about food	68	78
Complaints about premises hygiene	36	26
<b>Total</b>	<b>104</b>	<b>104</b>

### **Home Authority Principle (Section 3.3)**

This Authority supports the Home Authority Principal. During 2017-18 4 complaints were received from Home Authorities for investigation within Moray. It is also noted that more individuals are complaining about food businesses via the FSS.

### **Advice to Businesses (Section 3.4)**

165 requests were received between 1 April 2017 and the 31<sup>st</sup> March 2018 requested advice and support. This varies from tentative enquiries about a potential food business to a business requesting a visit to a potential property and labelling guidance.



### **Food Sampling (Section 3.5)**

Microbiological food samples achieved 1 April 2017 – 31 March 2016 2018

<b>01 April 2017 – 31 March 2018</b>	
<b>Target</b>	<b>Achieved</b>
153	155

Chemical food samples achieved 1 April 2015– 31 March 2016

<b>01 April 2017 – 31 March 2018</b>	
<b>Target</b>	<b>Achieved</b>
102	152

There are no statutory targets for food samples. ASSL operates a unit charging scheme and a fixed number of units is allocated, on an annual basis, which form the basis of the numbers of samples to be taken.

### **Control and Investigation of Food Outbreaks and Food Outbreaks and Infectious Diseases (Section 3.6)**

	<b>1 April 2016 – 31 March 2017</b>	<b>1 April 2017 – 31 March 2018</b>
<b>Disease</b>	<b>No of cases</b>	<b>No of cases</b>
Campylobacter*	32	50
Salmonella	8	8
Cryptosporidium	4	4
Aeromonas	0	0
E.coli O157	2	5
Giardia	1	10
Yersinia	2	2
Listeria	0	0
Dysentery	1	1
Hepatitis A	0	1
Hepatitis E	2	2
<b>Total</b>	<b>52</b>	<b>83</b>

These cases are notified by NHS Grampian, where requested by the NHS they are visited by Environmental Health staff to gather epidemiological information and to prevent the further spread of disease. 100% of cases notified by NHS Grampian as requiring a visit were contacted by Environmental Health staff within 24 hours of notification.

\*Campylobacter is the most common cause of food poisoning in the UK. It is considered to be responsible for about 460,000 cases of food poisoning, 22,000 hospitalisations and 110 deaths each year and a significant proportion of these cases come from poultry. FSS continues to work with key stakeholders and consumers to tackle Campylobacter infection in the Scottish population.

There were 5 reported outbreaks of viral gastroenteritis in food premises during the period from 1 April 2017 to 31 March 2019

### **Food Safety Incidents (Section 3.7)**

#### **Food Alerts “for action” received**

<b>1 April 2016 – 31 March 2017</b>	<b>1 April 2017 – 31 March-2018</b>
1	0

A Food Alert for Action is issued by FSS where intervention by Enforcement Authorities is required. These alerts are often issued in conjunction with a product withdrawal or recall by a manufacturer, retailer or distributor. This table only includes Food Alerts that required action by Environmental Health.

### **Liaison with Other Organisations (Section 3.8)**

There was regular representation on the North of Scotland Food Liaison Group and NHS Grampian Health Protection Group. Representation on other groups was limited due to resource constraints and that most take part in the central belt.

### **Food Safety and Standards Promotion (Section 3.9)**

As a consequence of staffing levels Moray did not participate in any promotion activity during the year, due to the reprioritisation of resources to statutory functions.

### **Staff Development (Section 4.3)**

The Employee Review and Development Programme is in place, further reviews are planned for 2019

### **Quality Assessment (Section 5)**

The customer satisfaction survey is via survey monkey. There is a continued lack of response from customer engaging with the online survey. It is intended to cease the survey monkey survey and use a direct telephone method of engaging directly with customers. This will be introduced during 2019.

#### **Staff Meetings**

Weekly staff meetings were introduced during 2017 in addition to the monthly staff meetings and focused meetings. Additional staff training requirements and improvement suggestions are encouraged to be aired at these meetings to engage all enforcement staff in the discussions. It is intended to also introduce smaller team workload weekly assessment meetings to ensure resources are targeting as appropriate.

#### **Food Standards Agency Audit**

Food Safety and Food Standards activities are subject to audit by the FSS. The audit programme is currently being reviewed.

## **FORMAL ENFORCEMENT ACTION**

2 caterers were subject to Hygiene Improvement Notices. These notices both were served for the following issue:

- Lack of HACCP procedures

Both notices were complied with

2 premises were subject to Remedial Action Notices. These Notices were served for the following issues:

- Lack of hot water
- Inadequate sink provision
- Inadequate food storage
- Lack of HACCP
- Inadequate drainage
- Design of premises to allow protection against contamination

Both notices have been complied with

A total of 8 voluntary surrender/seizures were conducted during the year.

## **TARGETS And AREAS FOR IMPROVEMENT/ CHALLENGES 2019-2020**

### 1. Food Premises Inspection

#### a. Food Hygiene

100% 'inspection on time' target has been set for premises in categories A and B.

#### b. Food Standards

100% 'inspection on time' target has been set for premises in the highest risk category (A).

#### c. Broadly Compliant

The target of 85% has been set for premises "broadly compliant" with food law this year.

### 2. Cross Contamination Focussed Inspection Strategy

The remaining C rates premises that had not been inspected in accordance with the RA due to the cross contamination strategy have been rescheduled

### 3. Food Hygiene Information Scheme

The percentage of premises achieving a Pass remains fairly static, the target of 85% remains in place

### 4. Primary Production and low risk premises inspections

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Due to the reduction in resources low risk premises inspections (including fishing vessels, egg packing stations, dairies and childminders) will not form part of the inspection

programme but will be inspected as staff time permits. These premises require inspection in order to comply with the Food Law Code of Practice (Scotland) and FSS Framework Agreement on Food Law Enforcement.

5. The Alternative Enforcement Strategy

This strategy was reintroduced during 2017 and is to continue

6. Policies and Procedures

All food safety policies were reviewed during year to ensure continued compliance with the FSS Framework Agreement. The policies will be reviewed to take account of the changes within the Food Law COP once it is published

8. Customer Surveys

The Customer Satisfaction Survey for businesses is being redesigned and will be implanted as staff resources allow

9. Food Standards Audit

FSS audits programme to be published when they have completed their review

