



REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 16 NOVEMBER 2021

SUBJECT: MORAY LOCAL DEVELOPMENT PLAN 2020 – ANNUAL MONITORING REPORT

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 This report asks the Committee to consider and approve the Moray Local Development Plan Annual Monitoring Report 2021.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the review and preparation of Local Development Plans.

2. RECOMMENDATION

2.1 It is recommended that the Committee:

- (i) considers and approves the Monitoring Report as set out in Appendix 1 and Appendix 2;**
- (ii) notes the progress and revised timescales for the Delivery Plan/Action Programme in Appendix 3;**
- (iii) delegates authority to the Head of Economic Growth and Development to finalise graphics for the Annual Monitoring Report.**

3. BACKGROUND

- 3.1 The Moray Local Development Plan 2020 was adopted on the 27 July 2020 and has been used in the determination of planning applications for over 1 year. The Annual Monitoring Report looks at how the MLDP has performed in its first year and if the policies and designations within the plan are addressing the Main Issues identified in 2018. The Main Issues Report 2018 set out what was considered to be the main land use issues facing Moray and set out options on how these could be addressed within the Moray Local Development Plan 2020.

- 3.2 A report to this Committee on 15 September 2020 (para 14 of minute refers) on the Delivery Programme Action Plan for the Moray Local Development Plan set out that this would be reviewed and reported annually to this Committee.
- 3.3 The new planning system set out in the Planning (Scotland) Act 2019 replaces the Main Issues Report with an Evidence Report. Having an up to date Monitoring Report is one part of the Evidence Report which officers will begin working on in early 2022, with a full programme to be reported in the annual Development Plan Scheme which will be subject of a report to this Committee in early 2022.

4. ANNUAL MONITORING REPORT

- 4.1 The Annual MLDP Monitoring Report in **Appendix 1** reviews the progress made on addressing the issues identified in the Main Issues Report 2018. The annual monitoring report has been structured around the 9 “main issues” and also contains a table setting out progress on designated housing, employment and opportunity sites in **Appendix 2**. A summary of some of the key indicators considered in the monitoring report is set out below.
- 4.2 **Growth Strategy:** A review of planning consents and completions shows that these have largely been in line with the Growth Strategy for Moray. However, approvals and completions have been more modest in the Tertiary Growth Areas of Lossiemouth, Keith, Fochabers, Mosstodloch and Aberlour.
- 4.3 **Providing a generous and effective supply of housing land:** Population projections have been revised downwards and now predict a declining population. However, the number of households is projected to increase by 4.92%. The trend for an ageing population and smaller household sizes continues to be forecast. It is noted that the accuracy of projections is variable and a report to the Economic Growth, Housing, and Environmental Sustainability Committee on 24 August 2021 (para 11 of minute refers) on population analysis noted the inherent flaws in the methodology used for population projections which meant that they can only be relied on to inform policy and decision making following the publication of the next census. Local knowledge related to MOD activities and the housing market help to provide a better context to local forecasts.
- 4.4 The Housing Land Audit was previously reported to this Committee on 3 August 2021 (para 18 of minute refers) and this demonstrated that Moray had a 13 year supply of effective housing land with the ability to draw down a further 9 years from the LONG supply if specific triggers are met. The housing policy continues to deliver land for affordable housing and secure accessible private housing. A range of house sizes and types are being delivered however, a significant portion of the smaller units are being delivered either as affordable or town centre redevelopment sites.
- 4.5 **Creating integrated, quality healthy places:** Quality Audits continue to play an important role in raising design standards in housing applications over 10 units. Greater focus is being given to tenure integration, open/green space planning, biodiversity, climate change and health issues. Departures from PP1

Placemaking have been limited to one application where parking was considered to be an acceptable departure. Conditioning of elements such as materials, play parks and landscaping has reduced with this information now being provided up front and therefore integrated into the development from the outset. The Additional Guidance on MLDP Policies has helped to guide developers on the standards required although there are some areas where additional work with developers is required. The quality of some submissions results in significant workloads for officers from planning, transportation and consultancy services to achieve the policy requirements.

- 4.6 **Providing a generous employment land supply:** The Employment Land Audit was reported to Committee on 3 August 2021 (para 17 of minute refers) and demonstrated that overall there was a 16 year supply of effective employment land. However, a shortage of industrial land in Forres and Speyside has been identified. Both these areas are included within an action to deliver employment sites and industrial units as part of the Economic Recovery Plan. Development in Elgin, particularly at I7 Barmuckity/Elgin Business Park, is progressing well and work is needed to bring new sites forward to ensure a continued supply of land. No applications have been received for new industrial estates. Pressure for leisure and retail uses on existing industrial estates is anticipated to continue and will require to be monitored to assess the effectiveness of Policy DP5 Business and Industry and DP7 Retail/Town Centres.
- 4.7 **Taking an infrastructure first approach:** Developer Obligations are being collected toward infrastructure including healthcare, education, transportation and a synthetic turf pitch in Forres in line with Policy PP3 Infrastructure and Services and the Developer Obligations Supplementary Guidance. Site specific infrastructure requirements, methodology and rates to seek developer obligations towards the identified infrastructure requirements are set out in the statutory Developer Obligations Supplementary Guidance (SG). The current SG came into effect on 30 September 2020 following approval of the Scottish Government and this Committee; and forms part of the adopted MLDP 2020.
- 4.8 The LDP Delivery Group has reconvened to co-ordinate and deliver infrastructure. Developer Obligations may be sought towards Green Spaces, Sport and Recreation Facilities and Carbon Offsetting in the future if a robust evidence base can be established.
- 4.9 **Pressures on Moray's landscape and rural cultural heritage:** There have been limited departures from policy EP3 Special Landscape Areas and Landscape Character and policy EP5 Open Space. There continues to be pressure on the landscape from large scale wind developments and a number of applications are awaiting determination by the Energy Consents Unit. A new Landscape Sensitivity Study funded by NatureScot is being prepared.
- 4.10 Additional work is required to ensure that tree survey and protection plans are routinely submitted on sites where trees are present in line with policy and that any woodland/tree removal is fully compensated for.
- 4.11 **Safeguarding and promoting biodiversity:** Biodiversity enhancement is being delivered through new development. Going forward there is a need to

promote a wider range of nature solutions tailored to the specific characteristics of sites and align with any supporting ecological surveys rather than rolling out generic solutions.

Closer working will be required with the North East Scotland Local Biodiversity Action Plan Steering Group and use of the Local Records Centre.

- 4.12 **Delivering on Climate Change:** Planning for Climate Change and supporting the reduction of greenhouse gas emissions is embedded within several policies. PP1 Placemaking and DP1 Development Principles include criteria such as integrating multi-functional active travel routes, green and open space; maximising environmental benefits through orientation of buildings to maximise as solar gain and wind shelter; supporting and enhancing biodiversity; designing open space to be multi-functional including green/blue networks; EV charging; cycle parking provision; avoiding areas at flood risk; dealing with surface water in a sustainable manner to have a neutral impact on flooding; and avoiding workable reserves of prime agricultural land or productive forestry.
- 4.13 Guidance from the Scottish Government is awaited to support the implementation of policy that requires new development to be designed to ensure that buildings avoid a specified and rising proportion of the projected greenhouse gas emissions through the installation and operation of low and zero-carbon generating technologies.
- 4.14 It is anticipated that National Planning Framework 4, which is expected to be published in draft in Autumn 2021, will raise the bar on reducing carbon emissions through the planning system.
- 4.15 **Rural Housing:** The criteria within Policy DP4 Rural Housing has meant that no new housing sites have been approved in the Pressurised and Sensitive Areas and no new rural housing hotspots have been identified demonstrating policy is restricting further cumulative build up. There have been a limited number of Planning Permission in Principle (PPP) applications being submitted for new sites. Within areas of intermediate pressure there is a 50% refusal rate. Reasons for refusal relate predominantly to siting criteria in terms of having adequate containment and enclosure, contributing to unacceptable ribbon development or unacceptable cumulative build up and the principle of development within a pressurised and sensitive area.

5 Delivery Programme/Action Plan

- 5.1 The Delivery Plan/Action Programme was prepared to support the delivery of the Moray Local Development Plan 2020. The document identifies various actions to help implement the policies and proposals of the Local Development Plan, including who will carry out the action and the timescales for this. The Delivery Plan/Action Programme is reviewed annually and refreshed at least every two years.
- 5.2 The table in **Appendix 3** provides a review on the progress made on each action. The table highlights that progress on some actions has been delayed

due to staff resources being unavailable and revised timescales have been programmed.

6 SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The LDP delivers Corporate and Community Planning objectives and annual monitoring allows assessment of the implementation and effectiveness of policies and proposals.

(b) Policy and Legal

Preparation of the LDP is a statutory responsibility for the Council.

(c) Financial implications

None.

(d) Risk Implications

The risk of not monitoring the LDP would be an out of date evidence base being used for preparing the next LDP. There could also be a failure to provide an effective housing and employment land supply.

(e) Staffing Implications

Preparation of the annual Monitoring Report is part of the workload of the Strategic Planning & Development section.

The significant statutory changes to the local development planning system set out in the Planning (Scotland) Act 2019 cannot be met from existing staffing levels and forthcoming reports to this Committee on National Planning Framework 4, Development Planning Regulations, Local Place Plan Regulations and Guidance, Open Space and Play Sufficiency Guidance will set out the details of the new requirements and staffing implications.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising from this report as it is to inform the Committee on monitoring of the LDP only.

(h) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Equal Opportunities Officer, the Development Management and Building Standards Manager, Paul Connor (Principal Accountant) and Lissa Rowan (Committee Services Officer) have been consulted

7. CONCLUSION

7.1 The MLDP Annual Monitoring Report provides an evidence base which can be used to influence future policy documents and the

implementation of the next LDP. The Annual Monitoring Report can help identify where additional guidance and/or training is required on the implementation of policies.

- 7.2 The report highlights that development interests generally reflect the Growth Strategy with lower activity in tertiary settlements. There continues to be a good supply of effective housing land. Whilst overall there is a good supply of effective employment land shortages of industrial land are identified in Forres and Speyside. Good progress continues to be made in improving urban design standards through the changes to policy PP1 Placemaking and continued use of the Quality Audit process. The Rural Housing policy has been successful in preventing further cumulative build up in sensitive areas. Policies continue to work to safeguard the environment and landscape.**

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Background Papers:

Ref: