

20/01615/APP
10th December 2020

Proposed residential development of affordable housing (25 dwellings consisting of one and two-storey homes and two-storey cottage flats) and specialist supported housing (8 dwellings) with a communal/staff block associated access infrastructure and landscaping on Land To The Rear Of No 10 Urquhart Place Lhanbryde Moray for Grampian Housing Association

Comments:

- The application is on a housing site designated for less than 50 houses within the Development Plan and is a departure from the Development Plan.
- The application was advertised for neighbour notification purposes and as a departure from the development plan.
- One representation received.

Procedure:

- Completion of a (Section 75) legal agreement regarding developer obligations relating to healthcare prior to issue of consent.

Recommendation

Grant Planning Permission subject to the following:

Conditions/Reasons

1. As part of the permission hereby granted, the units hereby approved on plots 1-24 shall be used for affordable housing purposes only and those on plots 25-36 to provide specialist accommodation for people with additional needs only in accordance with the agreement(s) reached between the applicant/developer and Moray Council and/or any registered social landlord (e.g. housing association or similar) to enable the long term delivery of affordable and specialist housing on this site; and no development shall commence until details of the agreement(s) to confirm the arrangements for the delivery of the proposed affordable and specialist accommodation hereby approved shall be submitted to and approved in writing by the Council, as Planning Authority.

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

Reason: To ensure an acceptable form of development in terms of the required provision and delivery of the affordable housing accommodation proposed for this site wherein the benefits of such provision are passed on to serve the community in future years.

2. No development shall commence until the tree protection measures detailed on the submitted approved Tree Protection Plan 2024.RF.XX.XX.DR.L.003 have been implemented in full.

Reason: In order to ensure adequate measures to protect retained trees are in place.

3. No development shall commence until details confirming the installation of fibre broadband connection for each residential unit (to be provided prior to occupation of each unit) have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the development shall be implemented in accordance with these approved details, unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure the residential units hereby approved are served by appropriate high speed internet connections, in accordance with policy PP3 – Infrastructure and Services of the Moray Local Development Plan 2020.

4. No development shall commence until a strategy for public art including details of phasing and maintenance has been submitted to and approved in writing by the Council, as Planning Authority. Thereafter the strategy shall be implemented in accordance with the phasing details contained within it.

Reason: To ensure that public art is appropriately incorporated into the development.

5. Notwithstanding the submitted play strategy no development shall commence until revised details for the play park have been provided to include details of the surfacing of the play park which shall be suitable for those with physical disabilities and the inclusion of play equipment and benches for those with physical disabilities. The equipped play area shall be provided in accordance with the approved details and be available for use prior to the occupation of the 6th unit hereby approved in the 'Central Green' Character Area as identified in the submitted placemaking statement revision b dated September 2021. Thereafter the play area shall be maintained in accordance with the maintenance arrangements approved under condition 7.

Reason: To ensure that the play park makes adequate provision for all abilities play and to ensure the adequate provision of an equipped play area and its future maintenance.

6. Notwithstanding the details on approved drawing 2024.RF.XX.XX.DR.L.002 C no development shall commence until an amended planting and biodiversity plan has been provided which shows all trees to be planted along the eastern boundary of the site to be a minimum of 'standard' form and all references to feathered trees removed. Thereafter all proposed planting along the eastern boundary of the site shall be carried out in accordance with these approved details in the first planting season following the commencement of development on site and the remaining planting within each character area shall be carried out in the first planting season following the commencement of development in that character area and shall be maintained in accordance with the maintenance arrangements approved under condition 7.

Reason: To ensure a high standard of landscaping is proposed and timeously provided.

7. No development shall commence until a full maintenance schedule for all proposed landscaping, play areas and open areas has been submitted to and approved in writing by the Council, as Planning Authority. Thereafter the approved schedules shall be implemented in full.

Reason: To ensure that these areas are properly maintained in a manner which will not adversely affect the development or amenity and character of the area and because no such information was included with the application.

8. No development shall commence until full details of the proposed hedgehog highways have been submitted to and approved in writing by the Council, as Planning Authority. The hedgehog highways shall thereafter be installed as detailed on approved plan 2024.RF.XX.XX.DR.L.002 rev C (or any amendment to that plan approved under condition 6 above) prior to the completion of development in the character area in which they are to be sited.

Reason: To ensure that the proposed biodiversity enhancements are timeously provided.

9. Notwithstanding the submitted details, no works shall commence until the following has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority;
- i) a detailed drawing (Scale 1:500) showing revised proposals for the prospective areas of public road and public footway to be constructed to serve the development, including use of materials and specifications to meet the Roads Adoption standards used by Moray Council. The drawing shall also provide details of the locations where properties will place bins adjacent to the prospective public road to enable refuse collection and provisions for dropped kerbs and tactile paving; and
 - ii) a detailed drawing (Scale 1:250) showing proposals for the extension of street lighting along C1E Garmouth Road to a point to the north-east of the existing crossing point for Core Path EG58 which shall be used to determine the extension of the existing 30mph speed limit on C1E Garmouth Road and all road signage for that extension to meet the requirements of the Traffic

Signs Regulations and General Direction 2016.

Thereafter, the development shall not proceed except in accordance with these approved details.

Reason: To ensure provision of a road network within the development, which operates safely and efficiently for the benefit of all road users, including for pedestrians and cyclists, and where applicable, is constructed to standards and using materials suitable for Roads Adoption.

10. 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. For the avoidance of doubt the CTMP 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;
 - full details of construction traffic routes from the Strategic Road Network (A96) to the site, including any proposals for temporary haul routes and routes to be used for the disposal of any materials from the site;
 - 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, in particular safeguarding movements in and around the Core Path where it meets Garmouth Road;
 - traffic management measures to be put in place during works including any specific instructions to drivers; and
 - parking provision, loading and unloading areas for construction traffic.

And

Any temporary construction access which shall include the following information:

- a drawing (Scale 1:500 minimum) regarding the location and design specifications of the proposed access(es);
- specification of the materials used for the construction access(es);
- all traffic management measures required to ensure safe operation of the construction access(es);
- details, including materials, for the reinstatement of any temporary construction access(es); and
- details regarding the timescale for the opening up and closure of any temporary access(es) together with the time period over which the temporary access(es) will be used.

Thereafter, development shall be carried out in accordance with the approved CTMP at all times.

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.

11. No development shall commence until a visibility splay of 2.4 metres by 120 metres has been provided across the development site at the junction of C1E Garmouth Road/U170E Urquhart Place, clear of any obstruction above 0.26 metres measured from the level of the public carriageway.

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.

12. No development shall commence until the following details for Electric Vehicle charging provision have been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority:
- Statement/specifications to confirm that the EV charging supply and cabling provisions for each plot will be suitable for the connection of a 7Kw 'Fast' type charging unit as a minimum.
 - Design/specifications for the proposed mounting/installations to be provided for any future EV charging points which would not be mounted on a wall.

Thereafter the approved details shall be implemented in full before the first occupation of the unit to which the charging provision relates.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking from the submission.

13. No boundary fences, hedges, walls or any other obstruction whatsoever over 0.6m in height and fronting onto the public road shall be within 2.4m 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.

14. No fences, planting/hedges, walls or any other obstruction whatsoever over 0.3m measured from the level of the public carriageway shall be permitted within any 'forward visibility' areas or any visibility splays crossing plot boundaries within all areas of the residential development, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason: To enable drivers of vehicles to have an acceptable clear forward visibility, in the interests of road safety for the proposed development and other road users.

15. Parking provision for the development shall be provided in accordance with drawing 20204/ML/GA-200/Rev B and thereafter no house or flat shall be occupied until parking has been provided and made available for use by that

house or flat. 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 interests of an acceptable development and road safety.

16. Driveways over service verges shall be constructed to accommodate vehicles and shall be surfaced with bituminous macadam or pavements in agreement with the Roads Authority.

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any amendments to this order) all service strips along plot frontages shall be kept free from any obstruction and no amendments to the approved planting shall be permitted.

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

18. The bat boxes and swift boxes shall be installed as detailed on approved plan 2024.RF.XX.XX.DR.L.002 rev C (or any amendment to that plan approved under condition 6 above) within 3 months of the completion of the unit on which they are to be installed and thereafter retained in perpetuity.

Reason: To ensure that the proposed biodiversity enhancements are timeously provided.

19. The insect hotels shall be provided as detailed on approved plan 2024.RF.XX.XX.DR.L.002 rev C (or any amendment to that plan approved under condition 6 above) in the first planting season following the commencement of development in the character area in which they are to be sited.

Reason: To ensure that the proposed biodiversity enhancements are timeously provided

20. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development shall take place in the 6m exclusion zone identified on approved plan 2024.RF.XX.XX.DR.L.002 rev C (or any amendment to that plan approved under condition 6 above) and there shall be no tree removal in this area.

Reason: In order to retain effective control over future development within the application site so that it is carefully managed and does not adversely impact on bats which are a European Protected Species.

21. No trees other than those identified for removal on the approved Tree Removal plan 2024.RF.XX.XX.DR.L.004 shall be removed without the prior written approval of the Council, as Planning Authority.

Reason: In order to ensure tree removal is adequately controlled

22. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 – 1900 hours, Monday to Friday and 0800 – 1600 hours on Saturdays only, and at no other times outwith these permitted hours (including National Holidays) shall construction works be undertaken except where agreed in advance in writing with the Council, as Planning Authority and where it is demonstrated that operational constraints require limited periods of construction works to be undertaken outwith the permitted/stated hours of working.

Reason: To prevent noise nuisance.

23. All drainage proposals shall be in accordance with the submitted report 'Drainage Assessment, Proposed Residential Development, Woodview', Lhanbryde' Issue 4 By Fairhurst dated September 2021. All measures for the management of surface water shall be implemented in full prior to the first occupation of any residential unit hereby approved and thereafter shall be maintained in accordance with the details contained within the report.

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

24. All recommendations in section 6 of Flood Risk Assessment dated April 2021 shall be implemented in full.

Reason: To ensure that the development does not increase the risk of flooding on site or elsewhere.

25. None of the units on plots 19-24 hereby approved shall be completed until evidence has been submitted to and approved in writing by the Council, as Planning Authority to demonstrate that formal diversion procedures under Section 208 of the Town and Country Planning (Scotland) Act 1997 as amended have been promoted and confirmed in relation to the proposed diversion of the Core Path such that the proposed footway between the rear of the existing substation and the edge of plot 24 as identified on the approved plan GA 001 revision I becomes the core path.

Reason: To ensure that formal diversion procedures are undertaken in accordance with Section 208 of the Town and Country Planning (Scotland) Act 1997.

Reason(s) for Decision

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

Notwithstanding the deviation from the car parking requirements in policies PP1 (vi) and DP1 (ii) (b) and subject to conditions as recommended, the siting, design and servicing of the development are considered acceptable and otherwise accord with the development plan with no unacceptable or significant adverse effect upon the surrounding environment and there are no material considerations that indicate otherwise.

List of Informatives:

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

The diversion of the core path will require a formal application under Section 208 of the Town and Country Planning (Scotland) Act 1997.

A.S.75 legal agreement regarding developer obligations relating to healthcare is required.

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 road.maint@moray.gov.uk

Core Path EG58 shall be constructed to Moray Council Roads Adoption 'Footway' standards between C1E Garmouth Road and the landscaping area between plots 24 and 36. All remote paths within the development will not be adopted.

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 public roads to determine the extent of re-construction required within the development site.

A Road Safety Audit shall be completed for the internal road network unless otherwise agreed in writing with the Roads Authority for the modifications to the existing public road will also be required as part of the Roads Construction Consent.

The requirement for a Stage 3 or 4 Road Safety Audit will be determined through the Roads Construction Consent process or subsequent to the road construction prior to any road adoption.

Requirement for any traffic calming, road construction materials and specifications and any SuUDS 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 Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

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.

Refuse collection for plots 1-13 will not take place from the rear of these properties, as the parking court area does not provide sufficient space for the safe manoeuvring of refuse collection vehicles.

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 their 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.

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 – email Road.Maint@moray.gov.uk to discuss the proposals.

SCOTTISH WATER have commented as follows:

Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish

Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

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
- 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.

To find out more about connecting your property to the water and waste water supply visit:

www.scottishwater.co.uk/business/connections

General 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 outwith public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

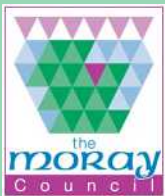
Scottish Water may only vest new water or waste water infrastructure which is to be laid through land outwith public ownership where a Deed of Servitude has been obtained in our favour by the developer.

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 information on how to submit application to Scottish Water at our Customer Portal.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
138286/sk2000C		Conceptual drainage layout
138286/1005		Extent of proposed public road
138286/1008		Indicative Road levels
GA-200B		Proposed parking diagrams
138286/1006		Speed control features
GA-GJA-20		Type GJA-20 semi-detached Plots 12 and 13
GA-GH-30A		Type GH Terrace - Plots 9-11
GA-H-50A		Type H semi-detached - Plots 23-24
GA-HJa-21		Type HJA semi-detached dual frontage - Plots 14-15
MA-102A		Material application key - cladding and doorways
MA-101A		Material application key - roofs
MA-100A		Material application key - site
EL-001A		Proposed elevations
EL-002A		Proposed elevations
EL-003A		Proposed elevations
GA-001J		Proposed site layout
SE-1000A		Proposed site sections
GA-A-70A		Type AAAB Terrace - Plots 1-8
GA-C-20B		Type C (staff block) - Plots 25-28
GA-G-20A		Type G (semi-detached) - Plots 21-22
GA-H-30A		Type H Terrace Dual Frontage - Plots 16-18
GA-LDC2-20A		Type LD-C2 (semi detached) - Plots 30-31

GA-LDC2-31A	Type LD-C2 (Terrace) - Plots 35-37
GA-LDC2C1-30A	Type LD-C2-C1 (Terrace) - Plots 32-34 - elevations and floor plan
2024.RF.XX.XX.DR.L.003	Tree protection plan
GA-B-20 A	Type B(Semi detached) Plots 19-20 - elevations and floor plans
2024.RF.XX.XX.DR.L.001 D	Landscape layout
2024.RF.XX.XX.DR.L.005	Boundary treatment
2024.RF.XX.XX.DR.L.004	Tree removal plan
2024.RF.XX.XX.DR.L.002 C	Planting and bio diversity plan



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

20/01615/APP

Site Address:

Land to the Rear of No 10 Urquhart Place
Lhanbryde
Moray

Applicant Name:

Grampian Housing Association

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Location Plan



Site Location



Site Plan



Photo Plan



Map Description: a Description of a Moray Council Map

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Scale: 1:1,462 @ A4



Photo 1



Photo 2



Photo 3



PLANNING APPLICATION: 20/01615/APP

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

THE PROPOSAL

- This application seeks planning permission for 24 houses, 8 specialist supported housing units, a staff block and communal area along with associated access, parking and surface water drainage. A play park, kickabout pitch, footpaths and landscaping are also proposed.
- It is proposed that the core path that currently follows the eastern boundary of the site will be formally diverted and the new footways will become the core path.
- The site will be served from the south west via Garmouth Road.
- A cycle path which will also serve as an emergency access is proposed to the north west.
- There will be an informal connection from the open space into the adjoining development.
- The 24 non specialist units proposed will be affordable housing.
- Five affordable house types are proposed - 8 x Type A (1 bedroom flats in a 2 storey terraced block), 2 x Type B (2 bedroom single storey semi-detached houses), 5 x Type G (3 bedroom 2 storey semi-detached or terraced houses), 7 x Type H (3 bedroom 2 storey houses arranged in semi-detached and terraced blocks), 2 x Type J (3 bedroom 2 storey houses presented in a two storey block attached to a type H or type G).
- Two different house types are proposed for the specialist housing LD-C1 (3 bedroom) and LDC2 (2 bedroom). All the specialist units are single storey and will be arranged around a central courtyard in blocks of two or three. The staff and communal block is individually designed.
- The staff and communal block is a two storey building which will house office space, staff rooms and activity space for residents.
- Three character areas are proposed. These consist of the specialist housing area, the central section and the portion closest to Garmouth Road. Most of the houses are proposed to be finished in a render with feature timber cladding. The staff block and four of the houses in the central green character area will be fully timber clad. Some of the units in the central section will have red metal on the roof. The remaining houses will have grey tiles. Two different render colours are proposed with a darker tone closer to Garmouth Road. Four different staining colours are proposed for the entrance details on the houses. The specialist housing will have mustard and white, central area green and blue and the Garmouth Road area blue.
- Surface water will be directed to a series of soakaways and swales throughout the site.
- The houses will be connected to the public sewer and water supply.
- A tree survey identified 19 individual trees and two small groups of trees on site. One group of immature pine trees and two individual trees will be removed to

facilitate the development. This is detailed in a tree survey, tree protection plan and tree removal plan.

- A landscaping plan has been provided. Landscaping is provided around the edges of the development and throughout the site. The proposals seeks to integrate with the existing tree planting to the north.
- The application is supported by a Placemaking Statement, Geo–environmental Report, Flood Risk Assessment Parking Statement, Transport Statement, Drainage Assessment, Noise Assessment, Phase 1 Habitats Survey, Tree Schedule and Tree Survey Report.
- The application has been amended to meet the requirements of policy including the provision of sufficient parking and open space. One non-specialist unit has been removed from the original proposal and the layout has been altered. It is also now proposed that part of the core path is diverted so that the new footway becomes the core path.

THE SITE

- The site extends to 1.7ha and is on the north eastern edge of Lhanbryde.
- The site sits to the north west of Garmouth road.
- There is open land to the north east and mature woodland to the north west.
- Immediately to the south west of the application site there is a specialist housing development (15/02009/APP) and three industrial/commercial units which make up the Lhanbryde Industrial Estate.
- There is an electrical substation to the south east adjacent to the road.
- The site is vacant land. It is open and currently flat with some minor undulations.
- There are groups of trees along the boundary with the substation and in the north western corner of the site along with scattered individual trees throughout the site.
- There is a core path running along the eastern boundary of the site into the woods beyond.
- There is an attenuation tank for the development to the west adjoining the site and access to that has to be maintained.
- The central part of the site is identified on SEPA flood maps as at risk of surface water flooding.
- The site is covered by the Lhanbryde R2 Garmouth Road designation in the Moray Local Development Plan 2020 which is designated for 35 units.

HISTORY

None.

POLICY - SEE APPENDIX

ADVERTISEMENTS

- Advertised for neighbour notification purposes and as a departure from the development plan.

CONSULTATIONS

Lhanbryde Community Council - Neither object or support the application.

Concerns regarding road safety and particularly speed of traffic on Garmouth Road. The 30mph speed limit should be moved northwards.

There is insufficient parking proposed for the units provided.

Concerns over the core path connection through the site.

Concerns over maintenance of open space and the core path.

PO response: The concerns regarding road safety are noted. The 30mph zone will be extended to the north eastern edge of the site on Garmouth Road which will slow traffic entering and leaving the village.

The original proposal has less parking than that required by the Council's parking standards. The scheme has now been amended to provide additional parking spaces for the affordable units. The parking provision in this part of the site is now in accordance with the Council's parking standards and policy DP1 (ii) (e). The specialist housing does not meet the standards for mainstream housing but this is considered to be acceptable in this context (see below).

It is now proposed that the core path which currently runs along the eastern boundary of the site will be partially diverted so that the new footway becomes the core path. This will require a separate formal application under Section 208 of the planning act.

An agreed maintenance plan will be sought by condition.

Strategic Planning and Delivery: No objection. Following revisions to the plans the proposal scored green in all Quality Audit (QA) categories and fully complies with policy PP1 Placemaking.

- The proposal has been well designed to create a development with character and identity that reflects Lhanbryde. This high standard of design was reflected in the QA (which accompanies this response) which scored green in all categories showing full compliance with PP1;
- Following changes to the plans the parking arrangements for the affordable houses are acceptable both in terms of quantity and quality. The parking for the specialist housing is dominated by a central communal courtyard. This parking arrangement is a departure from PP1 which seeks to reduce the visual impact of parked cars however additional supporting information has been provided setting out the need for this part of the development. This is therefore considered to be an acceptable departure from the development plan;
- An attractive and functional area of open space will be provided. This contains a pocket park and will include benches and a play area. To ensure the play equipment and associated surfacing and seating is accessible for people of all mobility's a condition will be required. This open space will be supplemented with tree, food, and sensory planting food to create an attractive environment. The proposal scored over 75% in terms of the quality standard for Policy EP5;

- A variety of seasonal planting will be provided across the development adding to the character of the development; and
- Measures have been incorporated to support and enhance biodiversity and connect into existing wildlife networks such as bat/bird/insect boxes and embedding blue infrastructure into the development.

Conditions are recommended in relation to the planting on the eastern boundary, public art strategy, and the details of the play park.

Transportation: No objection.

Initial objection due to the shortfall of parking has been addressed by changes to the plans to provide additional parking for the affordable housing and the provision of supporting information to clarify the requirements in relation to the specialist housing. The level of parking provided across the development is now considered acceptable.

It is noted that there is a discrepancy between the roads drawings and the landscaping drawings in relation to finish of areas that are intended for adoption. Conditions are recommended to address this.

Conditions are also recommended in relation to a Construction Traffic Management Plan, visibility splays, parking, EV charging and treatment of service strips and verges.

Flood Risk Management: No objection.

Environmental Protection: No objection provided that the works are carried out to an appropriate standard and a maintenance and inspection regime is in place.

Contaminated Land: No objection.

Access Manager: No objection however the diversion of the core path will require a formal application under Section 208 of the Planning Act.

Archaeology: No objection.

Developer Obligations: Obligations sought towards the cost of a new health centre in Fochabers.

Environmental Health: No objection subject to a condition relating to construction working hours.

Housing: No objection on the basis that all non-specialist housing will remain affordable housing.

SEPA: Highlights reference to SEPA standing advice due to the scale of the development.

Scottish Water: No objection.

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).



Issue: Concern over the impact on wildlife, flora and fauna with specific reference to bats.

Comment (PO): A phase 1 habitat survey has been carried out and found no evidence that the development would adversely impact on protected species and habitats or other wildlife. However, a 6m 'no development' buffer is provided to the north of the site to protect bat foraging areas and bat and bird boxes and insect hotels are to be provided throughout the site.

OBSERVATIONS

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Principle of Development (DP2 & Lhanbryde R2)

The application site is covered by the Lhanbryde R2 designation in the Moray Local Development Plan 2020 (MLDP) which designates the site for 35 units and sets out a number of requirements for the development. The current proposal is for 24 affordable houses along with 8 units for people with additional needs and communal/staff block for the specialist housing. The total number of units remains within the indicative capacity identified in the R2 designation. The proposal for affordable and specialist units are in keeping with the housing designation of the site and reflects an intention to provide housing choices to meet a variety of needs across the community. The proposals have been assessed on the basis that the units will be affordable or specialist units respectively and conditions will be attached to ensure that they remain so in future to ensure that there are no additional or unintended impacts from the development which might arise if the units were used for any purpose other than that originally proposed. The other more technical elements of the designation text are addressed in more detail in the relevant sections below but have been complied with. The requirements of the designation text (Lhanbryde R2) and policy DP2 are met.

Placemaking & Design (PP1, DP1 DP2, Lhanbryde R2)

Policy PP1 requires development of more than 10 units to go through the Quality Audit (QA) process. This application scored highly in the initial QA assessment but failed to achieve green status in all categories therefore some changes were made to the layout to ensure full compliance with policy. The most significant changes related to the provision of open space and parking. One affordable unit has been lost from the original scheme to accommodate additional open space. The table below demonstrates that the proposals now achieve green status in all categories.

QA Category	Score	Mitigation	Final Score	Comments Including Conditions/ Mitigation Required to Score Green
Character & Identity		<ul style="list-style-type: none"> • A detailed Landscaping Plan must be provided providing information relating to all forms of planting. The plan must provide information relating to height, species, and girth of all proposed tree planting. The Landscaping Plan must show how seasonal variation will be provided across the development. • Improve the variety of landscaping between character areas to provide further differentiation, including the incorporation of sensory planting. • Include details of the long-term management and maintenance arrangements within the Landscaping Plan. • An Arboricultural Impact Assessment, Method Statement and Tree Protection Plan must be provided. Any proposed tree removal must be thoroughly justified and evidenced. • Details of street naming must be provided showing how the proposed names reflect local associations which will add to the sense of place. 		Condition requiring trees in the Woodland Edge to be, as a minimum, 'Standard' form.
Healthier, Safer Environments		<ul style="list-style-type: none"> • Incorporate a dual frontage building on Plot 18 to front onto the central open space if 		Condition requiring a detailed plan showing provision

		<p>feasible.</p> <ul style="list-style-type: none"> • Improvements to the core path as per Access Manager and Transportation consultation responses. • Provide a speed table on the straight from Plots 21 to 25 which will require the removal of the proposed roadside swale. This must be replaced with bioretention features on the small area of open space at Plot 16 and between the parking space for Plot 17 and EV2. • Provide confirmation as to where dropped kerbs and tactile paving will be located for pedestrians to safely cross the road. • Improve seating areas throughout the development and incorporate public art. 		<p>of dropped kerbs and tactile paving.</p> <p>Condition requiring details of public art, delivery and maintenance arrangements prior to commencement.</p>
Housing Mix		<ul style="list-style-type: none"> • No mitigation required for Policy PP1. 		
Open Spaces and Landscaping		<ul style="list-style-type: none"> • A detailed Landscaping Plan must be provided providing information relating to all forms of planting. This must provide information relating to height, species, and girth of all proposed tree planting. The Landscaping Plan must show how seasonal variation will be provided across the development. • Consideration must be given to incorporating sensory equipment and planting throughout the open spaces and landscaping. • Incorporate fruit bushes/hedges into the 		<p>Condition requiring trees in the Woodland Edge to be, as a minimum, 'Standard' form.</p> <p>Condition requiring provision of full details of the play area to ensure the provision of all abilities play equipment and surfacing.</p> <p>Condition requiring seating to be accessible for people of all mobility's to be</p>

		<p>community orchard and other open space areas.</p> <ul style="list-style-type: none"> • Provide details of equipment in the play area. • Planting along the eastern boundary must be provided in Phase 1 to manage the transition to the countryside. 		<p>able to utilise.</p> <p>Condition that planting in the Woodland Edge will be provided in Phase 1.</p>
Biodiversity		<ul style="list-style-type: none"> • Provide a Biodiversity Plan showing how biodiversity features have been incorporated into the design and create new or, where appropriate, enhance natural habitats of ecological and amenity value. • Integrate bioretention features to further enhance biodiversity from the outset of the development. The QA has identified locations where these could be located i.e. the small area of open space at Plot 16 and between the parking space for Plot 17 and EV2. • Provide a swale along the eastern side of the play area which when planted will provide an element of enclosure, creating a safer environment, as well as increasing biodiversity. 		<p>Condition requiring provision of hedgehog holes in fenced boundary treatments.</p>
Car Parking		<ul style="list-style-type: none"> • Provide a Transport Statement, clearly setting out the travel demand for the proposed development as per Scottish Government Transport Assessment Guidance (Pg. 18 and 19). • Provide more landscaping/planting to mitigate the visual impact of the communal 		<p>Condition requiring a detailed plan of prospective areas of public road and footway, including materials.</p> <p>Condition requiring details of Electric Vehicle charging provision for each</p>

		<p>parking/courtyard parking areas. The proposed landscape mitigation must be of a sufficient maturity and be detailed in the landscaping plan.</p> <ul style="list-style-type: none"> • Demonstrate the ability to provide additional parking spaces within the site such that the parking standards could be met should demand for parking exceed supply in the future. • Provide information in respect of staff and visitor numbers to the specialist supported living units in order to demonstrate that parking levels within 'Woodview Courtyard' is sufficient to meet the demand for spaces. • Provide details of the secure and covered cycle parking storage and switch locations with adjacent bin area. • Provide details of provision of Electric Vehicle charging for each housing plot and in the communal areas. • Provide details of street materials for the shared surface and parking areas. 		housing plot.
Street Structure		<ul style="list-style-type: none"> • Provide 'speed control' drawings and statement. 		
Street Layout		<ul style="list-style-type: none"> • Confirm the extent of the proposed public road. • Provide a Street Engineering Review (SER). • Review turning area provision to include additional space to safeguard parked vehicles. 		<p>Condition requiring a detailed plan of prospective areas of public road and footway, including materials.</p> <p>Condition requiring a detailed plan</p>

		<ul style="list-style-type: none"> • Provide visibility splays at internal junctions and access onto Garmouth Road. 		showing a visibility splay of 2.4m by 12m across the development site at the junction of C1E Garmouth Road/U170E Urquhart Place.
Street Detail		<ul style="list-style-type: none"> • A Flood Risk Assessment (Level 2) is required. • Provide further information as requested by Flood Risk Management. • A Utilities Plan is required. • Provide a plan showing the location of the Information Communication Technologies (ICT) and fibre optic broadband cable connections to each property. 		Condition requiring a plan showing the location of the Information Communication Technologies (ICT) and fibre optic broadband cable connections to each property. Condition requiring a detailed plan of prospective areas of public road and footway, including materials.

The proposal seeks to create a development with strong character that will integrate well with surrounding developments. Five affordable house types are proposed and two specialist house types. The houses are simple in terms of form and detailing. They incorporate features including symmetrically pitched roofs that reflect the form and style of traditional buildings in Lhanbryde. Three character areas are proposed which reflect the natural flow of the development. The 'Garmouth Road' area is proposed around the entrance to the site, the central green area forms the centre portion of the site and the specialist housing forms a discrete character area of its own in the northern part of the site identified as Woodview Court. Different materials are used to distinguish each area and create a sense of identity. Most of the houses are proposed to be finished in a render with feature timber cladding. The staff block and four of the houses in the Central Green character area will be fully timber clad. These will act as 'key buildings' and will provide orientation within the development. The extensive use of timber cladding will serve to connect the development with the woodland beyond and is considered to be suitable for this edge of settlement development. The houses in the Central Green character area will have red metal on the roof. The remaining houses will have grey tiles. Two different render colours are proposed with a darker tone closer to Garmouth Road. Four different staining colours are proposed for the entrance details on the houses. The specialist housing will have mustard and white, central area green and blue and the Garmouth Road area blue. The design and materials will integrate well with the surrounding built development and will serve to create a strong sense of character and identity. The

character areas will be reinforced by different planting schemes in each areas and a public art strategy will also contribute. Overall, the proposals make a coherent and effective attempt to create character and identity. This element of the scheme is considered to comply with policy PP1 (i).

Car parking in relation to road safety and associated considerations is dealt with in more detail below. The number of spaces proposed was initially a concern but as is noted below this has been addressed. The provision of parking also has implications for placemaking and in addition to the quantitative car parking requirements policies PP1 (vi) and DP1 (ii) (b) require that 50% of all parking is provided at the rear or side of buildings and that parking does not dominate the street scene. This has been achieved in relation to the affordable housing and the parking arrangements for this part of the proposal are considered to be acceptable. However, parking for the Woodview Court character area which contains the specialist housing consists of a central communal courtyard. While this would not generally be supported, additional information has been provided detailing how the proposed layout meets the needs of people who will live in these houses including the need to have observation of visitors. It is also noted that accessible staff parking is required. An attempt has been made to soften the impact of the communal car park with planting. It is recognised that there are limited opportunities to alter the parking layout in this part of the site and it is primarily driven by the requirements of future occupants. Given the specialist nature of the development proposed it is considered that this is an acceptable departure from policies PP1 (vi) and DP1 (ii) (b).

The QA also notes the contribution of landscaping and open space to the creation of placemaking within the development. These elements are addressed in more detail below.

With the exception of the layout of parking for the specialist housing which is considered to be an acceptable departure the proposal is well designed, laid out and serviced and will create an effective place that integrates well with its surroundings.

Access and Parking (PP1, PP3 & DP1)

The access to the site is from Garmouth Road via the existing access and internal road which serves the existing specialist housing complex to the west. There is an existing spur which will provide an access to the development. There will be no vehicular access directly onto Garmouth Road from the houses with roadside frontages. Conditions are recommended in relation to the visibility at the access to the development and to prevent any obstruction of visibility splays and within 2.4m of the road. A further condition is recommended to secure the provision of a Construction Traffic Management Plan (CTMP) to ensure that access and vehicle movements are suitably managed during the construction phase. The Transportation Manager has advised that the proposals for access are acceptable and will ensure a safe access in accordance with policy DP1 (ii) (a).

The overall layout and provision of footways is acceptable but it is noted that there is a discrepancy between the roads drawings and the landscaping drawings in that some areas identified for adoption in the roads drawings are showed as finished to a non-adoptable standard in the landscaping drawings. Conditions are recommended to ensure that details are provided to show all adoptable areas finished to adoptable standard.

The original parking proposals fell below the numbers required by the Council's parking standards. The plans have been altered to show parking at a level that complies with

parking standards for the affordable housing. Additional supporting information has been provided to clarify the parking requirements of the specialist housing. The Transportation Manager has confirmed that this is acceptable and there is no longer considered to be any shortfall in parking across the site. The proposals therefore comply with policy DP1 (ii) (e) and PP1 (vi). A further condition is recommended to ensure adequate provision of EV charging for each plot. The condition will ensure compliance with policy DP1 (ii) (i) and PP3 (iv).

Drainage and Flood Risk (DP1 & EP12)

Surface water will be directed to shared soakways. Road drainage will be directed into roadside swales and gullies before connecting to the existing drainage network. A detailed drainage assessment has been provided which includes details of intended maintenance and Moray Flood Risk Management have no objection. The proposals will ensure that acceptable arrangements for drainage are provided in accordance with policy DP1 (iii) (a) and EP 12 (b).

The development will be connected to the public sewer and water supply. Scottish Water has no objection.

A Flood Risk Assessment (FRA) has been carried out in accordance with the requirements of the designation text. Part of the site is at risk of both surface water and fluvial flooding. However, the FRA concludes that the risk of flooding from all sources is low. It recommends that the finished floor levels are set above surrounding ground and incorporating suitably designed SuDS measures as noted above. These measures will ensure that there is no increase in flood risk on site or elsewhere and ensure that the development accords with policies DP1 (iii) (b) and EP12.

Trees and Landscaping (PP1, DP1, EP7 & Lhanbryde R2)

A detailed tree survey has been provided in support of the application. The survey identified 19 trees and two groups. The individual trees are largely congregated in a linear group of trees to the north of the substation and in a more amorphous group in the north west of the corner of the site. Two groups of immature trees are identified in the north east of the site. All but one of the individual trees are to be retained. A single tree to the north west of the substation and the two groups of trees are to be removed. All trees are classified as C category. The groups are of young pines that have yet to reach maturity and the single tree is also a juvenile tree. All the tree removal is required to facilitate the formation of roads and parking. The retention of these trees is therefore considered to be technically unfeasible and in this instance the tree removal is in accordance with policy EP7. The trees that make an important contribution to the character of this site around the substation on the north western corner of the site are to be retained and a detailed Tree Protection Plan has been provided. A comprehensive programme of new planting is also proposed. In line with the requirements of the R2 designation text twenty one trees are proposed along the eastern boundary to aid the integration of the development into the wider countryside beyond. It is noted that the planting schedule identifies some of the trees on this boundary as 'feathered' specimens. This is not considered to be sufficient in this key transitional location and it is recommended that a condition is attended requiring the trees in this location to be of 'standard' form as a minimum. A condition is also recommend to ensure that this planting is carried out in the first planting season following the commencement of development on the site. Trees are also in the central open space and park area and throughout the development including in the parking areas. In total 75 trees will be planted across the site. This exceeds the requirements of policy EP7 in terms of compensatory planting and will ensure that that the development is effectively

integrated into the surroundings. The proposals comply with policies EP7 and Lhanbryde R2 in relation to trees.

In addition to the tree information detailed landscaping and planting plans have been provided. Along with the 75 trees proposed additional planting is proposed in the shared open space and throughout the development including to break up the parking in the affordable housing. A variety of planting has been proposed through the site which will add to the character of the development. It is noted below that this will also contribute to the biodiversity enhancement of the site. Conditions are recommended to ensure that the planting is timeously provided. Subject to conditions the proposals will ensure high quality landscaping in accordance with policies PP1 (iv) and EP7.

Open Space and Public Access (PP1, EP5 & Lhanbryde R2)

Policy EP5 requires developments of between 10 and 50 houses to provide 15% high quality open space. In addition the provision of a pocket park is an express requirement of the Lhanbryde R2 designation. The proposals have been altered so that sufficient open space can be achieved across the site. Small areas of open space are provided throughout the site but the principle open space is concentrated in the area between the specialist housing and the affordable units. While the division of the site in this manner would not generally be supported it is considered to be acceptable in this instance in order to achieve the environment that is required for the specialist housing. The proposals include a kickabout pitch and play park. The play park will sit either side of the road running through the site. Full details of the play park have been provided. It is recognised that the play park has been carefully designed and includes a number of sensory features. While the information provided is acceptable, it is considered that additional measures are required to ensure that the park is accessible to those with physical disabilities as well. This will include additional details relating to the surfacing and the introduction of play equipment and benches which are suitable for those with a physical disability. This will be controlled by condition. Features such as the bug hotels proposed as part of the proposals for biodiversity enhancement have also been included within the play park area to encourage children to connect with their surroundings. The orientation of houses has been altered so that the play park has good natural surveillance. Benches and bug hotels are also provided in the central area and the other open communal areas throughout the site. This enhances the accessibility and quality of the green space in the development. Subject to conditions the proposals meet the requirements for high quality space and comply with policy PP1, EP5 and Lhanbryde R2 in this regard.

Access to and through the site has also been carefully considered. At present a core path runs from Garmouth Road around the boundary of the substation and along the eastern boundary of the site to the woodland beyond. The existing path will be retained in its current form but it is proposed that the core path will be formally diverted from the rear of the substation along the frontage of plots 19-24 with the new footway becoming the core path. A new section of path running through the play area to the north of plot 24 will then connect with the existing path to the north. The diversion of the core path will require a formal application under Section 208 of the Planning Act. This will be controlled by condition. The Access Manager has no objection provided that the correct procedure is followed. Another section of path is proposed through the western part of the play park which connects to a path leading west into the existing development. A new footway will be formed along Garmouth Road along the frontage of the site. The site is well connected and will provide good connections in and between places. The proposals meet the requirements for accessibility in relation to policies PP1 and EP5.

Protected Species and Biodiversity (PP1, EP1, EP2)

A phase 1 habitat survey has been carried out. The survey notes that most of the site is covered in rough grass and broom which has limited ecological value. However the trees to the north and east are much more diverse and are of higher ecological value. The survey found some evidence of badgers foraging across the site but no setts and while none of the trees present have bat roost potential it is considered likely that bats use the northern fringes of the site for foraging. The survey found no evidence of birds of prey, pine marten, red squirrel, water vole or amphibians on site. The survey recommends that a 6m buffer is retained in the north of the site to protect the woodland edge and the bat foraging potential. This buffer has been shown on the proposed site plan and a condition is recommended to protect this. No further mitigation is recommended however biodiversity enhancements are recommended including three bird boxes and two bat boxes and nine 'bug hotels'. In addition each plot will have a hedgehog 'highway' running through it. Conditions are recommended to ensure that all these measures are timeously provided. The tree planting proposed has also been chosen for biodiversity value. Street planting will consist of ornamental pear, crab apples and Swedish Whitebeam which are a source of food and nectar and cherry trees which are particularly valuable for bees. An apple orchard is also proposed which will attract birds, bees and insects. The remaining tree planting consists of Scots Pine, Downy Birch, Rowan and Field Maple which are native species with a high biodiversity value. The proposals will provide habitats and food for a range of animals, birds and insects and will enhance biodiversity across the site. Conditions are recommended to ensure that the proposals are timeously provided and adequately maintained. The recommended conditions will ensure that a high quality multi functioning biodiverse place is created in accordance with policy PP1 (v) and EP2. No adverse impacts on protected species or their habitats have been identified therefore the proposal accords with policy PP1.

Noise (EP14)

A NIA has been submitted assessing the potential impacts of noise from the small industrial estate to the south west of the application site and the substation to the south east. It concluded that the impacts of noise from the industrial estate would be negligible and noise from the substation would be within acceptable limits. Environmental Health have confirmed that they have no objection subject to a condition to control construction working hours. The condition will ensure that there will be no noise nuisance and will ensure that the development accords with policy EP14.

Information Communication Technology (ICT) (PP3)

Policy PP3 Infrastructure & Services vii) requires development proposals to incorporate the installation of Information Communication Technology and fibre optic broadband connections (unless justification can be provided to show that ICT is technically unfeasible). The provision of fibre optic IT cabling will be sought by condition.

Developer Obligations (IMP3)

A developer obligation of £31 678.40 towards the provision of new healthcare facilities in Fochabers is sought. The applicant has confirmed a willingness to pay this. It is recommended that this is secured by a Section 75 legal agreement.

Conclusion

This proposal is a departure from policies PP1 (vi) and DP1 (ii) (b) in relation to the layout of parking proposed for the specialist housing in the northern part of the site. However

given the highly specialist nature of the development proposed this is considered to be acceptable in this instance. In all other respects, subject to the recommended conditions, the proposal is acceptable in relation to siting, design, layout, biodiversity and landscaping and all technical requirements have been met. It is therefore recommended that planning permission is granted subject to the recommended conditions and conclusion of a section 75 agreement.

REASON(S) FOR DECISION

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

Notwithstanding the deviation from the car parking requirements in policies PP1 (vi) and DP1 (ii) (b) subject to conditions as recommended, the siting, design and servicing of the development are considered acceptable and otherwise accord with the development plan with no unacceptable or significant adverse effect upon the surrounding environment and there are no material considerations that indicate otherwise.

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APPENDIX

POLICY

Adopted Moray Local Development Plan 2015

Proposed Moray Local Development Plan 2020

PP1 PLACEMAKING

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

(ii) Healthier, Safer Environments

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

(iii) Housing Mix

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

(iv) Open Spaces/Landscaping

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

Drainage Impact Assessment for New Developments Supplementary Guidance.

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

v) Biodiversity

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

(vi) Parking

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

- Secure and covered cycle parking and storage, car sharing spaces and electric car charging points must be provided in accordance with policy DP1 Development Principles.
- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

(vii) Street Layout and Detail

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

- (d) Future masterplans will be prepared through collaborative working and in partnership between the developer and the council for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. Masterplans that are not prepared collaboratively and in partnership with the council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan.
- (e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

PP2 SUSTAINABLE ECONOMIC GROWTH

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

PP3 INFRASTRUCTURE & SERVICES

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

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

- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.
- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

b) Development proposals will not be supported where they:

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

c) Harbours

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

d) Developer Obligations

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

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

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

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

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

DP1 DEVELOPMENT PRINCIPLES

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

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

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

(i) Design

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

- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

(ii) Transportation

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Maximum (50%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road

widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.

- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.
- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

(iii) Water environment, pollution, contamination

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).
- b) New development should not be located in areas at flood risk or increase vulnerability to flooding (see Policy EP12). Exceptions to this would only be considered in specific circumstances, e.g. extension to an existing building or change of use to an equal or less vulnerable use. Where this exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets.
- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.

- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures.
- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

DP2 HOUSING

- a) Proposals for development on all designated and windfall housing sites must include a design statement and shall include 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 as may be required by the planning authority, unless these requirements are not specified in the site designation or are considered not to be required.

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 Strategic Planning and Development 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 40.

e) Housing Mix and Tenure Integration

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 incorporating affordable housing will be required to provide 10% of the private sector units to wheelchair accessible standard. 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 41.

POLICY GUIDANCE NOTE- AFFORDABLE AND ACCESSIBLE HOUSING

Affordable Housing

Providing affordable housing is a key priority for Moray Council and this is reflected in the Local Outcomes Improvement Plan (LOIP) and the Local Housing Strategy (LHS). The Council's Housing Need and Demand Assessment 2017 highlights the significant requirement for affordable housing in Moray, which is a national issue, resulting from a number of factors including affordability issues, downturn in the economy and the shortage of public and private sector rented houses.

Planning policies assist with the provision of affordable housing, which is defined in Scottish Planning Policy (SPP) 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." This local development plan regards lower quartile earnings as "modest incomes".

The 2017 HNDA identified a requirement for 56% of all need and demand to be affordable units in Moray between 2017 and 2035. This Local Development Plan has lowered the threshold so that individual house proposals are required to make a contribution towards affordable housing provision, which is intended to ensure proposals do not circumnavigate the policy and provide a fair and transparent process.

A number of variables influence affordability of housing, including mortgage deposit requirements, mortgage interest rates, lower quartile house prices, lower quartile private rents, lower quartile full time gross earnings. Changes in these variables will affect the affordability of housing in Moray. The maximum affordable rent and maximum affordable house purchase prices is published on the Council's website at

http://www.moray.gov.uk/moray_standard/page_90100.html. The current Local Housing Allowance will be used as a proxy for average private sector rents.

Affordable housing should be provided on site and as part of a mixed development of private and affordable units. To meet the need for affordable housing there may be proposals for 100% provision of affordable housing and these will be acceptable as part of a wider mixed community, provided all other Local Development Plan policies are met.

The policy requires single house proposals to make a commuted sum payment as a developer obligation towards affordable housing, with the cost figure published annually on the Council website at http://www.moray.gov.uk/moray_standard/page_94665.html and determined by the District Valuer's assessment of the value of serviced land for affordable housing in Moray. This allows developers to be clear at the outset of a project about the potential cost of commuted payments and should be reflected in land values.

The type of affordable housing to be provided will be determined by the Housing and Property service. Developers should contact Housing and Property as early as possible. Housing and Property will decide whether a commuted payment or affordable units will be required on a site by site basis. Housing and Property will provide developers with an affordable housing mix, detailing the size and type of housing required based on HNDA/LHS requirements.

The Council will consider the following categories of affordable housing within the context of the needs identified in the HNDA/ LHS;

- Social rented accommodation- housing provided by an affordable rent managed by a Registered Social Landlord such as a housing association or another body regulated by the Scottish Housing Regulator, including Moray Council.
- Mid-market rent accommodation- housing with rents set at a level higher than purely social rent, but lower than market rent levels and affordable by households in housing need. Mid-market rent housing can be provided by the private and social housing sectors.
- Shared equity housing- sales to low income households, administered through a Scottish Government scheme e.g. Low-cost initiative for First Time Buyers (LIFT).

Any proposals to provide affordable housing in a form other than those listed above, must demonstrate that the cost to the householder is "affordable" in the Moray context and that the property will remain "affordable" in perpetuity.

Affordable housing requirement figures will be rounded up.

The Strategic Housing Investment Plan (SHIP) is produced annually by the Council and identifies details of the proposed delivery of affordable housing.

Accessible housing

Scottish Planning Policy states (para 28) that "the aim is to achieve the right development in the right place; it is not to allow development at any cost" and "that policies and decisions should be.....supporting delivery of accessible housing."

Policy DP2 aims to;

- Assist the Council, the NHS and the Health and Social Care Moray to meet the challenges presented by our ageing population and the shared aim of helping people to live well at home or in a homely setting. The HNDA 2017 demonstrates that Moray's population is ageing and there is a trend towards older and smaller households.
- Provide increased choice of tenure to people with physical disabilities or mobility impairments, by increasing the supply of accessible housing in the private sector. There is currently a mismatch between the size and type of housing required and the size and type of housing available across all tenures. This mismatch, along with increasing housing needs associated with physical disability, are the likely drivers of owner occupiers seeking public sector accessible housing to meet medical needs.

Accessible/ adapted housing can promote independence and wellbeing for older or disabled people, can facilitate self- care, informal care and unpaid care, potentially prevent falls and hospital admissions and can delay entry into residential care.

Policy DP2 requires that housing proposals of 10 or more units incorporating affordable housing must provide 10% of the private sector units to wheelchair accessible standard where all the rooms are accessible to a wheelchair user.

This applies to new build and conversion/ redevelopment projects. Flexibility may apply where there is extremely challenging topography or where the site is in a remote location. For the purposes of Policy DP2, "remote" locations are defined as being rural areas outside settlement and Rural Grouping boundaries as defined in the Local Development Plan.

Accessible units should be in a location which provides convenient access, in terms of distance, gradient and available public transport, to reach the facilities needed for independent living. Small, low maintenance gardens are generally regarded as a positive feature by this customer group.

New wheelchair accessible housing in any tenure must comply with Housing for Varying Needs Standards (HfVNs), including the standards specific to dwellings for wheelchair users. HfVNs is available at http://webarchive.nationalarchives.gov.uk/20131205115152uo_/http://www.archive2.official-documents.co.uk/document/deps/cs/HousingOutput/start.htm

The specific design specification required to meet the terms of this policy are;

External requirements

- location(s) convenient for amenities and facilities e.g. public transport, local shops etc
- car parking space as close as possible to the entrance door and at a maximum distance of 15m (HfVNs para 7.13.4 refers).
- Step free paths within curtilage, ramp gradients preferably of 1:20 but no steeper than 1:12 (HfVNs para 7.7.1 refers)

Internal requirements

- Hallways- minimum 1200mm wide (HfVNs para 10.2.3 refers)
- Door frames- minimum 926mm wide door leaf, giving a clear width of 870mm (HfVNs para 10.5.7 refers)
- Bathrooms/ wet rooms- 1500mm wheelchair turning circle required (HfVNs para 14.9.2 refers)

Accessible housing requirement figures will be rounded down.

All proposals for new build or converted housing should set out details of how they will comply with this policy in their planning application.

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 designations in rural groupings to anything other than 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.
- 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.

The temporary use of unused or underused land as green infrastructure is encouraged, this will not prevent any future development potential which has been identified from being realised. 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.

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

All new development proposals will be assessed and must achieve a very good quality score of no less than 75%. Quality will be assessed by planning officers at the planning application stage 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/bue 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 behaviour.
- 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.

b 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.

EP1 NATURAL HERITAGE DESIGNATIONS

a) European Site designations

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

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

- i) There are no alternative solutions, and
- ii) There are imperative reasons of over-riding public interest including those of a social or economic nature, and
- iii) Compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

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

b) National designations

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

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

c) Local Designations

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

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

d) European Protected Species

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

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

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

e) Other protected species

Wild birds and a variety of other animals are protected under domestic legislation, such as the Wildlife and Countryside Act 1981 (as amended in Scotland by the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011), Protection of Badgers Act 1992 and Marine (Scotland) Act 2010. Where a protected species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application to demonstrate how legislation will be complied with. The survey should be carried out by a suitably experienced ecological surveyor, who may also need to be licensed depending on the species being surveyed for.

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

EP2 BIODIVERSITY

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

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

Proposals for 4 or more housing units or 1000 m² or more of commercial floorspace must create new or, where appropriate, enhance natural habitats of ecological and amenity value.

Developers must demonstrate, through a Placemaking Statement where required by Policy PP1 which incorporates a Biodiversity Plan, that they have included biodiversity features in the design of the development. Habitat creation can be achieved by providing links into existing green and blue networks, wildlife friendly features such as wildflower verges and meadows, bird and bat boxes, amphibian friendly kerbing, wildlife crossing points such as hedgehog highways and planting to encourage pollination, wildlife friendly climbing plants, use of hedges rather than fences, incorporating biodiversity measures into SUDS and retaining some standing or lying dead wood, allotments, orchards and woodlands.

Where development would result in loss of natural habitats of ecological amenity value, compensatory habitat creation will be required where deemed appropriate.

EP7 FORESTRY, WOODLANDS AND TREES

a) Moray Forestry and Woodland Strategy

Proposals which support the economic, social and environmental objectives and projects identified in the Moray Forestry and Woodlands Strategy will be supported where they meet the requirements of other relevant Local Development Plan policies. The council will consult Scottish Forestry on proposals which are considered to adversely affect forests and woodland. Development proposals must give consideration to the relationship with existing woodland and trees including shading, leaf/needle cast, branch cast, wind blow, water table impacts and commercial forestry operations.

b) Tree Retention and Survey

Proposals must retain healthy trees and incorporate them within the proposal unless it is technically unfeasible to retain these. Where trees exist on or bordering a development site, a tree survey, tree protection plan and mitigation plan must be provided with the planning application if the trees or trees bordering the site (or their roots) have the potential to be affected by development and construction activity. Proposals must identify a safeguarding distance to ensure construction works, including access and drainage arrangements, will not damage or interfere with the root systems in the short or longer term. A landscaped buffer may be required where the council considers that this is required to maintain an appropriate long term relationship between proposed development and existing trees and woodland.

Where it is technically unfeasible to retain trees, compensatory planting on a one for one basis must be provided in accordance with (e) below.

c) Control of Woodland Removal

In support of the Scottish Government's Control of Woodland Removal Policy, Woodland removal within native woodlands identified as a feature of sites protected under Policy EP1 or woodland identified as Ancient Woodland will not be supported.

In all other woodlands development which involves permanent woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits (excluding housing) and where removal will not result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the woodland.

Where it is proposed to remove woodland, compensatory planting at least equal to the area to be felled must be provided in accordance with e) below.

d) Tree Preservation Orders and Conservation Areas

The council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as whole, trees that contribute to the distinctiveness of a place or trees of significant biodiversity value.

Within Conservation Areas, the council will only agree to the felling of dead, dying, or dangerous trees. Trees felled within Conservation Areas or subject to TPO must be replaced, unless otherwise agreed by the council.

e) Compensatory Planting

Where trees or woodland are removed in association with development, developers must provide compensatory planting to be agreed with the planning authority either on site, or an alternative site in Moray which is in the applicant's control or through a commuted payment to the planning authority to deliver compensatory planting and recreational greenspace.

GUIDANCE TREES AND DEVELOPMENT

Trees are an important part of Moray's towns and villages and surrounding countryside, adding colour and interest to the townscape and a sense of nature in our built environment. They contribute to the diversity of the countryside, in terms of landscape, wildlife habitat and shelterbelts. Trees also have a key role to play in terms of climate

change by helping to absorb carbon dioxide which is one of the main greenhouse gases that cause global warming.

The cumulative loss of woodlands to development can result in significant loss of woodland cover. In compliance with the Scottish Government Control of Woodland Removal policy, woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance. Where woodland is to be removed then the Council will require compensatory planting to be provided on site, on another site in Moray within the applicant's control or through a commuted payment to the Council towards woodland and greenspace creation and enhancement. Developers proposing compensatory planting are asked to follow the guidance for site assessment and woodland design as laid out in Scottish Forestry's "Woodland Creation, Application Guidance" and its subsequent updates, when preparing their proposal.

The Council requires a Tree Survey and Tree Protection Plan to be submitted by the applicant with any planning application for detailed permission on designated or windfall sites which have trees on them. The survey should include a schedule of trees and/or groups of trees and a plan showing their location, along with the following details;

- Reference number for each tree or group of trees.
- Scientific and common names.
- Height and canopy spread in metres (including consideration of full height and spread).
- Root protection area.
- Crown clearance in metres.
- Trunk diameters in metres (measures at 1.5m above adjacent ground level for single stem trees or immediately above the root flare for multi stemmed trees).
- Age and life expectancy.
- Condition (physiological and structural).
- Management works required.
- Category rating for all trees within the site (U, A, B or C *). This arboricultural assessment will be used to identify which trees are suitable for retention within the proposed development.

*BS5837 provides a cascading quality assessment process for categorisation of trees which tree surveys must follow. An appropriately scaled tree survey plan needs to accompany the schedule. The plan should be annotated with the details of the tree survey, showing the location, both within and adjacent to the site, of existing trees, shrubs and hedgerows. Each numbered tree or groups of trees should show the root protection area and its category U, A, B, C.

Based on the guidance in BS5837, only category U trees are discounted from the Tree Survey and Tree Protection Plan process. Trees in category A and B must be retained, with category C trees retained as far as practicable and appropriate. Trees proposed for removal should be replaced with appropriate planting in a landscape plan which should accompany the application. Trees to be retained will likely be set out in planning conditions, if not already covered by a Tree Preservation Order.

If a tree with habitat value is removed, then measures for habitat reinstatement must be included in the landscape plan. It is noted that in line with part b) of policy EP7 where

woodland is removed compensatory planting must be provided regardless of tree categorisation."

A Tree Protection Plan (TPP) must also be submitted with planning applications, comprising a plan and schedule showing;

- Proposed design/ layout of final development, including accesses and services.
- Trees to be retained- with those requiring remedial work indicated.
- Trees to be removed.
- Location (and specification) of protective fencing around those trees to be retained based on the Root Protection Area.

The TPP should show how the tree survey information has informed the design/ layout explaining the reasoning for any removal of trees.

Landscape Scheme

Where appropriate a landscape scheme must be submitted with planning applications, clearly setting out details of what species of trees, shrubs and grass are proposed, where, what standard and when planting will take place. Landscape schemes must aim to deliver multiple benefits in terms of biodiversity, amenity, drainage and recreation as set out in policy.

The scheme should also set out the maintenance plan. Applicants/ developers will be required to replace any trees, shrubs or hedges on the site which die, or are dying, severely damaged or diseased which will be specified in planning conditions.

Tree species native to Scotland are recommended for planting in new development - Alder, Aspen, Birch, Bird Cherry, Blackthorn, Crab Apple, Elm, Gean, Hawthorn, Hazel, Holly, Juniper, Sessile Oak, Rowan, Scots Pine, Whitebeam, Willow.

EP8 HISTORIC ENVIRONMENT

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

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

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

b) Local Designations

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

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

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

EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT

a) Flooding

New development will not be supported if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. For development at or near coastal locations, this includes consideration of future flooding that may be caused by sea level rise and/or coastal change eroding existing natural defences in the medium and long term.

Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of Scottish Planning Policy and to the satisfaction of Scottish Environment Protection Agency and the Council is provided by the applicant.

There are different levels of flood risk assessment dependent on the nature of the flood risk. The level of assessment should be discussed with the Council prior to submitting a planning application.

Level 1 - a flood statement with basic information with regard to flood risk.

Level 2 - full flood risk assessment providing details of flood risk from all sources, results of hydrological and hydraulic studies and any appropriate proposed mitigation.

Assessments must demonstrate that the development is not at risk of flooding and would not increase the probability of flooding elsewhere. Level 2 flood risk assessments must be signed off by a competent professional. The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required.

Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater. Proposed development in coastal areas must consider the impact of tidal events and wave action when assessing potential flood risk.

The following limitations on development will also be applied to take account of the degree of flooding as defined in Scottish Planning Policy;

- a) In areas of little to no risk (less than 0.1%), there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.
- c) Areas of medium to high risk (0.5% or above) may be suitable for:

- Residential, institutional, commercial and industrial development within built up areas provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan.
- Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow.
- Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
- Employment related accommodation e.g. caretakers or operational staff.

Areas within these risk categories will generally not be suitable for the following uses and where an alternative/lower risk location is not available;

- Civil infrastructure and most vulnerable uses.
- Additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons e.g. for navigation and water based recreation, agriculture, transport or utilities infrastructure (which should be designed to be operational during floods and not impede water flows).
- New caravan and camping sites

Where development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water resistant materials and construction must be used where appropriate. Land raising and elevated buildings on structures such as stilts are unlikely to be acceptable.

b) Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

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

When considering the appropriate SUDS design for the development the most sustainable methods, such as rainwater harvesting, green roofs, bio retention systems, soakaways, and permeable pavements must be considered first. If it is necessary to include surface water attenuation as part of the drainage system, only above ground attenuation solutions will be considered, unless this is not possible due to site constraints.

If below ground attenuation is proposed the developer must provide a robust justification for this proposal. Over development of a site or a justification on economic grounds will not be acceptable. When investigating appropriate SUDS solutions developers must integrate the SUDS with allocated green space, green networks and active travel routes to maximise amenity and biodiversity benefits.

Specific arrangements must be made to avoid the issue of permanent SUDS features becoming silted-up with run-off. Care must be taken to avoid the spreading and/or introduction of invasive non-native species during the construction of all SUDS features. On completion of SUDS construction the developer must submit a

comprehensive Operation and Maintenance Manual. The ongoing maintenance of SUDS for all new development will be undertaken through a factoring agreement, the details of which must be supplied to the Planning Authority.

All developments of less than 3 houses or a non-householder extension under 100 square metres must provide a Drainage Statement. A Drainage Assessment will be required for all developments other than those identified above.

c) Water Environment

Proposals, including associated construction works, must be designed to avoid adverse impacts upon the water environment including Ground Water Dependent Terrestrial Ecosystems and should seek opportunities for restoration and/or enhancement, if appropriate. The Council will only approve proposals impacting on water features where the applicant provides a report to the satisfaction of the Council that demonstrates that any impact (including cumulative) on water quality, water quantity, physical form (morphology), river hydrology, sediment transport and erosion, coastal processes (where relevant) nature conservation (including protected species), fisheries, recreational, landscape, amenity and economic and social impact can be adequately mitigated.

The report must consider existing and potential impacts up and downstream of the development particularly in respect of potential flooding. The Council operates a presumption against the culverting of watercourses and any unnecessary engineering works in the water environment.

A buffer strip of at least 6 metres between any new development and all water features is required and should be proportional to the bank width and functional river corridor (see table on page 96). This must achieve the minimum width within the specified range as a standard, however, the actual required width within the range should be calculated on a case by case basis by an appropriately qualified individual. These must be designed to link with blue and green networks, including appropriate native riparian vegetation and can contribute to open space requirements.

Developers may be required to make improvements to the water environment as part of the development. Where a Water Framework Directive (WFD) water body specific objective is within the development boundary, or in proximity, developers will need to address this within the planning submission through assessment of potential measures to address the objective and implementation, unless adequate justification is provided. Where there is no WFD objective the applicant should still investigate the potential for watercourse restoration along straightened sections or removal of redundant structures and implement these measures where viable.

Width to watercourse (top of bank)	Width of buffer strip (either side)
Less than 1m	6m
1-5m	6-12m
5-15m	12-20m
15m+	20m+

The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required to support proposals.

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.

EP16 GEODIVERSITY AND SOIL RESOURCES

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

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

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

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

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

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

R2 Garmouth Road 1.6ha 35 units

- Landscaping must be provided along the eastern boundary to manage the transition to the countryside whilst accommodating the existing Core Path.
- A Pocket Park must be provided.
- Connections must be made to the Core Paths to the north and east of the site.
- One main point of access onto the C1E Garmouth Road required.
- Footway provision along C1E Garmouth Road required.
- Extension to the 30mph speed limit required.
- Flood Risk Assessment (FRA) required.
- Drainage Impact Assessment (DIA) required.
- Transport Assessment required.

- Phase 1 Habitat Survey required.