

22/00410/APP
30th March 2022

**Erect showroom warehouse and workshop building on
Site 17 Elgin Business Park Elgin Moray
for Yorsipp Pension Trustees**

Comments:

- A SITE VISIT has been carried out.
- The application is reported to Committee because it is for a building with a floor area in excess of 2,000 sqm.
- Advertised for neighbour notification purposes – notification not possible because no premises are situated on land to which notification can be sent.
- One representation has been received.

Procedure:

- None

Recommendation Grant planning permission - subject to the following:-

Conditions/Reasons

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. The retail showroom element associated with the development hereby permitted shall be restricted to the floor area shown on the approved ground floor plan drawing number 1085/PL/05, and remain ancillary to the use of the building as a warehouse. All retailing shall be in accordance with the detail specified in the Supporting Statement submitted with and approved as part of this application.

Reason: To ensure retailing remains associated with the principal use of the building for storage and distribution, to allow the planning authority to give consideration for alternative retail uses for the site, in the interests of the vitality of viability of nearby town and retail centres.

3. All landscaping shall be undertaken in accordance with the approved landscaping scheme (drawing number 1185/PL/03 Rev E) hereby approved, and within the Woodland Screen planting, all planting should be planted with a maximum 2.4 metre spacing for trees with shrubs and smaller planting being spaced at least 0.6 metres apart.

Reason: To ensure the planting is undertaken in accordance with the landscaping scheme, and that the woodland screen planting is of a sufficient density to offer screening from the trunk road to the north.

4. All planting, seeding or turfing, as well as biodiversity measures forming part of the approved landscaping scheme shall be undertaken in the first planting season following first occupation/use or completion of the development hereby approved, whichever is the soonest. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) agrees otherwise in writing.

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

5. All drainage shall be carried out in accordance with approved Drainage Impact Assessment and associated drawings.

Reason: To ensure suitable provision of surface water drainage, in the interests of the environment and the prevention of flooding.

6. No development shall commence until details (Site Utilities Plan scale 1:500 min) have been submitted to and approved in writing by the Planning Authority.

Reason: In the interest of an acceptable form of development and the submission of details to address details shown incorrectly or missing from the submission.

7. Notwithstanding the details submitted (plan/sections and engineering assessment) for the proposed retaining wall(s) within the development (which are insufficient to confirm (or otherwise) the extent of any structures within the development which may be retaining the public road), no development shall commence until details (plans (scale 1:500 min, including cross sections at 2m intervals) and engineering calculations) have been submitted which demonstrate the extents to which any structures within the development would be retaining the public road.

Thereafter no development shall commence until evidence has been submitted to the Planning Authority which demonstrates that the statutory processes for the approval of the design of any retaining structures have been completed satisfactorily.

Reason: In the interests of an acceptable form of development in the interests of road safety and the provision of details currently lacking from the submission.

8. Notwithstanding the details submitted for the customer parking layout (which are not accepted). No development shall commence until details (Plans scale 1:500 min) have been submitted to and approved in writing by the Planning Authority which confirm a separation strip of 1 metre (minimum) between the parking aisle (within the customer parking) and the back of the public cyclepath. Thereafter the development shall be completed in accordance with the approved details.

Reason: In the interest of an acceptable form of development and the submission of details to confirm that there is sufficient clearance between the internal vehicular layout and the public cyclepath to mitigate the risk of potential road safety issues for pedestrians and cyclists from vehicles manoeuvring within the development.

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

- duration of works;
- construction programme;
- full details of any temporary construction access;
- measures to be put in place to prevent material being deposited on the public road;
- measures to be put in place to safeguard the movements of pedestrians;
- traffic management measures to be put in place during works including any specific instructions to drivers; and
- details for construction staff parking provision and loading and unloading areas for construction traffic.

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

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

10. Prior to the access to the development becoming operational a visibility splay 4.5 metres by 70 metres in both directions shall be provided. Thereafter unless otherwise approved in writing by the Planning Authority the visibility splay shall be maintained clear of any obstruction above 0.26 metres in height, measured from the level of the carriageway.

Reason: To ensure an acceptable standard of development is provided throughout the development site at all times in the interests of road safety.

11. Prior to completion of the development or the development becoming operational (whichever is soonest) parking shall be provided in accordance with the approved plans. Thereafter the parking shall be available at all times, unless otherwise agreed in writing by the Planning Authority.

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

12. Notwithstanding the details submitted for EV charging (which are insufficient and do not show the charging unit locations or specifications) no development shall commence until the following details for the provision of 6no. 22Kw Electric Vehicle (EV) charging spaces have been submitted for approval by the Planning Authority in consultation with the Roads Authority:
- Details showing the type and specifications (22Kw minimum) of the proposed EV charging units(s).

Thereafter the EV charging facilities shall be provided in accordance with the approved details prior to the development becoming operational or opened to the public and maintained for use thereafter unless otherwise agreed in writing by the Planning Authority.

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.

Reason(s) for Decision

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

Whilst not fully in accordance with the Elgin I7 Barmuckity Business Park designation requirements of the Moray Local Development Plan 2020, where by the layout does not present an active frontage to the A96, the proposed layout is considered to be an acceptable departure from this designation (and subsequently policies DP5 – Business and Industry and DP1 Development Principles) on the basis the arrangement enables development of the site whilst ensuring the pylon running through the site is safeguarded.

The proposed open space provision falls below the 15% required for new industrial sites (13% in this case) as required under policy EP5 – Open Space. However given the safeguarding area required to the pylon corridor, the proposed hedge planting outwith the site, provision of staff garden and subject to revised planting details being provided for the woodland strip which would improve the quality of the open space provision, the proposal is therefore an acceptable departure from policy EP5.

The proposal complies with all other relevant policies of the development plan and there are no material considerations that indicate otherwise.

List of Informatives:

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

A Building Warrant will be required for the proposals. Should you require further

assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail buildingstandards@moray.gov.uk

THE TRANSPORTATION MANAGER has commented that:-

Roads Construction Consent is required for any new structure which retains the public road. The following extracts from the Moray (Aberdeenshire) Standards for Roads Construction Consent are highlighted for the applicants benefit.

2.4.Design Requirements

*Construction Consent will be granted only where proposals for the layout and construction of roads, structures, road drainage and lighting meet the Local Roads Authority's standards. Guidance as to how these standards should be achieved is contained in this document: Geometric and Layout Details in Part 2; Construction Details in Part 3. **Since economy of maintenance will be a major consideration in the assessment of applications for Construction Consent, the use of structures to support roads (e.g. retaining walls and bridges) should be avoided wherever possible.** Structures will require the appropriate authorisation including approval in principle of the structure and the method of analysis.*

3.7.Structures Agreements

*Where Construction Consent provides for a road to be supported by a structure, the Local Roads Authority will normally enter into an agreement with the developer, in terms of Section 79(1) (c) of the Roads (Scotland) Act 1984, whereby the bridge will heritably vest in the Local Roads Authority. Other essential structures will also require an agreement to enable these structures and solums to vest in the Local Roads Authority. However, where a bridge or other structure and solum have not been so acquired, the Local Roads Authority will be responsible only for maintaining the road surface. **Retaining walls should only be used in exceptional circumstances at the discretion of the Roads Development Engineer.** Walls constructed to support the road (at the time of road construction) will normally be adopted. Walls constructed to retain adjacent ground and/or forming part of a building will not be adopted.*

Transportation recommended that the proposals be revised to remove any structures which would retain the public road however wish to note that this could not be accommodated within the current site layout without a loss of parking provision.

It is the view of the Roads Authority that this development and the proposal for a retaining wall supporting the public road would not constitute an exceptional circumstance to support the approval of any wall retaining the public road. Whilst development may be supported in planning terms it is considered unlikely that Roads Construction Consent would be approved and therefore the proposals may be at risk of not being implementable.

Parking for the proposed development has been assessed based on the specific end user due to the nature of the operation. Should the end user change the

parking requirements shall be reviewed to determine the appropriate level of provision.

Before commencing development, the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations, and provide a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations. Advice on this matter can be obtained from the Moray Council web site or by emailing transport.develop@moray.gov.uk

Construction Consent shall include a CCTV survey of all existing roads drainage to be adopted and core samples to determine the construction depths and materials of the existing road. Any requirement for a 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 SUDs related to the drainage of the public road must be submitted and approved through the formal Roads Construction Consent process.

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

If required, street furniture which needs to be repositioned will be at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by e-mailing transport.develop@moray.gov.uk.

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

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

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

Reference No.	Version No.	Title/Description
1085/PL/01		Location plan
1085/PL/03	E	Landscape plan
1085/PL/05		Proposed ground floor plan
1085/PL/06		Mezzanine floor plan
1085/PL/07		Elevations
1085/PL/08		Section A-A
1085/PL/09	C	Site cross sections X-X
1085/PL/02	C	Site plan

List of Documents to be Approved

- Drainage Impact Assessment & Silverwells Revised Drainage Design Layout
- Supporting Statement



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
22/00410/APP

Site Address:
Site 17 Elgin Business Park
Elgin

Applicant Name:
Yorsipp Pension Trustees

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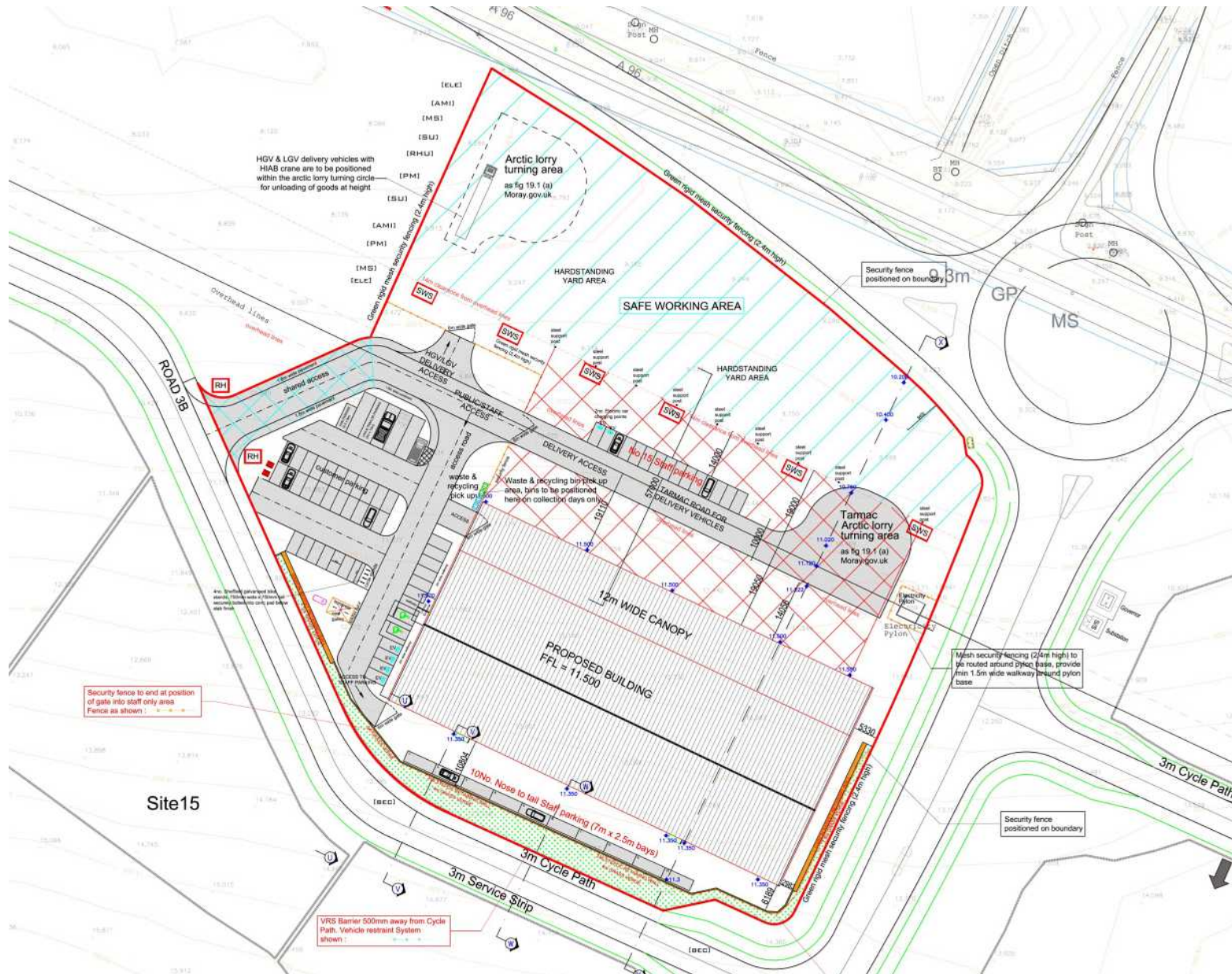
Location Plan



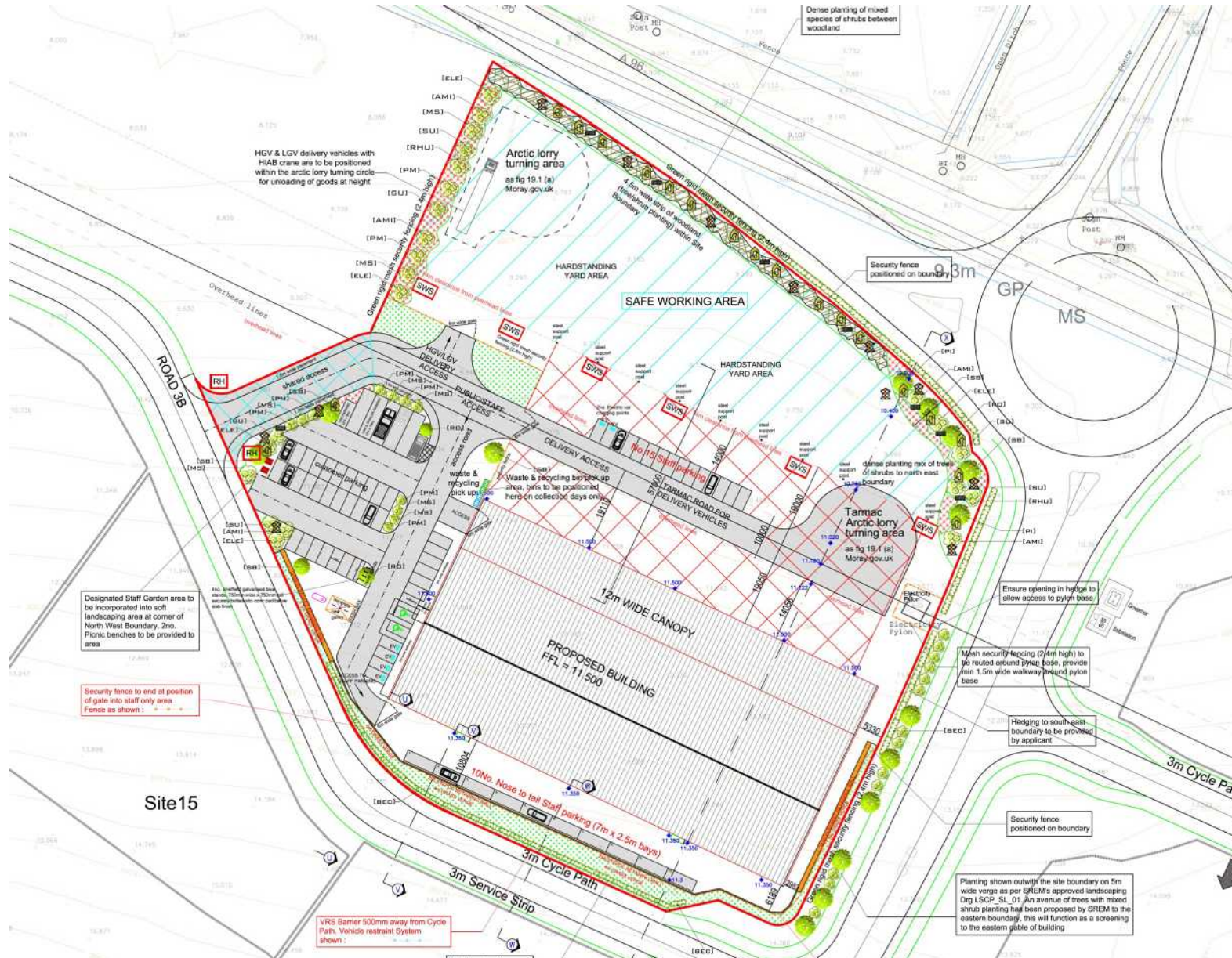
Site Location



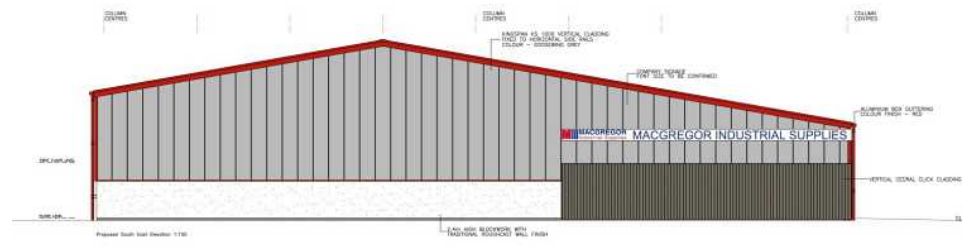
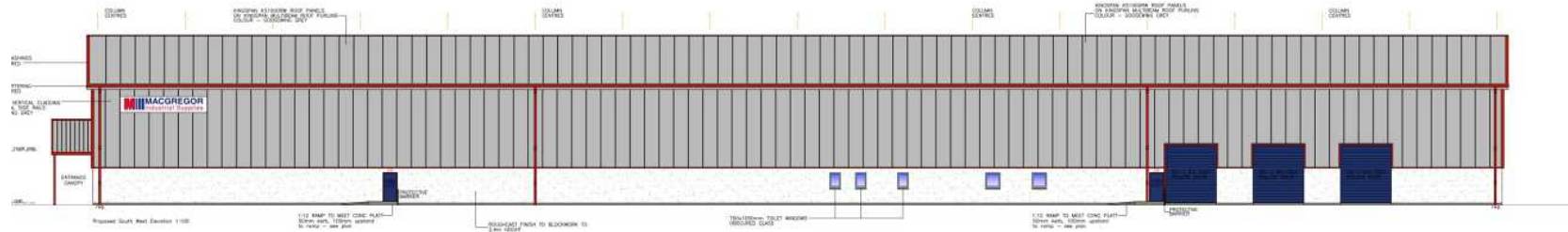
Site plan



Landscape plan



Elevations



22/00410/APP - Photograph Positions



Map Description: Arrows point in direction photograph was taken

Scale: 1:1,250 @ A4



Photo 1



Photo 2



Photo 3



Photo 4



PLANNING APPLICATION: 22/00410/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

1. **THE PROPOSAL**

- Erection of showroom, warehouse, workshop and distribution centre (all in one building) with associated yard, storage areas, car parking, access and landscaping.
- The building would have a floor area of 3264 sqm with a covered canopy area of 1152 sqm. Within the building, the showroom would occupy 1536 sqm, workshop 432 sqm and warehouse 1296 sqm. A 1750 sqm mezzanine floor would be used for storage.
- The walls of the building would be finished with roughcast for the lower 2.4 metres, with grey cladding above and to the roof. The overhanging section of canopy would be enclosed with interspersed full height wood effect composite cladding.
- Access would be via a new access to Kirkhill Avenue to the west of the site, which would lead to a customer parking area. Staff parking would be to the south of the site whilst a delivery and hardstanding yard area would be in the north of the site (adjacent to the A96).
- Landscaping is proposed within the customer car park, as well as along the northern, eastern and western boundaries of the site.
- Foul drainage would discharge to public sewers whilst water supply will be from the public network. Surface water drainage would be via a SuDS system.

2. **THE SITE**

- A 1.66 ha plot of undeveloped land within the recently established Elgin Business Park at Barmuckity, to the east of Elgin.
- The site is bounded by the A96 Elgin to Aberdeen trunk road to the north, St Andrew's Road to the east, Kirkhill Avenue to the south and south west, and an adjacent undeveloped plot to the west.
- The business park has a number of sites under development or recently completed, and includes a mix of commercial uses as well as a petrol filling station, drive through coffee shop and a hotel.
- An electricity pylon bisects the site on an east-west axis.
- The site is located within the I7 Barmuckity Business Park designation in the Elgin Settlement Statement of the Moray Local Development Plan 2020.
- The position of the building upon the plot is partially influenced by the need in designation I7 to avoid the functional flood plain in this locality.

3. **HISTORY**

09/00287/SCN – Screening opinion for erection of business park at Barmuckity, Elgin adopted by Moray Council on 20 April 2009 confirming the development will not require Environmental Impact Assessment.

09/00883/FUL – Planning permission for formation of road layout and access for business park at Barmuckity, Elgin granted planning permission on 14 July 2011 by Planning and Regulatory Services Committee following their meeting of 14 June 2011.

4. **POLICY - SEE APPENDIX**

5. **ADVERTISEMENTS**

5.1 Advertised for neighbour notification purposes.

6. **CONSULTATIONS**

Environmental Health – No objections.

Contaminated Land – No objections.

Transportation Manager - No objections, conditions recommended requiring detail of extent of proposed retaining wall.

Scottish Water – No objections, sufficient capacity at Badentinan Water Treatment Works for water supply, and Moray West Water Treatment Works for foul drainage.

Strategic Planning and Development – Sufficient supporting information provided with the application to justify location (in respect of retail), with the proposal complying with policy DP5 and DP7. Proposal is an acceptable departure from Elgin I7, policy DP1 and policy EP5 – Open Space with regard to site layout due to constraints from the pylon that passes through the site.

Developer Obligations – No obligations sought.

Moray Flood Risk Management – No objections following revision to drainage arrangement.

Transport Scotland – No objections.

SSEN Transmissions – Proposed arrangement offers sufficient distance/separation between operations proposed as part of this development and the safe operation of the 132Kv overhead transmission that passes through the site.

7. **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: Object on the basis Use Class 1 (Shops) would not be ancillary to Use Class 6 (Storage and Distribution), but the driver of the need for such storage and distribution, and this is contrary to Barmuckity Business Park Strategic Framework 2016 and Moray Local Development Plan 2020 policy DP7 – Retail/Town Centres.

Comments (PO): The Barmuckity Business Park Strategic Framework has been superseded by the designation text for site I7 – Barmuckity Business Park in the Moray Local Development Plan 2020.

The applicant is an industrial equipment supplies company with branches across the north of Scotland, including an existing site at Pinefield Industrial Estate in Elgin. The use of the building is for use class 6 (storage or distribution) with associated retail. Supporting information provided with the application states that 95% of their trade is to manufacturing, trade and public sector, with the remaining 5% of trade to individuals. 90% of orders are placed by phone/online and delivered. Detailed consideration is given to the suitability of the proposed use under observations below, which considers the proposal acceptable under the terms of policy DP7 and the Barmuckity Business Park designation I7 in which it sits.

8. **OBSERVATIONS**

8.1 Following consideration of the revised draft National Planning Framework 4 which was laid before parliament on 8th November 2022, the draft (yet to be formally adopted) is to be given no weight in the consideration of planning applications. 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:

8.2 **Principle of Development, Retail Implications (DP5, DP7 and I7)**
The site falls within the I7 Barmuckity Business Park designation of the Elgin Settlement Statement of the MLDP. Policy DP5 requires all development to comply with relevant sites designations, and on industrial estate designations notes that such areas are primarily reserved for uses within use classes 4 (business), 5 (general industrial) and 6 (storage or distribution). The site development requirements of I7 set out criteria for development on the designation, notably requiring all development to comply with the Barmuckity

Business Park Strategic Framework as detailed in the MLDP. With regard to suitable uses, the designation notes the primary function of Barmuckity Business Park is for uses within use classes 4, 5 and 6.

- 8.2.1 The Strategic Framework sets out the expected land use and landscape layout for the development of the business park, and divides it into 6 areas. The site subject to this application falls into “Area 2” which specifies a variety of land uses including those for visiting members of the public, recognising the prominence of the area due to its frontage to the A96.
- 8.2.2 The proposed use of the building is use class 6 (with ancillary retailing under use class 1) falls within uses deemed acceptable for the location within this area of the business park designation and Strategic Framework. Consideration will be given to the various design and siting criteria in the following Design, Layout and Siting section below.
- 8.2.3 Policy DP7 – Retail/Town Centres (part d) makes reference to the requirements of policy DP5 – Business and Industry with respect to ancillary retailing. Policy DP5 presumes against retail development on business or industrial areas unless it is ancillary to the principal use (e.g. wholesale). In such instances ancillary is defined as being directly linked to the principal use of the unit and comprising no more than 10% of the floor area up to a total of 1000 sqm. Anything in excess of this must be assessed via a sequential approach taken in accordance with town centre first principles. This should identify no other suitable sites and the proposal should be in accordance with all other relevant policies and site requirements.
- 8.2.4 The proposed retail/showroom element exceeds 10% of the floor area of the building and is in excess of 1000 sqm, therefore a sequential approach must be taken. In relation to this matter, the applicant has submitted a supporting statement with reference to the requirements of policies DP5 and DP7.
- 8.2.5 This supporting statement notes that the applicant is an industrial supplies company with outlets across the north of Scotland, including one in Elgin at Pinefield Industrial Estate. The applicant would relocate that outlet to this proposal. 95% of trade from their Elgin branch is to manufacturing, trade and public sector, with the remaining 5% to individual members of the public. 90% of all orders are placed by phone/online and delivered. The delivery catchment takes in a large proportion of North East Scotland between Forres to Peterhead and southwards to Speyside. The nature of the retail element is such that goods are on display in a “supermarket” type trade shop where customers can view stock prior to purchase, and items retailed tend to be higher end equipment/professional equipment rather than lower end/DIY models, as well as large bulky industrial supplies. A large volume and variety of stock is held on site to enable fast delivery to customers, hence why a relatively large warehouse and trade area is proposed.
- 8.2.6 The supporting statement notes that alternative sites to enable expansion of the Elgin branch were investigated elsewhere in Elgin (including Ashgrove Road and Chanonry as well as neighbouring land to enable expansion of their existing site at Pinefield), however attempts at securing these were either unsuccessful or the land was considered unsuitable for the applicant’s needs.

The existing site in Pinefield is at full capacity and there is need to provide sufficient space to expand and allow those customers that do collect purchases (often in larger commercial vehicles) to park and manoeuvre safely.

8.2.7 Taking account of the policy requirements of policies DP7 and DP5, the supporting information accompanying the application is considered to demonstrate that the proposed unit would be an acceptable development in the industrial estate designation. The nature of retail involved is related to the main function of the warehouse premises and is not typical of a town centre. It is also worth noting that the applicant's current business operates out of a designated industrial estate (which would subsequently free up their current premises for development/other uses, the applicant stating it will make several 140 – 190 sqm units for let to small and medium sized enterprises).

8.2.8 In light of the foregoing evaluation the proposal is considered to be suitable in principle, complying with policies DP5 and DP7.

8.3 **Design, Layout and Siting (DP1, I7)**

At a high level, policy DP1 – Development Principles requires all development to be designed and sited at a suitable level and integrated into the surrounding landscape. With regard to the I7 designation in which the site sits, there are a number of design and siting criteria within the designation text and Barmuckity Business Park Strategic Framework to ensure a consistent layout and landscape framework for all development within the I7 designation.

8.3.1 The I7 designation and the Framework both set out that the area subject to this application must have a strong frontage to the A96, with parking provision contained to the rear of buildings and ensure landscaping is provided to frame views of the site from the main road. It also notes that sufficient safeguarding must be provided for overhead power lines that run through the area.

8.3.2 Scottish and Southern Electricity Networks Transmission were consulted on this application, and have been involved in discussions with the applicant in formulating the proposal. There is a recognised requirement for sufficient safeguarding to be put in place to ensure the safe operation of a transmission line that runs through the site. Due to the necessary safeguarding area for this, the area left for development of a building on the corner of the site adjacent to the roundabout on the A96 leaves little space for a building to be erected. As a result, the building is positioned to the south of the power line within, and the yard and storage area for the proposal is located in the north of the site.

8.3.3 In order to mitigate the impact of the yard being in a relatively prominent position, the applicant has proposed woodland planting along the edge of the A96 to allow screening of the site from the road. Whilst this is contrary to the requirements of the Framework, the position of the power line makes this arrangement the only feasible arrangement of the plot, where tree screening must avoid powerlines. On the basis sufficient landscaping/woodland is proposed for screening (with minimum density specified in recommended landscaping condition), the proposal can be considered to be an acceptable departure from the designation requirements (and subsequently policy DP5).

- 8.3.4 With regard to the design of the building itself, the building is typical of an industrial/commercial building found in an industrial estate. The design statement notes that in order to ensure it integrates within the landscape, cut and fill will be used to ensure the building and yard will sit at a relatively lower level within the site. Along with landscaping and use of a variety of materials on the north eastern elevation including timber effect cladding on the north eastern elevation, the building will have a relatively positive frontage when viewed from the A96. Within the site and in addition to that used on the boundary of the site, landscaping has been used to break up and define areas of parking for customers as required in the Framework. Staff parking is contained within the site with the parking to the north of the building under the pylon area and the parking to the south sitting at a lower level than the adjacent public road. Whilst no landscaping has been proposed due to the constraints of the pylon and the adjacent retaining wall, this is considered to be an acceptable departure from this requirement of the Framework.
- 8.3.5 Overall the proposed design, siting and layout of the building along with landscaping is considered suitable for this prominent site within the relatively new business park. Whilst not fully in accordance with the I7 designation requirements, the proposed layout is considered to be an acceptable departure from this designation (and subsequently policy DP5) on the basis the arrangement enables development of the site whilst ensuring the pylon running through the site is safeguarded. The proposal complies with the I7 designation and requirements of policy DP1 in all other respects.
- 8.4 **Open Space (EP5) and Biodiversity (EP2)**
Open space including a staff garden/seating area has been provided within the site, though this is at a rate of 13% of the site area rather than 15% as required under policy EP5. In this case given the safeguarding area required to the pylon corridor, provision of staff garden and proposed and adjacent structural landscaping which would improve the quality of the open space provision, the slightly lower figure of 13% is considered an acceptable departure from policy EP5.
- 8.4.1 Policy EP2 requires development proposals to, where possible, retain, protect and enhance all biological interest and provide for their appropriate management. This also states that proposals for 1000 sqm or more of commercial floorspace must create new or where appropriate enhance natural habitats of ecological value. In this case the applicant has proposed bird boxes, and insect and bee bricks to be used to enhance biodiversity in the landscaped/woodland areas. These biodiversity measures satisfy the requirements of policy EP2.
- 8.5 **Drainage and Sewerage (EP12, EP13)**
Policy EP12 Management and Enhancement of the Water Environment sets out detailed criteria to ensure proposals meet siting, design and servicing requirements including provision of SuDS. This includes requirements for surface water from new development to be dealt with in a sustainable manner that has a neutral effect on the risk of flooding or which reduces the risk of flooding. It is noted that the building is to be located at a higher position than the active flood plain to the north west.

- 8.5.1 A Drainage Impact Assessment has been submitted with the application which details the proposed surface drainage arrangements for the proposed development. Plans show permeable surfacing, swales and filter trenches would be used to treat surface water.
- 8.5.2 Moray Flood Risk Management have assessed this information, are content with its findings and have raised no objections to the proposal. The proposal is considered to comply with the aforementioned policies in respect of surface water drainage.
- 8.5.3 A connection to the foul drainage network is proposed for foul drainage. Scottish Water have not objected to this, noting sufficient capacity in the local network and the Moray West Water Treatment Works. The proposal therefore complies with policy EP13 Foul Drainage.
- 8.6 **Access and Parking (PP3)**
A new access would be formed from the public road to the south west of the site (Kirkhill Avenue). Suitable access arrangements can therefore be provided for vehicles, as well as pedestrians and cyclists, noting there is access to the bus stop to the north west of the site of the A96. Cycle parking has been proposed on site along with suitable parking for vehicles (including EV charging provision). The Transportation Manager has raised no objections to this proposal, subject to conditions in respect of parking and access provision, as well as a requirement for further structural detail of the retaining wall to the south of the site. Subject to these conditions, the proposal is considered to comply with the requirements of policy PP3.
- 8.7 **Developer Obligations (PP3)**
Given the floor area exceeds 1000 sqm, the development is potentially subject to developer obligations under policy PP3 and the associated Developer Obligations Supplementary Guidance. In this case the proposal is not liable to pay any obligations.
- 8.8 **Environmental Impact Assessment – Screening Opinion**
Upon valid submission this application was screened by Moray Council (as competent authority) under regulation 11 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to determine whether or not Environmental Impact Assessment (EIA) was required.
- 8.8.1 On 4 April 2022 Moray Council adopted a screening opinion stating EIA was not required for this proposal.

Recommendation

Approve.

REASON(S) FOR DECISION

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

Whilst not fully in accordance with the Elgin I7 Barmuckity Business Park designation requirements of the Moray Local Development Plan 2020, where by the layout does not present an active frontage to the A96, the proposed layout is considered to be an acceptable departure from this designation (and

subsequently policies DP5 – Business and Industry and DP1 Development Principles) on the basis the arrangement enables development of the site whilst ensuring the pylon running through the site is safeguarded.

The proposed open space provision falls below the 15% required for new industrial sites (13% in this case) as required under policy EP5 – Open Space. However given the safeguarding area required to the pylon corridor, the proposed hedge planting outwith the site, provision of staff garden and subject to revised planting details being provided for the woodland strip which would improve the quality of the open space provision, the proposal is therefore an acceptable departure from policy EP5.

The proposal complies with all other relevant policies of the development plan and there are no material considerations that indicate otherwise.

**Author/Contact
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Senior Planning Officer

Ext: 01343 563274

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

APPENDIX

POLICY

Moray Local Development Plan 2020

I7 Barmuckity Business Park Industrial Estate

- Proposals must comply with the Barmuckity Business Park Strategic Framework shown on page 153.
- Barmuckity's primary function is for Class 4 Business, Class 5 General Industrial and Class 6 Storage or Distribution. A minimum of 14.69 ha* is reserved for these uses.
- A greater mix of uses is supported across 7.41 ha* of the site; these areas are adjacent to the A96 and are shown within the Barmuckity Business Park Strategic Framework as areas 2, 3 and 6. Within these areas Use Class 4 Business, Class 5 General Industrial, Class 6 Storage or Distribution, Class 7 Hotel and Hostels, and Class 11 Assembly and Leisure are supported subject to other policies including policy DP7. Retailing may be acceptable where retailing is ancillary to the main use.
- An access strategy is required to be agreed with Transport Scotland for Phase 2 (west) of the development.
- Positive frontages onto the A96 must be provided and the quality of design must reflect the key gateway to Elgin.
- Vehicular connection over the railway line to be retained/provided to Moss of Barmuckity to the south.
- A vehicular connection to the south to be safeguarded to enable future provision of access to Elgin South development.
- Strategic and boundary landscaping must be provided in compliance with the approved Landscape Design for Elgin Business Park - Phase 1 submitted to the Council on 30th May 2018. Phase 2 landscaping to be in compliance with the Strategic Framework.
- Individual proposals on plots within the wider site must provide a landscape and maintenance plan. Landscaping must complement the strategic and boundary landscaping in the relevant area. Landscaping must be used to define plots.
- Level 2 Flood Risk Assessment (FRA) required. No development within the functional floodplain. No development within 6m of the watercourses.
- Areas at risk from flooding must be made a landscape feature to provide biodiversity and a high amenity setting for development.
- Drainage Impact Assessment (DIA) required.
- Phase 1 Habitat Survey required.
- A Water Framework Directive waterbody specific objective will require to be addressed.
- Footpath and cycle connections within and to outwith the site required.

(*This is a net area which excludes landscaping, areas at risk of flooding etc.)

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, paviers, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

(iii) Water environment, pollution, contamination

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

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

DP5 BUSINESS & INDUSTRY

- a) Development of employment land is supported to deliver the aims of the Moray Economic Strategy. A hierarchical approach will be taken when assessing proposals for business and industrial uses. New and existing employment designations are set out in Settlement Statements and their description identifies where these fall within the policy hierarchy.

Proposals must comply with Policy DP1, site development requirements within town and village statements, and all other relevant policies within the Plan. Office development that will attract significant numbers of people must comply with Policy DP7 Retail/Town Centres.

Efficient energy and waste innovations should be considered and integrated within developments wherever possible.

b) Business Parks

Business parks will be kept predominantly for 'high-end' businesses such as those related to life sciences and high technology uses. These are defined as Class 4 (business) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. This applies to new proposals as well as redevelopment within established Business Parks.

Proposals for the development of new business parks must adhere to the key design principles set out in town statements or Development Frameworks adopted by the Council.

c) Industrial Estates

Industrial Estates will be primarily reserved for uses defined by Classes 4 (business), 5 (general) and 6 (storage and distribution) of the Town and Country Planning (Use Classes) (Scotland) Order 1997. This applies to new proposals as well as redevelopment within established Industrial Estates. Industrial Estates could be suitable sites for waste management facilities.

d) Existing Business Areas

Long established business uses will be protected from non-conforming uses (e.g. housing). The introduction or expansion of non-business uses (e.g. retail) will not be permitted, except where the total redevelopment of the site is proposed.

e) Other Uses

Class 2 (business and financial), 3 (food and drink), 11 (assembly and leisure) and activities which do not fall within a specific use class (sui generis), including waste management facilities will be considered in relation to their suitability to the business or industrial area concerned, their compatibility with neighbouring uses and the supply of serviced employment land. Retail uses will not be permitted unless they are considered ancillary to the principal use (e.g. manufacture, wholesale). For this purpose, 'ancillary' is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area up to a total of 1,000 sq metres (gross) or where a sequential approach in accordance with town centre first principles has identified no other suitable sites and the proposal is in accordance with all other relevant policies and site requirements are met.

f) Areas of Mixed Use

Proposals for a mix of uses where site specific opportunities are identified within Industrial Estate designations in the Settlement Statement, will be considered favourably where evidence is provided to the authority's satisfaction that the proposed mix will enable the servicing of employment land and will not compromise the supply of effective employment land. A Development Framework that shows the layout of the whole site, range of uses, landscaping, open space and site specific design requirements must be provided. The minimum levels of industrial use specified within designations must be achieved on the rest of the site.

g) Rural Businesses and Farm Diversification

Proposals for new business development and extensions to existing businesses in rural locations including tourism and distillery operations will be supported where there is a locational need for the site and the proposal is in accordance with all other relevant policies.

A high standard of design appropriate to the rural environment will be required and proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business premises will be encouraged.

Outright retail activities will be considered against policy DP7, and impacts on established shopping areas, but ancillary retailing (e.g. farm shop) will generally be acceptable.

Farm diversification proposals and business proposals that will support the economic viability of the farm business are supported where they meet the requirements of all other relevant Local Development Plan policies.

h) Inward Investment Sites

The proposals map identifies a proposed inward investment site at Dallachy which is safeguarded for a single user business proposal seeking a large (up to 40ha), rural site. Additional inward investment sites may be identified during the lifetime of the Plan.

Proposals must comply with Policy DP1 and other relevant policies.

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.

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.

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.