

19/00460/APP
25th April 2019

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

Comments:

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

Procedure:

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

Recommendation: Grant Planning Permission subject to the following:

Conditions/Reasons

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

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

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

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

Reason: To secure removal and appropriate restoration.

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To avoid any ambiguity regarding the layout.

9. No development shall commence until details have been submitted to and approved in writing by the Council, as Planning Authority, regarding details of a woodland planting scheme (the Replanting Scheme) within Moray to compensate, in this case, the removal of 32,200m² of existing woodland from the site in order to accommodate the development. All proposals shall be in accordance with approved plan HLD K345.18/SL-03 Rev D (or any revision approved under condition 7 above). The Replanting Scheme details shall:

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

and

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

it refers and include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Roads Construction Consent.

Reason: To ensure acceptable infrastructure at the development access.

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

Reason: To ensure acceptable infrastructure at individual development accesses.

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

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

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

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

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

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

Reason: To ensure acceptable infrastructure at the development access.

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

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

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

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

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

Reason: To ensure that foul drainage is adequately managed.

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

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

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

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

Reason(s) for Decision

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

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

List of Informatives:

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

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

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

SCOTTISH NATURAL HERITAGE has commented that:-

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

SCOTTISH WATER have commented as follows:

Infrastructure within boundary

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

Scottish Water Disclaimer

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

Surface Water

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

our combined sewer system.

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

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

General notes:

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

Next Steps:

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

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

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

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

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

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

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

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

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

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

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

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

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

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

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

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

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

Supporting Documents

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

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



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

19/00460/APP

Site Address:

Maverston

Urquhart

Applicant Name:

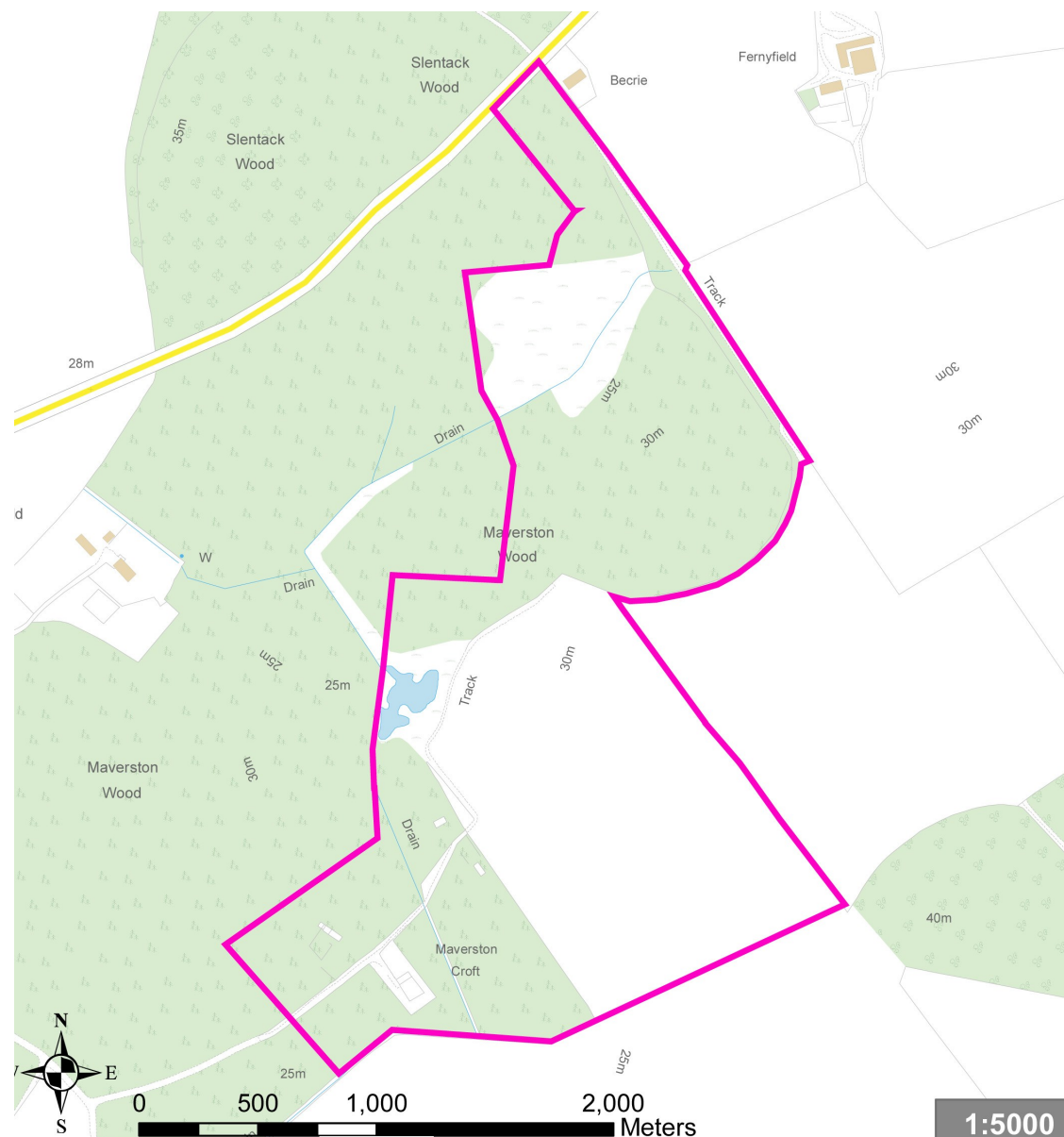
Maverston LLP

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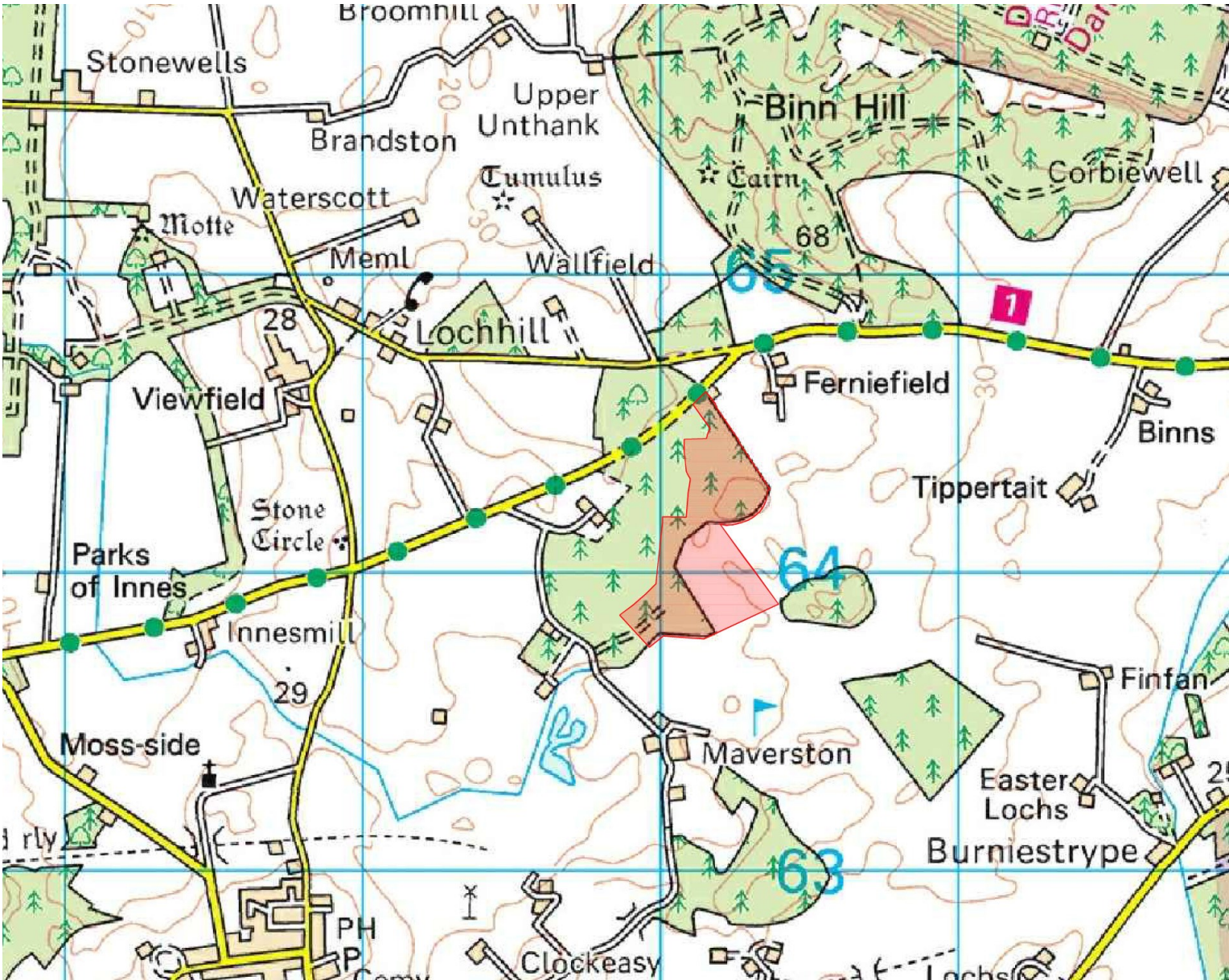
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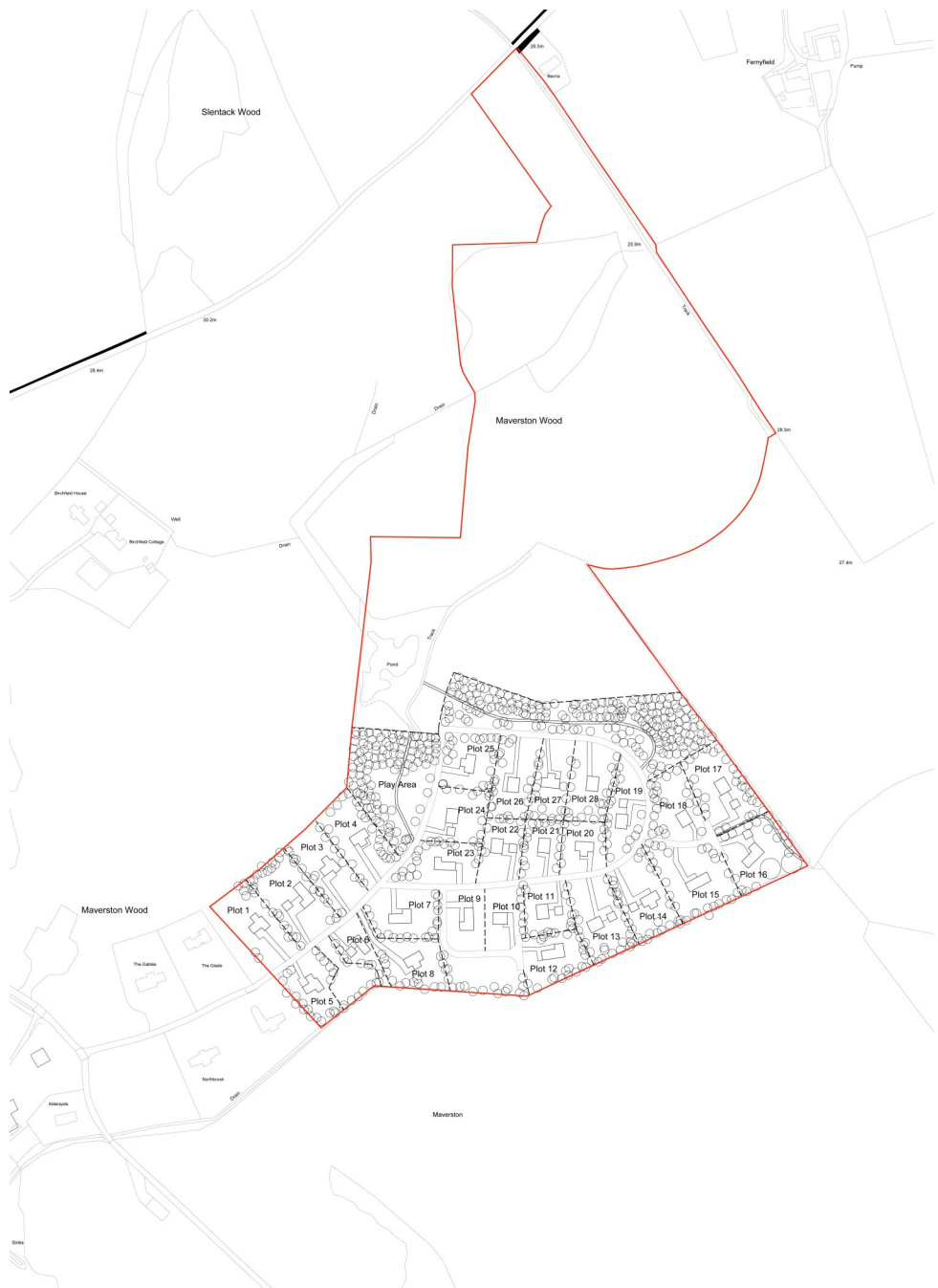
Location Plan



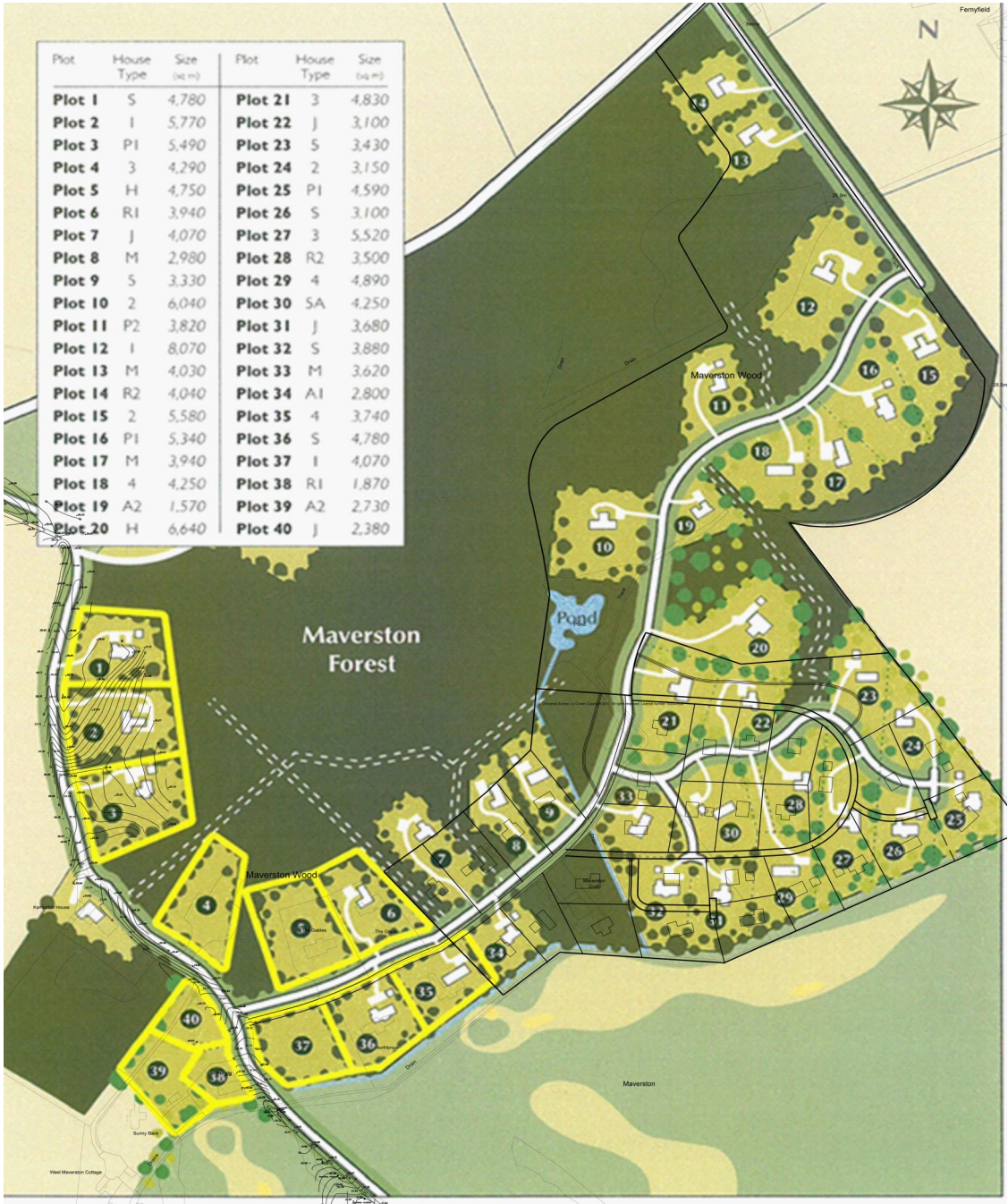
Site Location



Site plan



**Approved Masterplan with
proposal overlaid**















PLANNING APPLICATION: 19/00460/APP

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

THE PROPOSAL

- This application (as amended) seeks planning permission for 28 serviced house plots and the construction of a temporary haul road. A play park, associated infrastructure, servicing and landscaping is also proposed.
- Planning Permission is already in place for a total of 40 houses at Maverston. Work is already underway on phase 1 of the development. The current proposal condenses the remaining 28 units proposed into a smaller area in the south east of the application site. The woodland to the north east will be retained with only a temporary haul road proposed in this part of the application site. No increase in the number of units is proposed as part of this application.
- A loop road through the site is proposed to serve the development. This will connect to the road serving the existing development at Maverston to the south west of the application site.
- The haul road is proposed to the north east of the site and will be used during the construction phase of the development. The position of the haul road has been altered to relocate it away from a house located close to the point where the haul road will join the public road.
- Some 32200m² of trees will be removed but compensatory planting at an equivalent level will be provided both on and off the site.
- The houses will be connected to the public water supply. Foul drainage will be dealt with by means of an existing private drainage system which is adopted by Scottish Water. Details of proposals for surface water drainage will be provided as part of further applications for individual plots but indicative details have been provided along with details of the roads drainage.
- The application is supported by a Design Code, Pre-Application Consultation Report, Viability Report (confidential), Drainage Assessment, Habitat Survey, Landscaping Plan, Design Statement, Transport Assessment, Tree and Woodland Survey.

THE SITE

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

which have been subject of previous archaeological investigations.

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

HISTORY

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

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

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

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

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

POLICY - SEE APPENDIX

ADVERTISEMENTS

Advertised for neighbour notification purposes.

CONSULTATIONS

Strategic Planning and Delivery –

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

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

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

Archaeology - No objections.

Contaminated Land – No objections.

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

Environmental Health – No objections.

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

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

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

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

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

Innes Community Council – No response at time of writing.

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

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

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

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

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

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

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

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

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

OBJECTIONS-REPRESENTATIONS

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the General Data Protection

Regulations (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014).

Three letters of representation have been received from:-

Mr Bryan Kee - Kinnagoe Maverston Urquhart Elgin IV30 8LR

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

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

(Received outwith the neighbour notification period.)

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

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

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

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

Issue: Impact on red squirrels.

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

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

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

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

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

Issue: Impact on protected species.

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

Issue: Precedent for further additional development.

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

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

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

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

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

Issue: No public transport

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

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

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

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

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

Issue: Impact of greater recreational use of the woodland.

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

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

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

Issue: Tree protection measures should be put in place.

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

OBSERVATIONS

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

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

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

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

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

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

The main issues are considered below.

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

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

Impact on Trees (E4 & ER2)

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

feature forms a core area for the Native Woodland Habitat Network, with the rest of the site being in primary and secondary zones for this network. The site is also identified on the Ancient Woodland Inventory as being Long Established of Plantation Origin. The current proposal is to concentrate the development in the southern part of the application site. Where possible development will be sited within existing clearings in the woodland and tree removal will be kept to a minimum. Most of the woodland in this area is scots pine. An area of spruce plantation will be removed. Birch and other individual trees in the east of the site will be retained where possible and native species planting is proposed in these areas. The woodland in the northern part of the site where development is already approved is now proposed to be retained as woodland (with the exception of the haul road). A portion of the woodland in the north west of the site is 'ancient woodland'. This is now to be retained as part of the undeveloped woodland area to the north and will also house the proposed playpark. It is recognised however, that woodland will be removed to facilitate this development. In total 32200m² of woodland will require to be removed. This consists of 25700m² for the plots and 6500m² for the haul road which will be reinstated once the haul road is no longer required. To mitigate this 9330m² of replanting is proposed within the housing area and 9500m² of compensatory planting is proposed within Maverston Woods in the northern part of the application site and 8000m² is proposed within the golf course area to the south west of the application site. This is a total of 32470m² of replanting and compensatory planting. Scottish Government's Control of Woodland Removal Policy (COWRP) and LDP policies ER2 and E4 contain a strong presumption against woodland removal. However in this instance there is a history of approved development dating back to 1991 and under the terms of the extant planning permission (06/01554/REM) a larger swathe of woodland in the northern part of the site including ancient woodland could be removed to make way for the approved development. As already indicated this amounts to approximately 4 ha in the northern part of the site alone. The proposed development will safeguard the woodland in the northern part of the site and see another part of the ancient woodland used as a playpark. It is also noted that significant areas of compensatory planting are proposed. It is recommended that this is dealt with by condition. Notwithstanding the strong presumption against woodland removal in local and national policy it is considered that given the existing planning permission and the level of compensatory planting proposed the current proposal is acceptable. This proposal will see a significant area of woodland to the north of the site safeguarded and will protect part of the ancient woodland for the playpark. Scottish Forestry have been consulted and while they draw attention to the contents of COWRP they acknowledge the planning history and level of compensatory planting. They do not object. It is recognised that this proposal will involve a significant loss of woodland which will inevitably have an environmental impact. However it is recognised that this proposal, which is a revision of an existing approval, will safeguard an area of woodland where development was previously approved. For the avoidance of doubt significant weight is attached to the existing permission which remains live and could still be implemented in full. The proposed loss of woodland will be off-set by a level of compensatory planting which exceeds the area to be lost. Scottish Forestry do not object and in this instance the proposal is considered to be acceptable.

Open Space and Landscaping (PP3, E5 and IMP1)

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

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

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

Impact on Species (E3)

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

Access and Parking (T2 & T5)

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

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

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

Drainage and Water Supply (EP5 & EP10)

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

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

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

The development will be connected to the public water supply.

Design and Materials (H5)

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

Affordable Housing (H8)

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

Accessible Housing (H9)

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

Development Obligations (IMP3)

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

Conclusion and Recommendation

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

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

REASON(S) FOR DECISION

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

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

**Author/Contact
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Ext: 01343 563479

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

APPENDIX

POLICY

Adopted Moray Local Development Plan 2015

Moray Local Development Plan 2015 - Material Consideration

Primary Policy PP1: Sustainable Economic Growth

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

Primary Policy PP2: Climate Change

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

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

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

Primary Policy PP3: Placemaking

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

Developments should;

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

Policy H5: Development Within Rural Groupings

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

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

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

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

Policy E3: Protected Species

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

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

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

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

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

Policy E4: Trees and Development

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

Within Conservation Areas the Council will only agree to the felling of dead, dying, or dangerous trees. Trees felled within Conservation Areas or subject to TPO protection should be replaced, unless otherwise agreed with the Council.

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

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

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

Proposals affecting woodland will be considered against Policy ER2.

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

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

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

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

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

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

Policy EP7: Control of Development in Flood Risk Areas

New development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of National Guidance and to the satisfaction of both the Scottish Environment Protection Agency and the Council is provided by the applicant. This assessment must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere. Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater.

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

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

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

Areas within these risk categories will generally not be suitable:

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

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

Policy EP8: Pollution

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

Policy EP9: Contaminated Land

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

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

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

Policy EP10: Foul Drainage

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

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

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

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

Policy T2: Provision of Access

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

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

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

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

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

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

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

Significant travel generating proposals will only be supported where:

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

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

Policy T5: Parking Standards

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

Policy IMP1: Developer Requirements

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

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

Policy IMP3: Developer Obligations

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

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

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

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

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

Maverston

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

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

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

Character Description: 3 Post War Community

Specific Character Features

- **Group C** buildings dominant.

Proposed Moray Local Development Plan 2020

PP1 PLACEMAKING

- a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
- b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include a sufficient information for the Council to carry out a Quality Audit including a topo survey, slope analysis, site sections, 3D visualisations, a Landscaping Plan, a Street Engineering Review and a Biodiversity Plan as these will not be covered by suspensive conditions on a planning consent. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and

working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.

- c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles;

(i) Character and Identity

- Create places that are distinctive to prevent homogenous 'anywhere' development.
- For developments of 20 units and above, provide a number of character areas that have their own distinctive identity and are clearly distinguishable. Developments of less than 20 units will be considered to be one character area, unless they are part of a larger phase of development or masterplan area.
- Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of open spaces and streets within a cohesive design strategy for the whole development.
- Distinctiveness must be reinforced along main thoroughfares, open spaces and places where people may congregate such as shopping/service centres.
- Retain, incorporate and/or respond to relevant elements of the landscape such as topography and planted features, natural and historic environment, and propose street naming (in residential developments of 20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations.

(ii) Healthier, Safer Environments

- Designed to prevent crime, fear of crime and anti-social behaviour with good levels of natural surveillance and security using treatments such as low boundary walls, dual frontages (principal rooms) and well-lit routes to encourage social interaction. Unbroken high boundary treatments such as wooden fencing and blank gables onto routes, open spaces and communal areas will not be acceptable.
- Designed to encourage physical exercise for people of all abilities.
- Create a distinctive urban form with landmarks, key buildings, vistas, gateways and public art to provide good orientation and navigation through the development.
- Provide a mix of compatible uses, where indicated within settlement statements, integrated into the fabric of buildings within the street.
- Prioritise pedestrians and cyclists by providing a permeable movement framework that incorporates desire lines (including connecting to and upgrading existing desire lines) and is fully integrated with the surrounding network to create walkable neighbourhoods and encourage physical activity.
- Integrate multi-functional active travel routes, green and open space into layout and design, to create well connected places that encourage

physical activity, provide attractive spaces for people to interact and to connect with nature.

- Create safe streets that influence driver behaviour to reduce vehicle speeds that are appropriate to the local context such as through shorter streets, reduced visibility and varying the building line.
- Provide seating opportunities within streets, paths and open spaces for all generations and mobility's to interact, participate in activity, and rest and reflect;
- Provide for people with mobility problems or a disability to access buildings, places and open spaces.
- Create development with public fronts and private backs.
- Maximise environmental benefits through the orientation of buildings, streets and open space to maximise the health benefits associated with solar gain and wind shelter.

(iii) Housing Mix

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

(iv) Open Spaces/Landscaping

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and Drainage Impact Assessment for New Developments Supplementary Guidance.
- Landscaped areas must provide seasonal variation, (mix of planting and colour) including native planting for pollination and food production.
- Landscaped areas must not be 'left-over' spaces that provide no function. 'Left-over' spaces will not contribute to the open space requirements of policy EP4 Open Space.
- Semi-mature tree planting and shrubs must be provided along all routes with the variety of approaches reflecting and accentuating the street hierarchy.
- Public and private space must be clearly defined.
- Play areas (where identified) must be inclusive, providing equipment so the facility is for every child/young person regardless of ability and provided upon completion of 50% of the character area.
- Proposals must provide advance landscaping identified in site designations and meet the quality requirements of policy EP5 Open Space.
- Structural landscaping must incorporate countryside style paths (such as bound or compacted gravel) with waymarkers.
- Maintenance arrangements for all paths, trees, hedging, shrubs, play/sports areas, roundabouts and other open/ green spaces and blue/green corridors must be provided.

(v) Biodiversity

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

(vi) Parking

- Car parking must not dominate the streetscape to the front or rear of properties. On all streets a minimum of 75% of car parking must be provided to the side or rear and behind the building line with a maximum of 25% car parking within the front curtilage or on street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments that enhance the streetscape.
- Provide semi-mature trees and planting within communal private and public/visitor
- Secured and covered cycle parking and storage, car sharing spaces and electric car charging points must be provided in accordance with policy DP1 Development Principles.
- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

(vii) Street Layout and Detail

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

- (d) Masterplans have been prepared for Findrassie (Elgin), Elgin South, Bilbohall (Elgin), and Dallas Dhu (Forres) and are Supplementary Guidance to the Plan. Further Masterplans will be prepared in partnership for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/ Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. A peer review organised by the Council will be undertaken at the draft and final stages in the masterplan's preparation. Following approval, the Masterplans will be Supplementary Guidance to the Plan.
- (e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

PP2 SUSTAINABLE ECONOMIC GROWTH.

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

DP2 HOUSING.

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

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

b) Piecemeal/ individual plot development proposals

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

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

c) Housing density

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

d) Affordable Housing

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

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

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

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

e) Housing Mix and Tenure Integration

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

Proposals must demonstrate tenure integration and meet the following criteria;

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

f) Accessible Housing

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

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

DP4 RURAL HOUSING

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

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

b) Rural Groupings

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

c) Re-use and Replacement

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

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

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

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

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

d) New Houses in the Open Countryside

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

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

ii) Pressurised and Sensitive Areas

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

iii) Areas of Intermediate Pressure

a) Siting Criteria

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

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

b) Design Criteria

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

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

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

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

EP2 BIODIVERSITY

All development proposals must retain, protect and enhance features of biological interest and provide for their appropriate management. Developments must safeguard and connect into wildlife corridors, green/blue networks and prevent fragmentation of existing habitats.

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

Proposals for 4 or more housing units or 1000 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 which incorporates a Biodiversity Plan, that they have included habitat creation in the design of the development. This can be achieved by providing links into existing green and blue networks, wildlife friendly features such as wildflower verges and meadows, bird and bat boxes, amphibian friendly kerbing, wildlife crossing points such as hedgehog highways and planting to encourage pollination, wildlife friendly climbing plants, use of hedges rather than fences, incorporating biodiversity measures into SUDS and retaining some standing or lying dead wood, allotments, orchards and woodlands.

Where development results in the loss of natural habitats of ecological and amenity value, compensatory habitat creation will be required on an alternative site in Moray.

EP5 OPEN SPACE.

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

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

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

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

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

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

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

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

ENV 10 Private Gardens and Grounds

ENV 11 Other Functional Greenspace

b) Green Infrastructure and Open Space in New Development.

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

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

i) Accessibility Standard.

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

ii) Quality Standard.

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

Accessible and well connected.

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

Attractive and Appealing Places.

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

Biodiverse supporting ecological networks (see Policy EP2 Biodiversity).

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

Promotes activity, health and well being.

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

Safe, Welcoming and contributing to Character and Identity.

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

iii) Quantity Standard.

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

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

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

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

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

EP7 FORESTRY, WOODLANDS AND TREES.

a) Forestry.

Proposals which support the economic, social and environmental objectives and projects identified in the Moray Forestry and Woodlands Strategy will be supported where they meet the requirements of all other relevant Local Development Plan policies. The Council will consult Forestry Commission Scotland on proposals which are considered to adversely affect commercial forests.

b) Woodlands.

In support of the Scottish Government's Control of Woodland Removal Policy, development which involves permanent woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits and where removal will not result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the woodland.

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

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

c) Trees and Tree Preservation Orders.

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

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

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

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

EP13 FOUL DRAINAGE

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

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

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

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

EP14 POLLUTION, CONTAMINATION & HAZARDS.

a) Pollution.

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

b) Contamination.

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

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

c) Hazardous sites.

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