

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

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

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**Comments:**

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

**Procedure:**

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

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

**Conditions/Reasons**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and thereafter;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Private housing:

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

Private Flats:

- up to 2 bedrooms - 1.5 spaces per flat.

Affordable housing:

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

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

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

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

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

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



**Reason:** To safeguard and record the archaeological potential of the area.

**Reason(s) for Decision**

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

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

**List of Informatives:**

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

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

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

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

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

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

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

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

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

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

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

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

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

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

# **LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

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

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

Information to accompany decision  
Scottish Water consultation – 25 Sep 2018

SEPA consultation – 17 Sep 2019

Scottish Gas Networks correspondence – 24 Sep 2019

Drainage Assessment and Calculations

Site Investigations

Design and Access Statement

Habitats Walkover Survey







## PLANNING APPLICATION COMMITTEE SITE PLAN

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

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

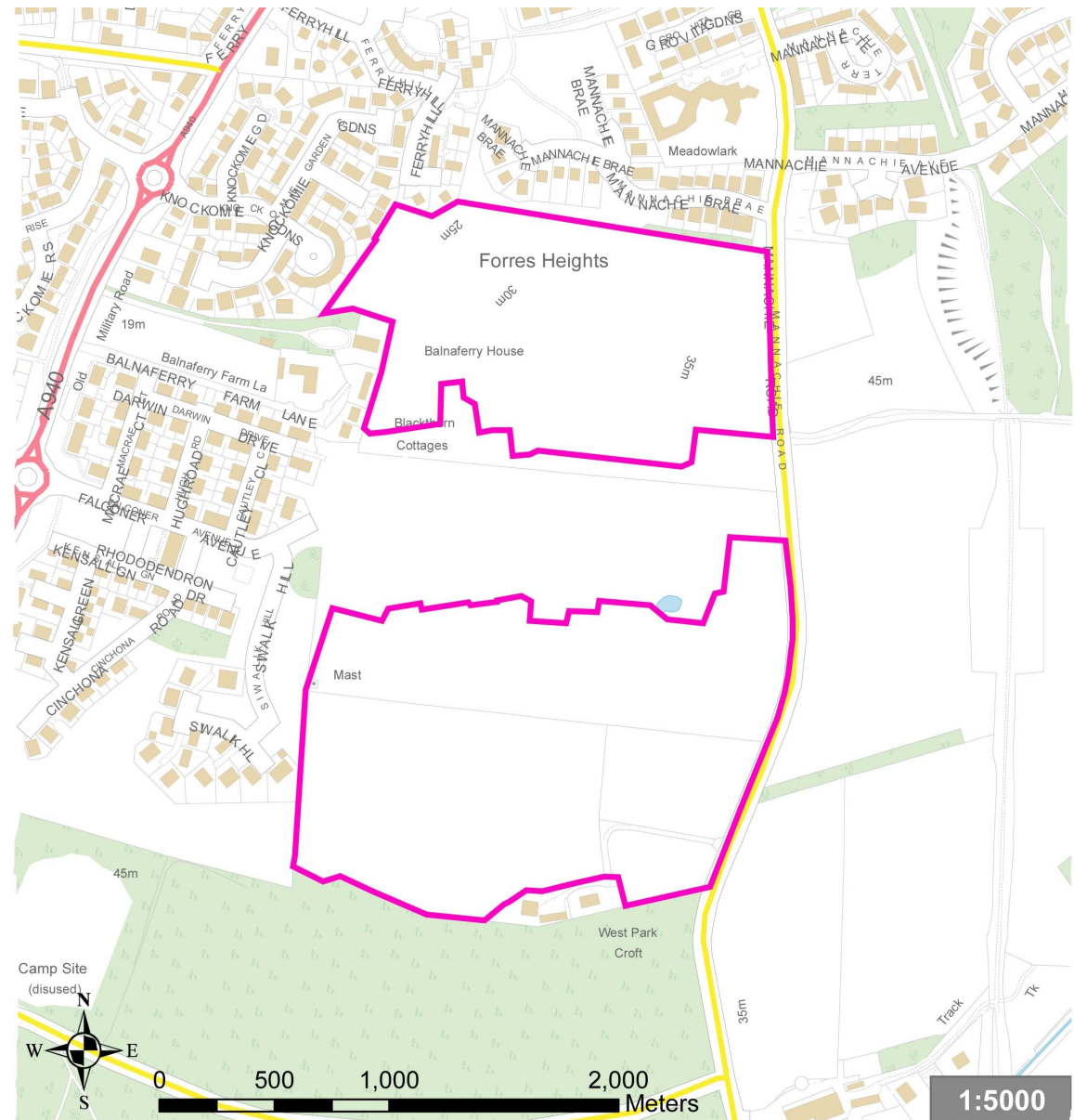
**Applicant Name:**  
Springfield Properties PLC

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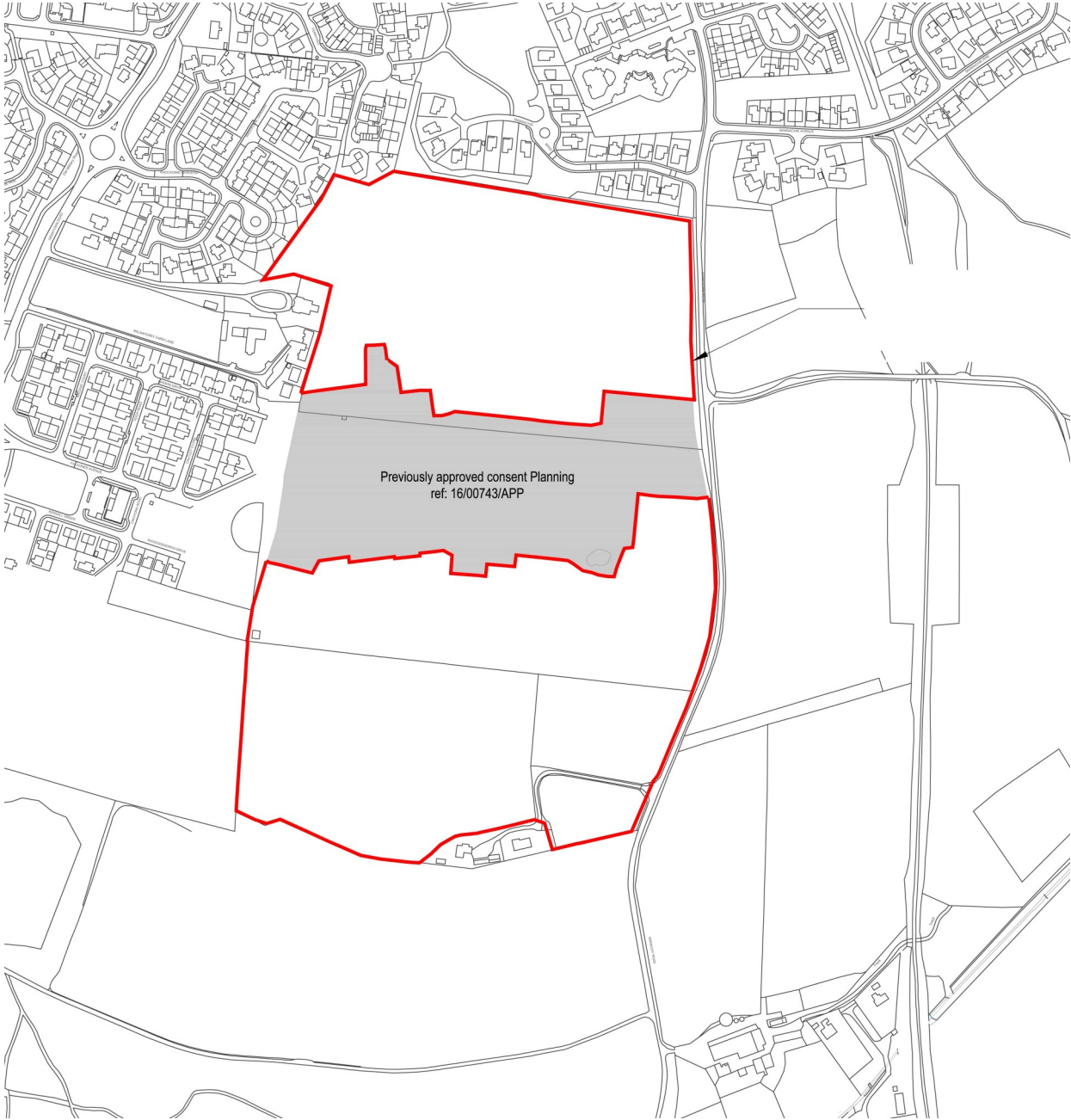
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## Location Plan



**Site Location**





## Site plan

























## PLANNING APPLICATION: 18/01142/APP

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

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### **THE PROPOSAL**

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

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

## **THE SITE**

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

## **HISTORY**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **ADVERTISEMENTS**

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

## **CONSULTATIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Moray Access Manager** – No objections.

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

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

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

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

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

## **OBJECTIONS-REPRESENTATIONS**

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the General Data Protection Regulations (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **OBSERVATIONS**

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

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

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

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

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

The main issues are considered below.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Table 1: Quality Audit Summary**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Construction Environment Management Plan**

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

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

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

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

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

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

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

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

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

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

- Primary Education (extension at Applegrove Primary)



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

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

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

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

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

### **Conclusion and Recommendation**

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

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

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

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

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

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

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## **APPENDIX**

### **POLICY**

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

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

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

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

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

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

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

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

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

Developments should;

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

## **Policy H1: Housing Land**

### **Designated sites**

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

### **Windfall sites within settlements**

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

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

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

## **Housing Density**

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

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

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

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

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

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

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

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

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

## **Policy H8: Affordable Housing**

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

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

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

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

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

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

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

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

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

## **Policy E3: Protected Species**

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

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

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

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

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

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

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

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

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

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

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

Proposals affecting woodland will be considered against Policy ER2.

## **Policy E5: Open Spaces**

### **Safeguarding Open Spaces**

Development which would cause the loss of, or adversely impact on, areas identified under the ENV designation in settlement statements and the amenity land designation in rural groupings will be refused unless;

- The proposal is for a public use that clearly outweighs the value of the open space or the proposed development is ancillary to the principal use and will enhance use of the site for sport and recreation; and
- The development is sited and designed to minimise adverse impacts on the recreational, amenity and biodiversity value of the site; and
- There is a clear excess of the type of ENV designation within easy access in the wider area and loss of the open space will not negatively impact upon the overall quality and quantity of open space provision, or
- Alternative provision of equal or greater benefit will be made available and is easily accessible for users of the developed space.

## **Provision of new Open Spaces**

### **Quantity**

New green spaces should be provided to the following standards;

- Residential sites less than 10 units - landscaping to be determined under the terms of policies PP3 and IMP1 to integrate the new development.
- Residential sites 10-50 units and new industrial sites- minimum 15% open space
- Residential sites 51-200 units- minimum 20% open space
- Residential sites 201 units and above and Business Parks- minimum 30% open space including allotments, formal parks and playspaces within residential sites.

### **Quality**

New green spaces should be;

- Overlooked by buildings with active frontages
- Well positioned, multi functional and easily accessible
- Well connected to adjacent green and blue corridors, public transport and neighbourhood facilities
- Safe, inclusive and welcoming
- Well maintained and performing an identified function
- Support the principles of Placemaking policy PP3.

### **Allotments**

Proposals for allotments on existing open spaces will be supported where they do not adversely affect the primary function of the space or undermine the amenity value of the area and where a specific locational requirement has been identified by the Council. Consideration will include related aspects such as access and car parking and not just the allotment area itself.

### **Policy E9: Settlement Boundaries**

Settlement boundaries are drawn around each of the towns, villages and rural communities representing the limit to which these settlements can expand during the Local Development Plan period. Development proposals immediately outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term development site which is being released for development under the terms of Policy H2.

(In accordance with policy H11, for proposals involving Gypsy/Traveller sites, a distance of 1km will be applied as being "immediately outwith".)



## **Policy BE1: Scheduled Monuments and National Designations**

### **National Designations**

Development Proposals will be refused where they will adversely affect Scheduled Monuments and nationally important archaeological sites or their settings unless the developer proves that any significant adverse effect on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

### **Local Designations**

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

- a) Local public benefits clearly outweigh the archaeological value of the site, and
- b) There is no suitable alternative site for the development, and
- c) Any adverse effects can be satisfactorily mitigated at the developers expense

Where in exceptional circumstances, the primary aim of preservation of archaeological features in situ does not prove feasible, the Council shall require the excavation and researching of a site at the developers expense.

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

## **Policy EP2: Recycling Facilities**

Proposals for new development must ensure the provision of adequate space within layouts for well designed waste storage, recycling and collection systems to maximise waste reduction and the separation of materials at source. The scheme should be designed in consultation with the Council's Waste Manager.

For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.

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

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

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

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

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

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

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

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

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

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

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

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

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

All development within or close to settlements (as identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage

problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

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

## **Policy ER2: Development in Woodlands**

### **All woodlands**

Development which involves the loss of woodlands will be refused where the development would result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the forest. Woodland removal will only be supported where it can be demonstrated that the impact on the woodland is clearly outweighed by social or economic benefits of national, regional and local importance, and if a programme of proportionate compensatory planting has been agreed with the Planning Authority.

### **Protected Woodlands**

Woodland removal within native woodlands, ancient semi natural and woodlands within sites protected under the terms of policies E1 and E2 will not be supported.

### **Tree surveys and new planting**

Development proposals must take account of the Council's Trees and Development supplementary guidance. The Council will require the provision of compensatory planting to mitigate the effects of woodland removal.

Where appropriate the Council will seek opportunities to create new woodland and plant native trees in new development proposals. If a development would result in the severing or impairment of connectivity between important woodland habitats, mitigation measures should be identified and implemented to support the wider green network.

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

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

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

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

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

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

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

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

Significant travel generating proposals will only be supported where:

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

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

## **Policy T5: Parking Standards**

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

## **Policy IMP1: Developer Requirements**

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

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

## **Policy IMP2: Development Impact Assessments**

The Council will require applicants to provide impact assessments in association with planning applications in the following circumstances:

- a) An Environmental Assessment (EA) will be required for developments that are likely to have significant environmental affects under the terms of the regulations.
- b) A Transport Assessment (TA) will be sought where a change of use or new development is likely to generate a significant increase in the number of trips being made. TAs should identify any potential cumulative effects which would need to be addressed. Transport Assessments should assess the effects the development will have on roads and railway infrastructure including stations and any crossings. Transport Scotland (Trunk Roads) and Network Rail (Railway) should be consulted on the scoping of Transport Assessments. Moray Council's Transportation Service can assist in providing a screening opinion on whether a TA will be sought.
- c) In order to demonstrate that an out of centre retail proposal will have no unacceptable individual or cumulative impact on the vitality and viability of the identified network of town centres, a Retail Impact Assessment will be sought where appropriate. This may also apply to neighbourhood shops, ancillary retailing and recreation/tourism retailing.
- d) Where appropriate, applicants may be asked to carry out other assessments (e.g. noise; air quality; flood risk; drainage; bat; badger; other species and habitats) in order to confirm the compatibility of the proposal.

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

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

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

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

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

### **R3: Ferrylea**

This first phase of housing on this site is currently under construction. Future phases should be in accordance with the principles established in the approved masterplan for the whole site.

### **LONG3: West Park Croft**

This site is within the settlement boundary but embargoed from development under the terms of Policy H2. If vehicular access is to be provided via the C14e Mannachie Road

then widening of this road will be required. The provision of vehicular connections to the adjacent R3 site is desirable. Pedestrian connections will be required to adjacent developments, the adjacent woods (ENV6) and to pedestrian/cycle networks. A walkover and photographic survey of habitats is required to assess the presence of wetlands and to identify any consequent requirement to address/mitigate the impact on groundwater dependant terrestrial ecosystems.

#### **TSP24: Mannachie Road C14E/R10**

New junction on Mannachie Road (C14E) to provide a secondary access to R10 and LONG3. Extend footway connections from Forres, widen road and provide new foot and cycleway.

#### **TSP26: Mannachie Road/R3**

New access onto Mannachie Road (C14E) to provide access to R3.

#### **TSP27: Mannachie Road/R6/R3**

New junction on Mannachie Road (C14E) to provide access to R3 and R6. Extend footway connections from Forres, widen road and provide new foot and cycleway.

### **Policy E5: Open Spaces**

#### **Safeguarding Open Spaces**

Development which would cause the loss of, or adversely impact on, areas identified under the ENV designation in settlement statements and the amenity land designation in rural groupings will be refused unless;

- The proposal is for a public use that clearly outweighs the value of the open space or the proposed development is ancillary to the principal use and will enhance use of the site for sport and recreation; and
- The development is sited and designed to minimise adverse impacts on the recreational, amenity and biodiversity value of the site; and
- There is a clear excess of the type of ENV designation within easy access in the wider area and loss of the open space will not negatively impact upon the overall quality and quantity of open space provision, or
- Alternative provision of equal or greater benefit will be made available and is easily accessible for users of the developed space.

#### **Provision of new Open Spaces**

##### **Quantity**

New green spaces should be provided to the following standards;

- Residential sites less than 10 units - landscaping to be determined under the terms of policies PP3 and IMP1 to integrate the new development.

- Residential sites 10-50 units and new industrial sites- minimum 15% open space
- Residential sites 51-200 units- minimum 20% open space
- Residential sites 201 units and above and Business Parks- minimum 30% open space including allotments, formal parks and playspaces within residential sites.

## **Quality**

New green spaces should be;

- Overlooked by buildings with active frontages
- Well positioned, multi functional and easily accessible
- Well connected to adjacent green and blue corridors, public transport and neighbourhood facilities
- Safe, inclusive and welcoming
- Well maintained and performing an identified function
- Support the principles of Placemaking policy PP3.

## **Allotments**

Proposals for allotments on existing open spaces will be supported where they do not adversely affect the primary function of the space or undermine the amenity value of the area and where a specific locational requirement has been identified by the Council. Consideration will include related aspects such as access and car parking and not just the allotment area itself.

## **Policy EP11: Hazardous Sites**

The Council will have regard to the presence of major hazard sites, and apply the PADHI (Planning Advice for Development near Hazardous Installations) methodology for planning applications within the consultation distances around these sites. Formal consultations with the Health and Safety Executive and also the Scottish Environment Protection Agency (SEPA) will take place as appropriate.

## **Policy E2: Local Nature Conservation Sites and Biodiversity**

Development likely to have a significant adverse effect on Local Nature Reserves, native woodlands identified in the Native Woodland Survey of Scotland, raised peat bog, wetlands, protected species, wildlife sites or other valuable local habitat or conflict with the objectives of Local Biodiversity Action Plans will be refused unless it can be demonstrated that;

- a) local public benefits clearly outweigh the nature conservation value of the site, and
- b) there is a specific locational requirement for the development



Where there is evidence to suggest that a habitat or species of importance exists on the site, the developer will be required at his own expense to undertake a survey of the site's natural environment.

Where development is permitted which could adversely affect any of the above habitats or species the developer must put in place acceptable mitigation measures to conserve and enhance the site's residual conservation interest.

Development proposals should protect and where appropriate, create natural and semi natural habitats for their ecological, recreational and natural habitat values. Developers will be required to demonstrate that they have considered potential improvements in habitat in the design of the development and sought to include links with green and blue networks wherever possible.

## **PP1 PLACEMAKING**

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

### **(i) Character and Identity**

- Create places that are distinctive to prevent homogenous 'anywhere' development.
- For developments of 20 units and above, provide a number of character areas that have their own distinctive identity and are clearly distinguishable. Developments of less than 20 units will be considered to be one character area, unless they are part of a larger phase of development or masterplan area.
- Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of

open spaces and streets within a cohesive design strategy for the whole development.

- Distinctiveness must be reinforced along main thoroughfares, open spaces and places where people may congregate such as shopping/service centres.
- Retain, incorporate and/or respond to relevant elements of the landscape such as topography and planted features, natural and historic environment, and propose street naming (in residential developments of 20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations.

**(ii) Healthier, Safer Environments**

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

**(iii) Housing Mix**

- Provide a wide range of well integrated tenures, including a range of house types and plot sizes for different household sizes, incomes and generations and meet the affordable and accessible requirements of policy DP2 Housing.

- All tenures of housing should have equal access to amenities, greenspace and active travel routes.

**(iv) Open Spaces/Landscaping**

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

**(v) Biodiversity**

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

**(vi) Parking**

- Car parking must not dominate the streetscape to the front or rear of properties. On all streets a minimum of 75% of car parking must be

provided to the side or rear and behind the building line with a maximum of 25% car parking within the front curtilage or on street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments that enhance the streetscape.

- Provide semi-mature trees and planting within communal private and public/visitor
- Secured and covered cycle parking and storage, car sharing spaces and electric car charging points must be provided in accordance with policy DP1 Development Principles.
- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

**(vii) Street Layout and Detail**

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

(d) Masterplans have been prepared for Findrassie (Elgin), Elgin South, Bilbohall (Elgin), and Dallas Dhu (Forres) and are Supplementary Guidance to the Plan. Further Masterplans will be prepared in partnership for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/ Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. A peer review organised by the Council will be undertaken at the draft and final stages in the masterplan's preparation. Following approval, the Masterplans will be Supplementary Guidance to the Plan.

(e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

**PP3 INFRASTRUCTURE & SERVICES.**

Development must be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services. A Utilities Plan must be submitted with planning applications setting out how existing and

new utility (including gas, water, electricity, pipelines and pylons) provision have been incorporated into the layout and design of the proposal.

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

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

- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.

**b) Development proposals will not be supported where they:**

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

**c) Harbours.**

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

**d) Developer Obligations.**

Developer obligations will be sought to mitigate any measurable adverse impact of a development proposal on local infrastructure, including education, healthcare, transport, sports and recreational facilities and access routes. Obligations will be sought to reduce, eliminate or compensate for this impact.

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

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

Where a developer considers that the application of developer obligations renders a development commercially unviable a viability assessment and 'open-book accounting' must be provided by the developer which Moray Council, via the District

Valuer, will verify, at the developer's expense. Should this be deemed accurate then the Council will enter into negotiation with the developer to determine a viable level of developer obligations.

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

## **DP1 DEVELOPMENT PRINCIPLES.**

This policy applies to all developments, including extensions and conversions and will be applied proportionately.

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

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

### **(i) Design**

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m<sup>2</sup>, excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained.
- i) Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain

## (ii) **Transportation**

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Minimal (25%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.



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

iii) **Water environment, pollution, contamination.**

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).
- b) New development should not be located in areas at flood risk or increase vulnerability to flooding (see Policy EP12). Exceptions to this would only be considered in specific circumstances, e.g. extension to an existing building or change of use to an equal or less vulnerable use. Where this exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets.
- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures.
- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.

- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

## **DP2 HOUSING.**

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

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

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

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

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

### **c) Housing density**

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

### **d) Affordable Housing**

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

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

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

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

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

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

Proposals must demonstrate tenure integration and meet the following criteria;

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

### **f) Accessible Housing**

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

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

## **EP2 BIODIVERSITY**

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

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

Proposals for 4 or more housing units or 1000 m<sup>2</sup> or more of commercial floorspace must create new or, where appropriate, enhance natural habitats of ecological and amenity value.

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

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

## **EP5 OPEN SPACE.**

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

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

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

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

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

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

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

- ENV 1** Public Parks and Gardens
- ENV 2** Amenity Greenspace
- ENV 3** Playspace for children and teenagers
- ENV 4** Sports Areas
- ENV 5** Green Corridors
- ENV 6** Natural/Semi-Natural Greenspace
- ENV 7** Civic Space
- ENV 8** Allotments
- ENV 9** Cemeteries and proposed extensions
- ENV 10** Private Gardens and Grounds
- ENV 11** Other Functional Greenspace

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

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

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

### **i) Accessibility Standard.**

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

### **ii) Quality Standard.**

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

#### **Accessible and well connected.**

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

#### **Attractive and Appealing Places.**

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

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

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

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

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

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

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

**iii) Quantity Standard.**

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

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

In meeting the quantity requirements, only spaces which have a clear multi benefit function will be counted. Structure and boundary landscaping areas must make provision

for public access and link into adjacent green corridors. The quantity standard must be met within the designation boundaries. For windfall sites the quantity standard must be new open space provision within the application boundaries.

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

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

## **EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT.**

### **a) Flooding.**

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

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

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

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

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

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

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

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

- a) In areas of little to no risk (less than 0.1%), there will be no general constraint to development.

b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.

c) Areas of medium to high risk (0.5% or above) may be suitable for:

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

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

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

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

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

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



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

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

Specific arrangements must be made to avoid the issue of permanent SUDS features becoming silted-up with run-off. Care must be taken to avoid the spreading and/or introduction of invasive non-native species during the construction of all SUDS features. On completion of SUDS construction the developer must submit a comprehensive Operation and Maintenance Manual. The ongoing maintenance of SUDS for all new development will be undertaken through a factoring agreement, the details of which must be supplied to the Planning Authority.

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

### **c) Water Environment**

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

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

A buffer strip of at least 6 metres between any new development and all water features is required and should be proportional to the bank width and functional river corridor (see table on page 104). This must achieve the minimum width within the specified range as a standard, however, the actual required width within the range should be calculated on a case by case basis by an appropriately qualified individual. These must be designed to link with blue and green networks, including appropriate native riparian vegetation and can contribute to open space requirements.

Developers may be required to make improvements to the water environment as part of the development. Where a Water Framework Directive (WFD) water body specific

objective is within the development boundary, or in proximity, developers will need to address this within the planning submission through assessment of potential measures to address the objective and implementation, unless adequate justification is provided. Where there is no WFD objective the applicant should still investigate the potential for watercourse restoration along straightened sections or removal of redundant structures and implement these measures where viable.

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

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

### **EP13 FOUL DRAINAGE**

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

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

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

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