



Moray Council Emergency Cabinet

Wednesday, 01 July 2020

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Council Emergency Cabinet** is to be held at **Various Locations via Video Conference**, on **Wednesday, 01 July 2020 at 09:30.**

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- 4 Trust Funds - Summary Expenditure for 2019-20 and Estimated Disposable Income for 2020-21** **51 - 60**
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Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration. | |

Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:
http://www.moray.gov.uk/moray_standard/page_43661.html
to watch the meeting live.

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

Clerk Name:

Clerk Telephone:

Clerk Email: committee.services@moray.gov.uk

THE MORAY COUNCIL

Moray Council Emergency Cabinet

SEDERUNT

Councillor Shona Morrison (Chair)
Councillor Graham Leadbitter (Depute Chair)
Councillor George Alexander (Member)
Councillor John Divers (Member)
Councillor Tim Eagle (Member)
Councillor Donald Gatt (Member)
Councillor Derek Ross (Member)

Clerk Name:

Clerk Telephone:

Clerk Email: committee.services@moray.gov.uk

WARD 08_17

20/00135/AMC
13th February 2020

Approval of the matters specified in condition 4 (layout of plot) condition 5 (plans sections and elevations) condition 6 (boundary treatments and other development) condition 7 (sections) condition 8 (landscaping) and condition 10 (affordable housing) of 19/00320/PPP to provide 8 affordable units on plot 13.2 At Land At North Whins, The Park, Findhorn, Moray

Comments:

- This application can be determined by the Appointed Officer under the recently revised scheme of delegation but would previously have been reported to the Planning and Regulatory Services Committee as it was agreed at the meeting on 10 December 2019 that all further applications related to reference 19/00320/PPP be reported to the P &RS committee. As the P &RS Committee is suspended therefore this report is being put forward under the agreed revised delegation scheme and can be called in for determination by a member of the Emergency Cabinet for determination by the Cabinet or determined by the Appointed Officer if not called in.
- The application was advertised for neighbour notification purposes.

Procedure:

- A Section75 minute of agreement to be completed prior to issue of planning consent and applications 20/00016/APP and 19/01649/AMC are required to be issued before this AMC application.

Recommendation:

Grant Planning Permission – Subject to the following:

Conditions/Reasons

1. The development hereby granted forms part of, and is related to, the development granted planning permission under formal decision notice 19/00320/PPP dated 4 November 2019 wherein the terms and conditions as attached to that permission are hereby reiterated and remain in force in so far as they relate to the development hereby approved, in particular Conditions 10-20 inclusive, including any details already approved thereunder to discharge the requirements of the identified conditions.

Reason: To ensure an acceptable form of development and that it progresses in

accordance with the already approved and required details

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

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

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

3. No development shall commence on any unit hereby approved until the widening and improvement of the existing refuge crossing and footway on the east side of the B9011 from the existing main access to the Findhorn Foundation has been completed in accordance with the details (Drawing No 134482/1005 A) approved under application reference 19/00320/PPP.

Reason: In the interests of pedestrian and cycle connectivity to the proposed development, road safety and the provision of information currently lacking from the submission.

4. No development shall commence until a site specific Construction Traffic Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with the Transportation Manager. Thereafter the development shall not proceed except in accordance with the approved details. For the avoidance of doubt the details shall be in accordance with the Construction Traffic Management Plan North Whins 1.1 dated 11 March 2020.

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

5. No development shall commence until a site specific updated Construction Environmental Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. Thereafter development shall not proceed except in accordance with the approved plan. For the avoidance of doubt the details shall be in accordance with the approved Construction Environmental Management Plan North Whins 1.1 dated 1 April 2020 and all appendices.

Reason: In order to minimise the impacts of the development works upon the environment.

6. No development shall commence until all the tree protection measures have been implemented as detailed on the approved Tree Protection Plan sheet 1 of 1. Thereafter the measures shall be retained as approved throughout the construction period.

Reason: To ensure the protection of existing trees during the construction period

7. No trees other than those identified for removal in the approved site and landscaping plan A102 - REVB shall be removed without the prior written approval of the planning authority.

Reason: In order to ensure tree removal is adequately controlled.

8. Development shall not proceed except in accordance with the Drainage Impact Assessment SK2371/GKIC – 8 Affordable Units, North Whins, Findhorn dated January 2020.

Reason: In order to minimise the impacts of the development works upon the environment.

Reason(s) for Decision

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

The proposal accords with the provisions of the adopted local development plan (and the relevant policies of the emerging Moray Local Development Plan 2020 which now carries significant weight) and there are no material considerations that indicate otherwise.

List of Informatives:

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

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail buildingstandards@moray.gov.uk

Scottish Water has commented that:

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd
Tel: 0333 123 1223
Email: sw@sisplan.co.uk
www.sisplan.co.uk

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

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

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find all of our application forms on our website at the following link
<https://www.scottishwater.co.uk/business/connections/connecting-yourproperty/new-development-process-and-applications-forms>
Next Steps:

- Single Property/Less than 10 dwellings

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non-domestic, once full planning permission has been granted. Please note in some instances we will require a PreDevelopment Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- 10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals. Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- Trade Effluent Discharge from Non Dom Property:

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

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

<https://www.scottishwater.co.uk/business/ourservices/compliance/trade-effluent/trade-effluent-documents/trade-effluent-noticeform-h>

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

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
A100	Location plan
A106	Elevations and floor plan
A102 B	Site and landscape plan
1 of 1	Tree Protection Plan
A114	Elevations and floor plan



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
20/00135/AMC

Site Address:

Land At North Whins
The Park Findhorn

Applicant Name:

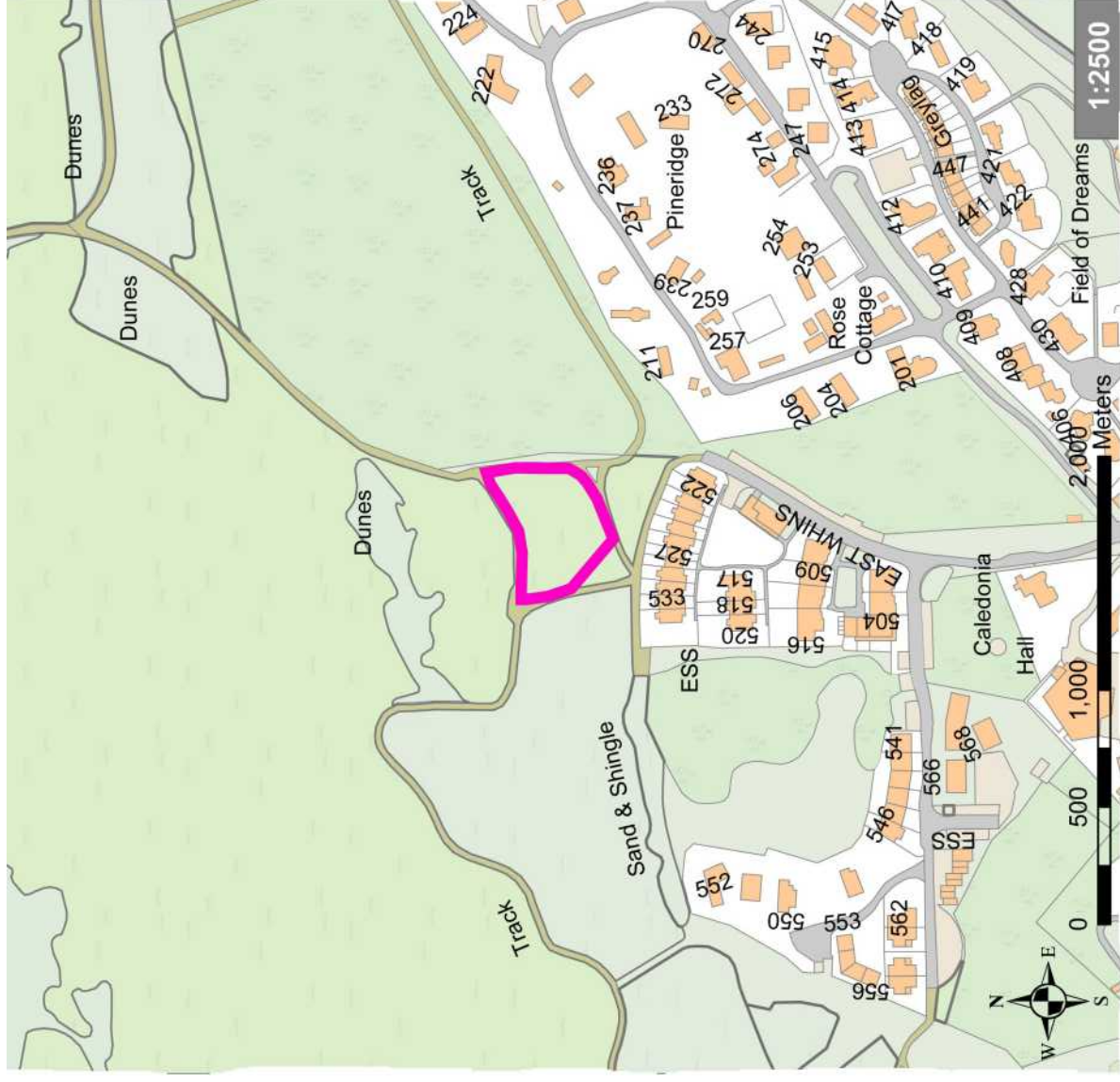
Park Ecovillage Trust

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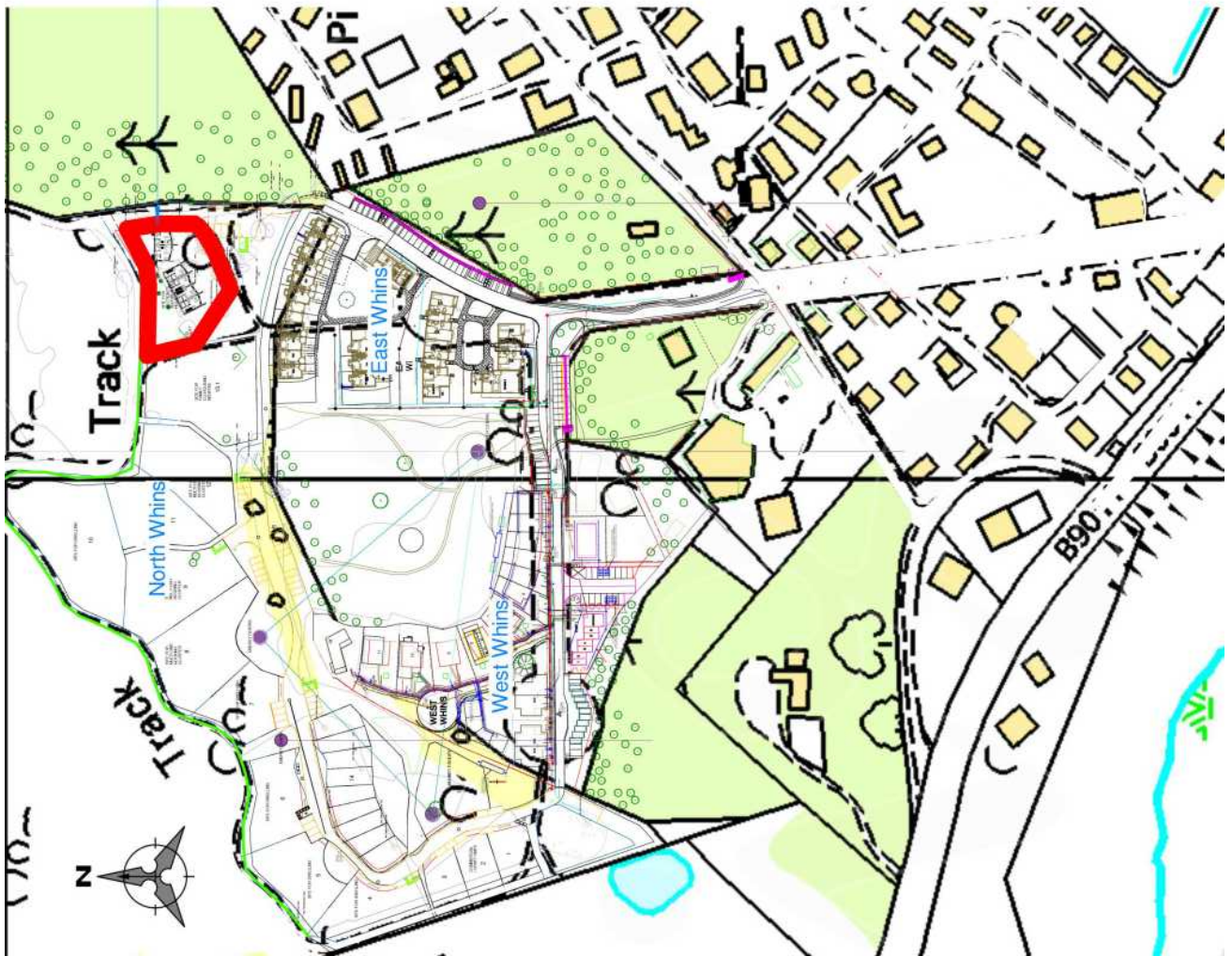
Further copies must not be made without the prior permission of the copyright owner.

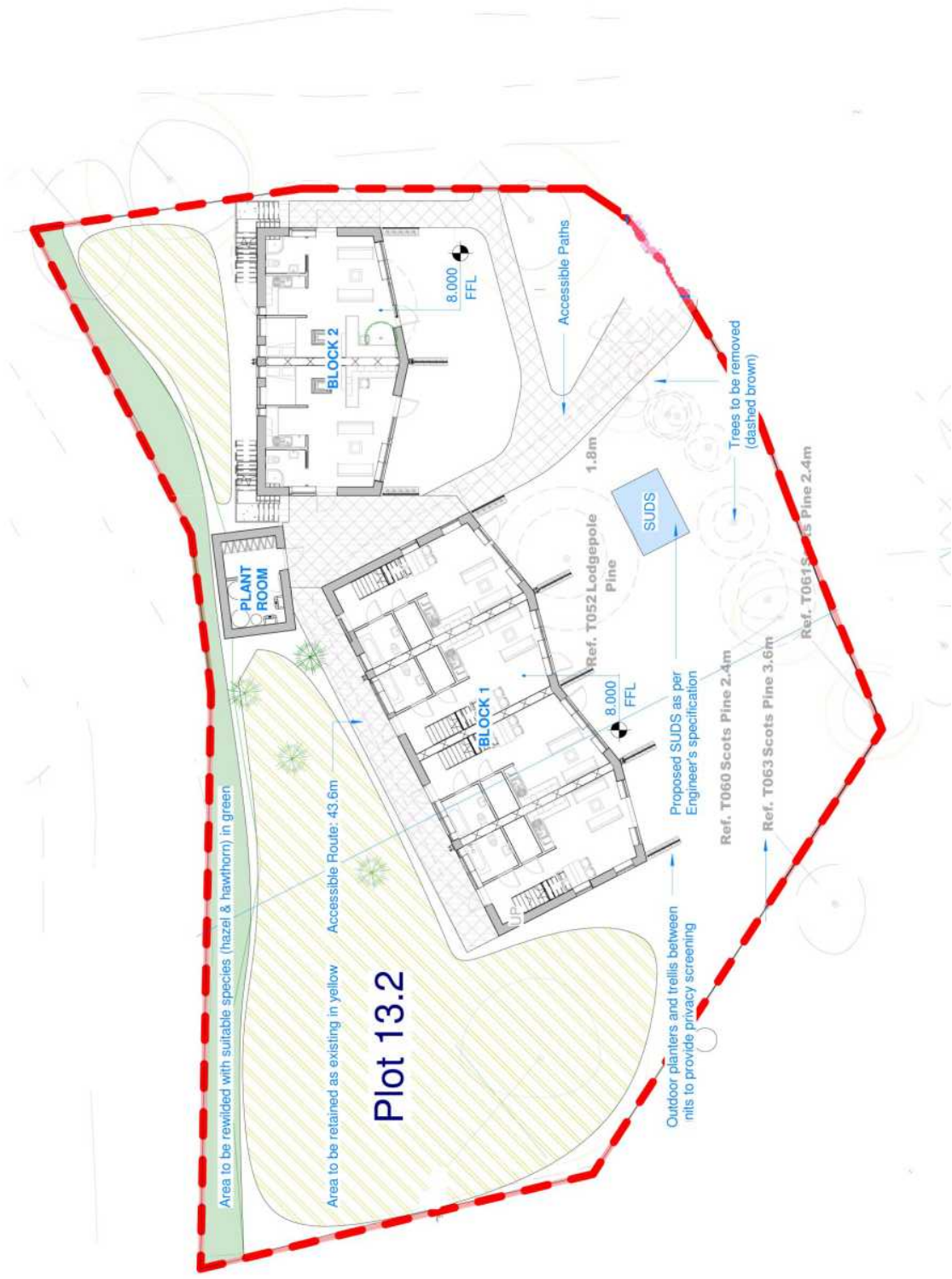
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Location Plan



Site Location









PLANNING APPLICATION: 20/00135/AMC

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

THE PROPOSAL

- This application seeks approval of the matters specified in condition 4 (layout of plot), condition 5 (plans, sections and elevations), condition 6 (boundary treatments and other development), condition 7 (sections), condition 8 (landscaping) and condition 10 (affordable housing) of 19/00320/PPP to provide development on plot 13.2 of the development site known as North Whins.
- Permission in Principle for 38 units, 3 craft units and associated infrastructure at North Whins was granted on 4 November 2019. It is a condition of that consent that 10 affordable housing units are provided on site.
- Plot 13.2 is identified as accommodating 8 affordable units on the masterplan approved as part of 19/00320/PPP.
- The current application proposes 8 affordable housing units with separate plant room and shared laundry and a surface water soakaway.
- The site is accessed from the south east. The access to the plot will be dealt with as part of the associated application (19/01649/AMC) for the comprehensive layout of the site and is not part of the current application. There is no vehicular access to the rest of the development.
- The units are provided in two blocks which are connected by a shared deck area
- Block 1 consists of 4 2 bedroom units over 2 floors. Block 2 contains 4 studio flats.
- The buildings will be finished in a combination of larch cladding and green fibre-cement gladding with green profiled metal sheeting the roof.
- This application and associated application (19/01649/AMC) for a comprehensive layout of the overall site are the first further applications to come forward.
- This application is accompanied by a drainage statement
- The access is not part of this application but instead is dealt with as part of a separate associated application (19/01649/AMC) for the comprehensive layout of the site.
- This application is submitted on the basis that application reference 20/00016/APP
- Which allowed ridge heights of up to 7.1m is approved. This application was approved at committee on 25 February but is currently waiting the conclusion of a minute of variation to the S75 agreement that covers the North Whins development.

THE SITE

- The site is plot 13.2 in the North Whins development which has permission in principle under 19/00320/PPP.
- The site is on the north east of the overall consented development site.
- There is open duneland to the north and woodland (Diamond Wood) to the east. The existing East Whins development is immediately to the south of the site.
- This site will be accessed from the south east.

- The site is accessed separately from the rest of the development and there will be no vehicular access to the rest of the development.

HISTORY

20/00016/APP - Amend condition 9(b) imposed on 19/00320/PPP to read as follows: All buildings shall have a maximum ridge height of 7.1m from finished floor level – approved at committee 25/02/20 (pending s.75)

19/01449/AMC - Approval of Matters Specified in conditions 3 (overall layout), 7 (sections) and 8 (landscaping) of 19/00320/PPP – approved at emergency cabinet 03/06/20 (pending s.75)

19/01436/APP - Amend condition 9(b) imposed on 19/00320/PPP to read as follows: All buildings shall have a maximum ridge height of 15.7m above Ordnance Datum (AOD) (as amended) – withdrawn 14/01/20

19/00320/PPP – Planning permissions in Principle to erect 38 dwellinghouses and 3 craft/commercial units and a community facility – permitted 04/11/19 following consideration by the Planning and Regulatory Services Committee.

POLICY - SEE APPENDIX 1

ADVERTISEMENTS

- Advertised for neighbour notification purposes.

CONSULTATIONS

Developer Obligations – This application is in relation to application reference 19/00320/PPP therefore no additional developer obligations are required.

Environmental Health – No objection.

Housing Strategy and Delivery Manager - No objection. The affordable housing should be retained for this purpose in perpetuity.

Moray Flood Risk Management: No objection.

Transportation: No objection. The commencement of works will trigger the requirement to provide upgrades to the public road contained as approved under application reference 19/00320/PPP. A Construction Traffic Management Plan (CTMP) for the whole development has been accepted but a further iteration will be required to provide the detail for this part of the development.

Archaeology: No objection. A Written Scheme of Investigation (WSI) for the overall site has been accepted.

Scottish Water: No objection.

SEPA: No objection. It is noted that environmental enhancement measures have been covered by condition. A Construction Environmental Management Plan (CEMP) for the overall development has been accepted. SEPA would welcome further iterations of the CEMP which would be able to provide more detailed site specific information.

OBJECTIONS-REPRESENTATIONS

No representations received.

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. The main planning issues are considered below:

On 3 June 2020 the Moray Council Emergency Cabinet resolved to use the Moray Local Development Plan 2020 (MLDP) as a material consideration for Development Management purposes including the determination of planning applications until such time as the MLDP (modified) 2020 is formally adopted, at which point it will replace the current development plan.

This means that whilst applications will continue to be assessed against the policies and proposals of the Moray Local Development Plan 2015, the terms of the Moray Local Development Plan (Modified Plan) 2020 including all policies and designations will also require to be taken into account when decisions are made on proposals after 15 June 2020. As a material consideration, the Moray Local Development Plan (Modified Plan) 2020 represents a more up-to date version of the Council's intended planning policies and can be used to both support or reject any application.

Planning History

Planning Permission in principle (19/00320/PPP) for 38 houses, 3 craft/commercial units and a community facility with associated infrastructure was granted on 4 November 2019. The permission was granted subject to a number of conditions requiring the approval of matters including layout, design and materials, landscaping, sections and drainage. There are also conditions relating to affordable and accessible housing, environmental management, construction traffic, parking and improvements to the public road. This permission has subsequently been varied by a S42 application (20/00016/APP) which allowed ridge heights of up to 7.1m. This application was approved at committee on 25 February but is currently awaiting the conclusion of a minute of variation to the Section 75 legal agreement that covers the North Whins development. The current application relates to condition 4 (layout of plot), condition 5 (plans, sections and elevations), condition 6 (boundary treatments and other development), condition 7 (sections), condition 8 (landscaping) and condition 10 (affordable housing) and provides the details of development of 8 affordable units on plot 13.2. A separate associated application (19/01649/AMC) which deals with the overall layout and communal areas of the development is currently under consideration.

Affordable Housing (DP2)

Condition 10 of application reference 19/00320/PPP requires the provision of 10 affordable housing units as part of the development. The condition requires the arrangements for delivery to be agreed when the 10th unit is proposed on site. Thereafter no more than 18 units can be provided overall until 5 affordable units are provided on site and all units must be provided before the completion of the 36th unit on site. The masterplan approved as part of the permission in principle (19/00320/PPP) identified 8 affordable units on plot 13.2. It has been agreed (19/01442/DISCON) in consultation with the Housing Strategy and Development Manager that these will be provided through the Rural Housing Fund and the remaining 2 required affordable units will be provided on site as part of the proposals for phase 3 of the overall development. The current application will provide the 8 affordable units on plot 13.2. It is understood that the Rural Housing Fund is being wound up but the applicant has confirmed that this scheme is confirmed and will be backed by the fund. The housing mix and mechanism of delivery has been endorsed by the Housing Strategy and Development Management. These arrangements comply with policy DP2 (MLDP 2020) and are considered acceptable to meet part of the affordable housing requirement for the North Whins development. A condition is recommended to ensure that these units are built and retained as affordable units.

Siting, Design and Materials (PP1, DP1)

The masterplan document approved as part of the permission in principle contained a detailed indicative layout of the site and set out broad design principles. The document was not intended to be prescriptive in design terms and seeks to encourage innovation and creativity. The document states that buildings shall have a maximum of three external finishes (timber, rendered blockwork and stone are suggested), timber cladding shall be left to weather or painted and the roof shall be slate, living material or profiled sheeting. Developers are encouraged to explore their creativity in the use of colour. The document also discourages high boundary fences.

The layout of the proposal reflects the details shown on the masterplan document submitted as part of the permission in principle (19/00320/PPP). The layout will fit with the other details proposed to date and relates well to the existing development at East Whins.

The buildings have been sited and designed in a manner that takes account of the amenity of existing and future residents. The blocks are sufficiently separated from existing surrounding development to preclude any privacy or overlooking issues. It is noted that the proposed block have openings including upper floor windows on the elevations that face each other however there is no direct conflict between windows. Furthermore, these openings look onto a shared decking as this is intended as a communal area the impacts are considered to be acceptable in this context. In keeping with the masterplan requirements no boundary fences are shown but screens between each unit will be provided for privacy.

The 8 units are provided in two blocks with a shared terrace area between. Block 1 consists of 4 two storey houses. Block 2 contains 4 flats in similar two storey buildings. The buildings are two storeys but have a ridge height of 6.56m. This meets the terms of the permission in principle which have been amended (20/00016/APP) to restrict ridge heights of all buildings in North Whins to 7.1m. This application is submitted on the basis that application reference 20/00016/APP which allowed ridge heights of up to 7.1m is

approved. This application was approved at committee on 25 February but is currently awaiting the conclusion of a minute of variation to the Section 75 legal agreement that covers the North Whins development. It is recommended that no decision notice is issued in relation to the current application until the minute of agreement for 20/00016/APP is agreed. The submitted section shows that the buildings will be sensitive to the gorse and ridgeline to the north and will not dominate the landscape. The sections also demonstrate that the proposed buildings are lower than the existing building on East Whins beyond. The ridge height is sympathetic to the topography and is acceptable in this setting. The buildings have a slightly unusual form with projections on the southern elevation of each block creating a 'zig-zag' effect which add some distinctiveness to the façade of the building. The buildings will be largely timber clad with the east and west elevations of both blocks and the north elevation of block 2 finished in green fibre-cement cladding. The two materials are considered to be acceptable in this setting and are in keeping with the requirements of the masterplan. The roof will be finished in green profiled metal sheeting. The use of green on the buildings is acceptable in this location which is close to trees and gorse. Given the range of colours in the adjoining development the dark green colours will not be incongruous. The proposals represent a high quality bespoke design that responds effectively to the buildings setting. The design and materials are in keeping with the form and style of other buildings found in the immediate vicinity. The scale, density and character are appropriate to the surrounding area and will contribute to the creation of a sense of place for the wider development. . The proposals meet the design principles set out in the approved masterplan and accord with policy.

Drainage (DP1, EP12 & EP13)

MLDP 2020 policies DP1, and EP12 considers surface water drainage, and EP13 relates to foul drainage.

A surface water soakaway to serve the proposed units is proposed. A detailed Drainage Impact Assessment has been provided. This includes assessment of the infiltration capacity of the site which is found to be good. Moray Flood Risk Management has confirmed that they have no objection to the proposals. A condition is recommended to ensure that these measures are implemented in full. The proposals comply with MLDP 2020 policies D1 and EP12. .

The development will be connected to the public sewer and water supply. Scottish Water has no objection but securing a connection to public utilities remains the responsibility of the developer. These proposals accord with MLDP 2020 policy EP13.

Access and Parking (DP1)

Plot 13.2 is accessed via a dedicated access from the south east through the existing East Whins development. There will be no vehicular access to the rest of the North Whins development. The access and parking are dealt with as part of the application (19/01649/AMC) for the comprehensive layout of the site and do not form part of this application.

A Construction Traffic Management Plan (CTMP) has been approved as part of the application (19/00320/PPP) for the overall development. The Transportation Manager has advised that this document is acceptable but further details relating specifically to this development are required. A condition is therefore recommended requiring an updated CTMP to be provided for the development on plot 13.2.

It is a condition of the permission in principle (19/00320/PPP) that improvements are carried out to the public road at the entrance to the Findhorn Foundation. These include the widening of the footpath between the junction with the public road and an existing pedestrian crossing to 3m and widening of the pedestrian refuge to 3m x 3m. Details of these improvements have been agreed (20/00149/DISCON) but the start of works on any unit on plot 13.2 (or any other plot) would trigger the requirement to provide these improvements. A condition is recommended to reiterate this requirement.

The proposals comply with MLDP 2020 policy DP1 in relation to access and parking.

Landscaping and Trees (DP1, EP2 & EP7)

A detailed landscape plan for the overall North Whins development has been submitted as part of the separate application (19/01649/AMC) which deals with the comprehensive layout of the overall development. This includes details of all proposed tree removal and all new landscaping works including the 're-wilding' area shown to the north of the current application site. These matters are dealt with as part of that application. In line with the requirements of policy EP2 Biodiversity the permission in principle for the wider development includes measures to protect and enhance the natural environment including the creation of a wildlife corridor and this proposal will be in accordance with those approved details. There are no additional landscaping works proposed within the plot (tree removal across the site is covered in the comprehensive layout application). The overall landscaping measures are acceptable and are sufficient to provide setting and help the development integrate into the wider landscape. A tree protection plan has been provided as part of the current application. This is also provided as part of the separate proposal for the comprehensive layout. A condition is recommended to ensure that the proposed protection measures are in place before any development commences on this site and are maintained during the lifetime of the development.

Compliance with the terms of the Permission in Principle

This application is for approval of the matters specified in conditions 4-8 of the permission in principle reference 19/00320/PPP. The remaining conditions of the permission in principle continue to apply. For the avoidance of doubt conditions are recommended to make clear that the development must be carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and Archaeological Written Scheme of Investigation (WSI) which have been approved under the conditions of the permission in principle. SEPA advise that they would welcome further iterations of the CEMP which contain more detail on site specific practices which are only likely to be available once a contractor is appointed. A further condition is therefore recommended.

Conclusion

The proposal accords with policy and is in line with the terms of the permission in principle. It is recommended that the matters specified in the stated conditions are approved.

REASON(S) FOR DECISION

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

The proposal accords with the provisions of the adopted local development plan (and the relevant policies of the emerging Moray Local Development Plan 2020 which now carries significant weight) and there are no material considerations that indicate otherwise.

**Author/Contact
Officer:**

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Senior Planning Officer

Ext: 01343 563479

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

APPENDIX

POLICY

Proposed Moray Local Development Plan 2020

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 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained.
- 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.

EP1 NATURAL HERITAGE DESIGNATIONS.

a) Natura 2000 designations.

Development likely to have a significant effect on a Natura 2000 site and which is not directly connected with or necessary to the conservation management of that site must be subject to an appropriate assessment of the implications for its conservation objectives. Proposals will only be approved where the appropriate assessment has ascertained that there will be no adverse effect on the integrity of the site.

In exceptional circumstances, proposals that could affect the integrity of a Natura 2000 site may be approved where:

- i) There are no alternative solutions; and
- ii) There are imperative reasons of over-riding public interest including those of a social or economic nature; and

- iii) Compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

For Natura 2000 sites hosting a priority habitat or species (as defined in Article 1 of the Habitats Directive), prior consultation with the European Commission via Scottish Ministers is required unless the imperative reasons of overriding public interest relate to human health, public safety or beneficial consequences of primary importance to the environment.

b) National designations.

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

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

c) Local Designations

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

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

d) European Protected Species

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

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

- i) The need for development is one that is possible for SNH to grant a license for under the Regulations (e.g. to preserve public health or public safety).

- ii) There is no satisfactory alternative to the development.
- ii) The development will not be detrimental to the maintenance of the favourable conservation status of the species.

e) Other protected species.

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

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

EP2 BIODIVERSITY

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

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

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

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

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

EP5 OPEN SPACE.

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

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

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

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

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

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

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

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

b) Green Infrastructure and Open Space in New Development.

New development must incorporate accessible multifunctional open space of appropriate quantity and quality to meet the needs of development and must provide

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

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

i) Accessibility Standard.

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

ii) Quality Standard.

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

Accessible and well connected.

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

Attractive and Appealing Places.

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

Biodiverse supporting ecological networks (see Policy EP2 Biodiversity).

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

Promotes activity, health and well being.

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

Safe, Welcoming and contributing to Character and Identity.

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

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)
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.

EP14 POLLUTION, CONTAMINATION & HAZARDS.

a) Pollution.

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

b) Contamination.

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

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

c) Hazardous sites.

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

Moray Local Development Plan 2015 - Material Consideration

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 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.

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

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

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

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

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

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

Policy EP7: Control of Development in Flood Risk Areas

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

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

- a) In areas of little to no risk (less than 0.1%) there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%), and for essential civil infrastructure and most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during extreme flooding events.
- c) Areas of medium to high risk (0.5% or above) may be suitable for:
 - Residential, institutional, commercial and industrial development within built up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan;
 - Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow;
 - Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place and

- Job related accommodation e.g. for caretakers or operational staff.

Areas within these risk categories will generally not be suitable:

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

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

Policy EP8: Pollution

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

Policy EP9: Contaminated Land

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

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

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

Policy EP10: Foul Drainage

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed

provided Scottish Water has confirmed investment to address this constraint has been specifically allocated within its current Quality Standards Investment Programme and the following requirements apply:

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

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

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

Policy T2: Provision of Access

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

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.
- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.
- Provide appropriate mitigation/modification to existing transport networks where required to address the impacts of new development on the safety and efficiency of

the transport network. This may include but would not be limited to, the following measures, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.

- Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

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

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

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

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

Significant travel generating proposals will only be supported where:

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

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

Policy T5: Parking Standards

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

Policy IMP1: Developer Requirements

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

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape

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



REPORT TO: MORAY COUNCIL EMERGENCY CABINET ON 1 JULY 2020

SUBJECT: TRUST FUNDS – SUMMARY EXPENDITURE FOR 2019/20 AND ESTIMATED DISPOSABLE INCOME FOR 2020/21

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

1. REASON FOR REPORT

- 1.1 To inform Members of the disbursements made from Trusts in 2019/20 and the estimated disposable income available for disbursement in 2020/21.
- 1.2 This report is submitted to the Emergency Cabinet following a decision of Moray Council on 17 June 2020 to convene a meeting of the Emergency Cabinet as and when required until a new simplified Committee structure commences on 2 September 2020, due to the COVID-19 pandemic.

2. RECOMMENDATION

2.1 The Cabinet is asked to:

- (i) **note the disbursements made from the Trust Funds in 2019/20, as detailed in APPENDIX 1;**
- (ii) **agree the estimated income available for disbursement in 2020/21, as detailed in APPENDIX 2.**

3. BACKGROUND

- 3.1 The Council administers 60 trust funds in total, acting as sole trustee for 56 trusts and as one of several trustees for the other four trust funds. The trust funds represent legacies bestowed by various individuals and organisations for the benefit of the community or organisations within Moray.
- 3.2 Moray Council acts as sole trustee for 30 Connected Charity trust funds which have charitable status and are registered with the Office of the Scottish Charity Regulator (OSCR). The Council are one of several trustees for one other OSCR registered trust fund. The remaining 29 trusts are unregistered with Moray Council being sole trustee for 26 of these and one of several trustees for the other three.

- 3.3 Since 2013/14, the Registered Charitable Trusts require to be audited by an external auditor who is appointed by the Accounts Commission, currently Audit Scotland. This only applies to any Charitable Trust for whom the Council is the sole trustee. Any Charitable Trust for whom the Council is not the sole trustee requires to be examined by an Independent Examiner; Scott-Moncrieff has been appointed as Independent Examiner for the Auchernack Trust.
- 3.4 Policy and Resources Committee on 2 September 2008 (paragraph 11 of the Minute refers) agreed to only disburse grants from trusts where the disposable income is greater than £50 and to carry forward undistributed funds each year until the disposable income reaches £50. Policy and Resources Committee on 8 October 2013 (paragraph 8 of the Minute refers) agreed that the whole annual income of the trust will be made available for disbursement in accordance with the trust deed (prior to this one third of the income was reinvested) although the policy not to disburse any Trust Fund with disposable income under £50 remains.
- 3.5 Reports to The Moray Council on 14 November 2012 (paragraph 7 of the Minute refers) and 24 June 2015 (paragraph 10 of the Minute refers) agreed to a scheme of Trust reorganisation, and approved the proposal for setting up a new trust along with the wording of the proposed Trust Deed.
- 3.6 In August 2016 OSCR awarded charitable status to the new trust: The Moray Council Charitable Trust (SC046791). An update on reorganisation was reported to Policy and Resources on 24 October 2017 (paragraph 13 of the Minute refers) giving details of the ongoing work in relation to the trust reorganisation and the planned transfer of 27 individual connected charitable trusts into the new trust.
- 3.7 Following on from the success of the Captain Fleetwood Thorne transfer, the following trusts have had their applications for reorganisation into The Moray Council Charitable Trust drafted during lockdown and are ready for signature:-
- Robert Anderson Trust;
 - Ritchie Charity Fund;
 - Miss Fletcher Bequest;
 - John Martin Charity Fund;
 - Jessie Younie Bequest;
 - Miss Eliza Jane Grant Fund;
 - Dr William Geddes Charity Fund;
 - Baillie Alexander Smith Coal Bequest/Dick Coal Fund;
 - Braco Mortification; and
 - Auchray Mortification.
- 3.8 Once signed, the applications will be sent to OSCR for approval. The application process for the remaining trusts will continue.
- 3.9 Details of each individual trust funds purpose and ward location are shown on the Council's website at http://www.moray.gov.uk/moray_standard/page_58388.html

4. DISBURSEMENTS IN 2019/20

- 4.1 **APPENDIX 1** gives details of the disposable income and disbursements made during 2019/20 from each trust fund.
- 4.2 In total, £74,216 was awarded in the year from twelve of the trust funds. Disbursements included £50,612 from the Education trusts; Moray & Nairn, Banffshire, Donald Manson Fund and the Milne's Institution Trust; £17,865 from the Auchernack trust; £2,187 from the William Lawtie Trust for the recreational and leisure benefits of people of Cullen and Lintmill. A further £2,241 was awarded from the MacDonald Benevolent Fund for beneficiaries of Speyside, and £1,761 of other grants.

5. 2020/21 DISPOSABLE INCOME

- 5.1 **APPENDIX 2** shows the estimated disposable income for each trust fund in 2020/21. The total projected funds available for disbursement in 2020/21 is £134,297 from trusts with available income over the minimum £50 level.
- 5.2 There are still a high number of trusts that either have nil, or less than £50, disposable income this year. Most of these trusts have loans pool balances invested in the Council's Loans Fund, and they earn annual interest on this balance, however a share of administration costs is also allocated to these trusts and this then reduces the income available to below the £50 threshold. It is the intention that reorganisation will reduce the administrative burden of the trust portfolio and ensure that as much income as possible from the trust funds is passed on to beneficiaries as efficiently as possible.
- 5.3 The disposable income calculated for 2020/21 uses estimated income and expenditure figures. It is recognised that due to Covid-19 some income may not be achieved in full; in particular, car park income for the River Lossie Trust and Cooper Park Trust and some rental income. The investment income earned on endowment investments could also vary depending on the markets.
- 5.4 The interest on balances held in the Council's bank for 2020/21 has been calculated using a two year fixed PWLB rate as at 1 April 2020 of 2.10%.
- 5.5 The estimated administration charge to be allocated over all trusts in 2020/21 is £16,750 (2019/20 actual £16,354).
- 5.6 As can be seen in **APPENDIX 2** there are a number of projects which have already been approved by Trustees for 2020/21.
- 5.7 The funding of grass cutting costs at Cooper Park was due to be funded in full by the Cooper Park Trust in 2020/21, through the net income generated from car parking charges. This is no longer required due to the Grounds Maintenance budget for grass cutting being reinstated.
- 5.8 Whilst car park income has decreased this year to date due to Covid-19 restrictions, there are still costs being incurred, for which the Trust car parks will be allocated a share. The projected income figures have assumed a certain level of income will be generated once restrictions are eased. This will continue to be monitored and trustees updated on the latest projections.

- 5.9 The trustees for Cooper Park Trust have approved a contribution of £8,000 for the Cooper Park Bowling Club, as a contribution towards a replacement roof of the Clubs building.
- 5.10 The remaining committed amounts are for one application approved this year from the MacDonald Benevolent Fund for £234, and three from the Auchernack Trust Fund, totalling £2,975.
- 5.11 The risk of trust properties incurring expenses without making any income to compensate is identified in paragraph 6(d) below. One trust that falls into this category is Ladyhill Cottages, a public trust made up of two Category C listed cottages, Sulva and Messines Cottage, in Elgin. The trust consists of the pair of single storey cottages, sitting each side of the steps up to Ladyhill. Tenancies have come to an end and both properties are now empty, now reverting to the trust to determine what course of action to take next. Logie Cottage in Forres was advertised for sale and is currently at the conveyancing stage. Once the sale is completed, expenses will be deducted from the proceeds, along with the cost of refurbishment that was done three years ago, to be repaid to Housing.

6. SUMMARY OF IMPLICATIONS

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

Although there is no direct link to the Moray 2026, the reorganisation of the Trusts will result in efficiencies within the Trust funds.

(b) Policy and Legal

The Council's adoption of the policy of disbursing the whole annual income will enable more funds to be available for disbursement.

(c) Financial implications

In 2019/20 there was £146,747 of funds available for disbursement with £74,216 disbursed in the year from twelve of the trust funds, as identified in **APPENDIX 1**.

APPENDIX 2 shows the estimated disposable income for each trust fund in 2020/21. The total projected funds available for disbursement in 2020/21, plus carry forwards of undisbursed income from 2019/20, is £134,297 being the trusts with available income over the minimum £50 level. The carry forwards from the Banffshire and Moray and Nairn Educational trust are permitted through the deeds of the trust, allowing a carry forward of any unspent funds into the following year.

The amount committed to date is £13,154 from the Cooper Park Trust, the Auchernack Trust and the MacDonald Benevolent Fund, as shown in **APPENDIX 2**.

(d) Risk Implications

There is a risk of overspends exceeding disposable income if any unforeseen emergency major repairs are required for properties owned

by Trust Funds. Close monitoring of costs and the condition of properties will be undertaken by officers in order to mitigate this risk.

(e) Staffing Implications

There are no staffing implications arising from this report.

(f) Property

The condition of all Trust Fund properties will be monitored in order to keep reactive repairs to a minimum.

(g) Equalities

There are no equalities issues arising directly from this report.

(h) Consultations

Local Members are consulted on discretionary disbursements particular to their ward.

7 CONCLUSION

7.1 Details of disbursements for 2019/20 for each Trust Fund are detailed in APPENDIX 1 and the estimated income available for disbursement for each Trust Fund for 2020/21 is shown in APPENDIX 2.

Author of Report:	Susan Souter, Accountant
Background Papers:	Held in Accountancy
Ref:	

Trust Funds Disbursements 2019/20

Ward	TRUST FUND	Disposable Income 2019/20 £	Undisbursed Income 2018/19 £	Total Available for Disbursement 2019/20 £	Actual Disbursement 2019/20 £
All	Burial Grounds PERPS	418	-	418	418
All	JB Mair Fund	657	-	657	-
All	Burial Grounds TRUSTS	121	-	121	121
Elgin North	Craigmoray Bequest(Bishopmill)	9,366	-	9,366	-
Elgin North	John Pringle Bequest	1,110	-	1,110	-
Elgin South/North	Laing Mortification	4,630	-	4,630	-
Elgin South/North	Cumine of Auchray *	1,967	-	1,967	-
Elgin South/North	Munro Baths *	88	-	88	88
Elgin South/North	Young *	156	-	156	-
Fochabers Lhanbryde	Milne's Institution Trust	7,647	-	7,647	7,647
Forres	Auchernack **	17,265	-	17,265	17,865
Forres	Dick & Smith Coal *	65	-	65	-
Forres	Donald Manson (Edinkillie) Fund	9,340	-	9,340	9,340
Forres	Donald Manson (Forres Burgh) Fund	2,323	Item 4	2,323	2,323
Forres	Dick And Taylor *	99	-	99	-
Heldon & Laich	Boyd Anderson Trust *	467	-	467	-
Keith & Cullen	Glenisla Comforts Fund	3,543	-	3,543	-
Keith & Cullen	William Lawtie	2,388	-	2,388	2,187
Keith & Cullen	Keith Nursing *	294	-	294	-
Old Banffshire Boundary	Banffshire Educational Trust	18,163	1,171	19,334	18,721
Old Moray Boundary	Moray & Nairn Educational *	13,333	335	12,938	12,131
Old Moray Boundary	The Pringle Trust	1,455	-	1,455	1,134
Public Trust	River Lossie	16,000	-	16,000	-
Public Trust	Grant Park	1,199	-	1,199	-
Public Trust	Cooper Park	27,269	-	27,269	-
Speyside Glenlivet	Alexander Ferrier *	94	-	94	-
Speyside Glenlivet	The MacDonald Benevolent Fund	4,912	-	4,912	2,241
Speyside Glenlivet	Speyside Comforts Fund	1,602	-	1,602	-
TOTAL		145,971	1,506	146,747	74,216

Trusts with Disposable Income under £50

Ward	TRUST FUND	Disposable Income 2019/20 £	Undisbursed Income 2018/19 £	Total Available for Disbursement 2019/20 £	Actual Disbursement 2019/20 £
Elgin	Jubilee Cottages	-	-	-	-
Elgin	Ladyhill Cottages	-	-	-	-
Elgin North	Margaret Brander *	19	-	19	-
Elgin South/North	Alves *	-	-	-	-
Elgin South/North	Braco Mortification *	-	-	-	-
Elgin South/North	Dunlop *	-	-	-	-
Elgin South/North	Eliza J Grant *	-	-	-	-
Elgin South/North	Geddes *	-	-	-	-
Elgin South/North	J & R Pringle Benevolent *	-	-	-	-
Elgin South/North	Martin *	-	-	-	-
Elgin South/North	Miss Fletcher *	-	-	-	-
Elgin South/North	Mrs Younie *	-	-	-	-
Elgin South/North	Ritchie *	-	-	-	-
Elgin South/North	Robina Pringle *	-	-	-	-
Forres	Castlehill Trust *	-	-	-	-
Forres	Dunbar Dunbar *	-	-	-	-
Forres	Forres Poor *	-	-	-	-
Forres	Grant Park Trust *	-	-	-	-
Forres	Jonathan Anderson *	-	-	-	-
Forres	Robert Anderson *	-	-	-	-
Heldon & Laich	Fleetwood Thorne *	-	-	-	-
Keith & Cullen	Keith Poor Funds *	-	-	-	-
Speyside Glenlivet	Dufftown Food *	-	-	-	-
TOTAL		19	-	19	-

* To be audited by Audit Scotland

** To be audited by Scott-Moncrieff

Trust Funds Projected Disbursement 2020/21

Ward	TRUST FUND	Projected Disposable Income 2020/21 £	Undisbursed Income 2019/20 £	Total Available for Disbursement 2020/21 £	Committed Expenditure 2020/21 £
All	Burial Grounds PERPS	564	-	564	-
All	JB Mair Fund	753	-	753	-
All	Burial Grounds TRUSTS	165	-	165	-
Elgin North	Craigmoray Bequest(Bishopmill)	11,196	-	11,196	-
Elgin North	John Pringle Bequest	1,280	-	1,280	-
Elgin North	Margaret Brander *	53	-	53	-
Elgin South/North	Laing Mortification	6,294	-	6,294	-
Elgin South/North	Cumine of Auchray *	2,681	-	2,681	-
Elgin South/North	Munro Baths *	94	-	94	-
Elgin South/North	Young *	239	-	239	-
Fochabers Lhanbryde	Milne's Institution Trust	8,285	-	8,285	-
Forres	Auchernack **	19,966	-	19,966	2,975
Forres	Dick & Smith Coal *	116	-	116	-
Forres	Donald Manson (Edinkillie) Fund	10,084	Item 4	10,084	-
Forres	Donald Manson (Forres Burgh) Fund	2,688	-	2,688	-
Forres	Dick And Taylor *	161	-	161	-
Forres	Forres Squash Courts (PT)	609	-	609	-
Forres	Jonathan Anderson *	152	-	152	-
Heldon & Laich	Boyd Anderson Trust *	666	-	666	-
Keith & Cullen	Glenisla Comforts Fund	4,046	-	4,046	-
Keith & Cullen	William Lawtie	2,980	-	2,980	-
Keith & Cullen	Keith Nursing *	426	-	426	-
Old Banffshire Boundary	Banffshire Educational Trust	20,228	613	20,841	-
Old Moray Boundary	Moray & Nairn Educational *	14,829	1,610	16,439	-
Old Moray Boundary	The Pringle Trust	2,127	-	2,127	-
Public Trust	River Lossie	2,968	-	2,968	-
Public Trust	Grant Park	1,542	-	1,542	-
Public Trust	Cooper Park	8,472	-	8,472	8,000
Speyside Glenlivet	Alexander Ferrier *	291	-	291	-
Speyside Glenlivet	The MacDonald Benevolent Fund	6,302	-	6,302	234
Speyside Glenlivet	Speyside Comforts Fund	1,817	-	1,817	-
TOTAL		132,074	2,223	134,297	11,209

Trusts with Disposable Income under £50

Ward	TRUST FUND	Projected Disposable Income 2020/21 £	Undisbursed Income 2019/20 £	Total Available for Disbursement 2020/21 £	Committed Expenditure 2020/21 £
Elgin	Jubilee Cottages	-	-	-	-
Elgin	Ladyhill Cottages	-	-	-	-
Elgin South/North	Alves *	20	-	20	-
Elgin South/North	Braco Mortification *	-	-	-	-
Elgin South/North	Dunlop *	-	-	-	-
Elgin South/North	Eliza J Grant *	-	-	-	-
Elgin South/North	Geddes *	-	-	-	-
Elgin South/North	J & R Pringle Benevolent *	10	-	10	-
Elgin South/North	Martin *	-	-	-	-
Elgin South/North	Miss Fletcher *	40	-	40	-
Elgin South/North	Mrs Younie *	-	-	-	-
Elgin South/North	Ritchie *	-	-	-	-
Elgin South/North	Robina Pringle *	-	-	-	-
Forres	Castlehill Trust *	-	-	-	-
Forres	Dunbar Dunbar *	9	-	9	-
Forres	Forres Poor *	14	-	14	-
Forres	Grant Park Trust *	7	-	7	-
Forres	Robert Anderson *	-	-	-	-
Keith & Cullen	Keith Poor Funds *	-	-	-	-
Speyside Glenlivet	Dufftown Food *	-	-	-	-
All	The Moray Council Charitable Trust	-	-	-	-
TOTAL		100	-	100	-

* To be audited by Audit Scotland

** To be audited by Scott-Moncrieff



REPORT TO: MORAY COUNCIL EMERGENCY CABINET ON 1 JULY 2020

SUBJECT: COMMON GOOD FUNDS – SUMMARY EXPENDITURE FOR 2019/20 AND ESTIMATED DISPOSABLE INCOME FOR 2020/21

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

1. REASON FOR REPORT

- 1.1 To inform the Cabinet of the final position of Common Good Funds at 31 March 2020 and the estimated income available for disbursement in 2020/21.
- 1.2 This report is submitted to the Emergency Cabinet following a decision of Moray Council on 17 June 2020 to convene a meeting of the Emergency Cabinet as and when required until a new simplified Committee structure commences on 2 September 2020, due to the COVID-19 pandemic.

2. RECOMMENDATION

2.1 The Cabinet is asked to:

- (i) note the disbursements approved for 2019/20 for each of the Common Good Funds shown in APPENDIX 1;
- (ii) approve the carry forward of the undisbursed balances for 2019/20 for the Buckie, Dufftown, Elgin, Forres, Portknockie and Keith Funds to be made available in 2020/21;
- (iii) agree the estimated Income available for disbursement in 2020/21 shown in APPENDIX 2.
- (iv) note Common Good Fund asset register APPENDIX 3

3. BACKGROUND

- 3.1 The origins of Common Good Funds in Scotland are late 15th Century and they have been defined as “all property of a Royal Burgh not acquired under statutory powers or held under specified trusts”.

- 3.2 Until 1975, the Town Councils or those Burghs in Moray having Common Good Funds managed them. Moray District Council took over the management until 1996 when this Council took over responsibility. The Members of the Council are in a similar position to Trustees.
- 3.3 The Council must retain the ability to continue to make grants from the Common Good Funds to future generations. For that reason preservation of the Common Good Funds' Capital is essential.
- 3.4 In addition, it is essential to use the revenue generated from the Funds to maintain the land and buildings held as assets. The Council is obliged to maintain the Common Good Funds' Balance whether as land, buildings or cash.
- 3.5 Common Good Funds' cash balances can be applied to acquire assets or to carry out major repairs but Members must be satisfied that such acquisitions or works carried out will provide a long term and lasting benefit to the particular Community as a whole. The same criteria have to apply to any disposal of assets.
- 3.6 The Policy and Resources Committee established the Council's current policy regarding distribution of the annual income available, on 20th June 2001 (paragraph 7 of the Minute refers). At that time the Committee noted that the true value of money depreciates over time and in an attempt to keep pace and at the same time to be able to make reasonable levels of grants from the income earned, it agreed a policy of distributing two-thirds of the annual income earned with the remaining one-third being retained to maintain the value of the funds.
- 3.7 Members of the Policy and Resources Committee agreed on 16 January 2002, to continue with the policy of distribution of two-thirds of the estimated annual income available from the Common Good Funds (paragraph 22 of the Minute refers). The remaining third was to be re-invested in order to maintain the Funds for future generations.
- 3.8 In order to speed up the processing of grant applications, the Policy and Resources Committee delegated authority to the Head of Financial Services in consultation with Local Members to consider grant applications and make appropriate awards. The Moray Council Committee on 13 March 2019 agreed that if two thirds or more of local members are in agreement it is sufficient authority to proceed under delegated authority of the Head of Financial Services. If the agreement of at least two thirds cannot be obtained on an application then the application will be reported to Policy and Resources Committee.
- 3.9 The Policy and Resources Committee at its meeting on 2 September 2008 (paragraph 12 of the Minute refers) agreed to allow unspent balances to be carried forward and be available to use in the following two years. Any unused funds after two years are added back to the Fund balance. At the same meeting any overspends at 31 March would be limited to 25% of disposable income and had to be replaced over the following two years.

- 3.10 Members should note that the Council is required to account for depreciation on Common Good assets. As this is an accounting entry only, the disposable income continues to be calculated prior to the deduction of depreciation.

4. 2019/20 DISPOSABLE INCOME AND DISBURSEMENTS APPROVED

- 4.1 **APPENDIX 1** shows details of the estimated income and actual disbursements approved for 2019/20 for each of the Common Good Funds.
- 4.2 Expenditure by Keith Common Good Fund to advertise a lease for Seafield Park toilets and pavilion resulted in a deficit of £109 in 2019/20. A ten year lease to Keith Men's Sheds has been agreed and is currently with Moray Council Legal department to conclude. The annual rent has been agreed at £2,000 however, the first five years will be rent free to reflect the substantial improvements that the Men's Sheds have agreed to undertake.

5. 2020/21 DISPOSABLE INCOME

- 5.1 **APPENDIX 2** details the current financial position of the Common Good Funds and the estimated disposable income for 2020/21.
- 5.2 The estimated income figure is calculated to assist Local Members' decision making when allocating grants. The figures are only there as a guide. If a supported application would breach the estimated income limit, disbursement can be made but will require Policy and Resources Committee approval.
- 5.3 As can be seen in **APPENDIX 2** there are a number of projects which have already been approved by Local Members for 2020/21.
- 5.4 The funding of grass cutting costs in 2020/21 by Elgin Common Good Fund, as a result of Council savings measures, is no longer required due to the Grounds Maintenance budget for grass cutting being reinstated. Buckie District Community Council had also been awarded funding, split between 2019/20 and 2020/21 to enable them to cut areas affected by savings. These areas have also been reinstated to be cut by the Council but as a contract was given to a third party for the first two cuts of 2020/21 this has been honoured and will be funded by Buckie Common Good.
- 5.5 In the calculation of disburseable income it has been assumed that the full amount of rental income due in 2020/21 will be received. It is acknowledged however, that as a result of Covid-19 this may not be the case.
- 5.6 Cullen Common Good Fund has two properties - 14 and 16 Reidhaven Street. 16 Reidhaven Street is currently vacant and the lease on 14 Reidhaven Street ends in 2020/21, when it is planned to sell the properties. This will result in a reduced rental income in 2020/21.
- 5.7 The interest for 2020/21 has been calculated using a two year fixed PWLB rate of 2.10% as at the 1st April 2020.

6. SUMMARY OF IMPLICATIONS

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

None.

(b) Policy and Legal

The Council's adoption of the policy of retaining one third of disposable income in each financial year will protect the capital for each of the Common Good Funds and ensure their sustainability in the future.

(c) Financial implications

The financial implications are contained in the body of the report and are detailed in the Appendices.

(d) Risk Implications

There is a risk of overspends exceeding 25% of disposable income if any unforeseen emergency major repairs are required for properties owned by Common Good Funds. Close monitoring of costs and the condition of properties will be undertaken by officers in order to mitigate this risk.

(e) Staffing Implications

None

(f) Property

The condition of all Common Good properties will be monitored in order to keep reactive repairs to a minimum.

(g) Equalities/Socio Economic Impact

None

(h) Consultations

Local Members for each Common Good Fund have been consulted on disbursements for 2019/20.

7. CONCLUSION

- 7.1 The final outturn for 2019/20 for each of the Common Good Funds, which the Council administers, is detailed in APPENDIX 1, the budgeted income available for disbursement in 2020/21 is shown in APPENDIX 2**

along with previously approved applications and the Common Good Fund asset register is shown in APPENDIX 3.

Author of Report: Nicky Gosling, Accountant – Ext 3130
Background Papers:
Ref:

Appendix 1**BUCKIE COMMON GOOD****ACTUAL FINANCIAL PERFORMANCE AGAINST ESTIMATED FIGURES FOR 2019-20**

	Estimate £	Actual £	Variance £
Investment Property Income	3,035	3,036	(1)
Investment Income	23,897	23,825	72
	26,932	26,861	71
Less Administrative Costs	844	895	(51)
	26,088	25,966	122
Two thirds	17,392		
C/f undisbursed income from prior years	14,350		
Total Budget Available for Disbursement 2019/20	31,742		
Grants Awarded During the Year			
Buckie Community Theatre	2,000		
Buckie Thistle Community Alert	1,500		
Moray: Arts Development Engagement	1,182		
Buckie District Community Council	1,845		
Buckie Friends of Guiding	1,700		
IDance - European Dance Masters	1,000		
Buckie Community Theatre	1,500		
Portessie Picnic benches	1,700		
	12,427		
Other Expenditure			
Linzee Gordon Park Buckie Copy deed	23		
Store Freuchny Rd change lock	86		
Resurfacing Harbour House Lane	13,345		
	13,454		
Undisbursed Income	5,861		

Appendix 1

CULLEN COMMON GOOD

ACTUAL FINANCIAL PERFORMANCE AGAINST ESTIMATED FIGURES FOR 2019-20

	Estimate £	Actual £	Variance £
Investment Property Income	1,095	1,095	-
Investment Income	472	840	(368)
	<hr/> 1,567	<hr/> 1,935	<hr/> (368)
Less Administrative Costs	112	115	(3)
	<hr/> 1,455	<hr/> 1,820	<hr/> (365)
Two thirds	970		
C/f undisbursed income from prior years	(2,699)		
Total Budget Available for Disbursement 2019/20	<hr/> (1,729)		
Grants Awarded During the Year			
Robert the Bruce Endowment	<hr/> 2		
	2		
Other Expenditure			
Court Fee	129		
Registrars of Scotland Fee	60		
16 Reidhaven St - Electricity/Gas 19-20	415		
16 Reidhaven St - Clean Gutters	171		
16 Reidhaven St Council Tax 19-20	1,979		
	<hr/> 2,754		
Undisbursed Income	<hr/> (4,485)		

Appendix 1

DUFFTOWN COMMON GOOD

ACTUAL FINANCIAL PERFORMANCE AGAINST ESTIMATED FIGURES FOR 2019-20

	Estimate £	Actual £	Variance £
Investment Property Income	-	-	-
Investment Income	224	224	-
Other Income	8	8	-
	<hr/> 232	<hr/> 232	<hr/> -
Less Administrative Costs	52	52	-
	<hr/> 180	<hr/> 180	<hr/> -
Two thirds	120		
C/f undisbursed income from prior years	56		
	<hr/>		
Total Budget Available for Disbursement 2019/20	<hr/> 176		
	<hr/>		
Grants Awarded During the Year	-		
	<hr/>		
Undisbursed Income	<hr/> 176		

Appendix 1

ELGIN COMMON GOOD

ACTUAL FINANCIAL PERFORMANCE AGAINST ESTIMATED FIGURES FOR 2019-20

	Estimate £	Actual £	Variance £
Investment Property Income	31,311	31,344	(33)
Investment Income	23,328	23,288	40
	<hr/> 54,639	<hr/> 54,632	<hr/> 7
Less Administrative Costs	2,090	2,610	(520)
	<hr/> 52,549	<hr/> 52,022	<hr/> 527
Two thirds	35,033		
C/f undisbursed income from prior years	18,603		
Less 50% of 2017/18 overspend	(416)		
Less previously agreed expenditure for property repairs	(4,394)		
Total Budget Available for Disbursement 2019/20	<hr/> 48,826		

Actual Grants Awarded

Elgin Rotary Club - Bonfire Night 2019	1,000
New Elgin & Ashgrove Public Hall	4,500
Moray:Arts Development Engagement	1,182
Elgin Rotafun	2,500
Elgin & District Men's Shed	4,000
	<hr/> 13,182

Other Expenditure

Bids Levy 239 High Street	(40)
Advert re land at Borough Briggs	183
Contribution to Seagull Control	4,900
239 High St - Install Tell Tales	179
Grass Cutting	2,385
	<hr/> 7,607

Undisbursed Income	<hr/> 28,037 <hr/>
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Appendix 1

FORRES COMMON GOOD

ACTUAL FINANCIAL PERFORMANCE AGAINST ESTIMATED FIGURES FOR 2019-20

	Estimate £	Actual £	Variance £
Investment Property Income	18,887	17,188	1,699
Investment Income	5,514	5,515	(1)
	24,401	22,703	1,698
Less Administrative Costs	1,706	1,521	185
	22,695	21,182	1,513
Two thirds	15,130		
C/f undisbursed income from prior years	3,660		
Less previously agreed expenditure for property repairs	(1,483)		
Total Budget Available for Disbursement 2019/20	17,307		

Grants Awarded During the Year

Forres Christmas Lights Insurance	750
Rotary Club of Forres - Licence	648
Forres in Bloom	2,500
Forres Community Council-Leancoil	7,500
Forres & District Pipe Band	1,330
	12,728
Undisbursed Income	4,579

Appendix 1

PORTKNOCKIE COMMON GOOD

ACTUAL FINANCIAL PERFORMANCE AGAINST ESTIMATED FIGURES FOR 2019-20

	Estimate £	Actual £	Variance £
Investment Income	817	802	15
	817	802	15
Less Administrative Costs	58	58	-
	759	744	15
Two thirds	506		
C/f undisbursed income from prior years	1,082		
Total Budget Available for Disbursement 2019/20	1,588		
Grants Awarded During the Year			
Portknockie Paddling Pool	1,300		
Undisbursed Income	288		

Appendix 1

KEITH COMMON GOOD

ACTUAL FINANCIAL PERFORMANCE AGAINST ESTIMATED FIGURES FOR 2019-20

	Estimate £	Actual £	Variance £
Investment Income	31	30	1
	31	30	1
Less Administrative Costs	-	50	(50)
	31	(20)	51
Two thirds	21		
C/f undisbursed income from prior years	39		
Total Budget Available for Disbursement 2019/20	60		
Grants Awarded During the Year	-		
Other Expenditure			
Adverts to lease Seafeld Park toilets/pavilion	169		
Undisbursed Income	(109)		

Appendix 1

FINDOCHTY COMMON GOOD

ACTUAL FINANCIAL PERFORMANCE AGAINST ESTIMATED FIGURES FOR 2019-20

	Estimate £	Actual £	Variance £
Investment Property Income	-	623	(623)
Investment Income	-	9	(9)
	-	632	(632)
Less Administrative Costs	-	83	(83)
	-	549	(549)
Two thirds	-		
C/f undisbursed income from prior years	-		
Total Budget Available for Disbursement 2019/20	-		
Grants Awarded During the Year	-		
Undisbursed Income	-		

Common Good Funds
Estimated Figures for Disposable Income in 2020/21

Buckie	
Estimated Disposable Income	£ 22,706
Undisbursed Income (unused limit carry forward from 2019/20)	<u>5,861</u>
Total Available for Disbursement 2020/21	28,567
<u>Disbursements approved to Date:-</u>	
<ul style="list-style-type: none"> Buckie District Community Council 	1,845
Projected Income Available for Disbursement	26,722

Cullen	
Estimated Disposable Income	£ 884
2019/20 costs exceeded income – the year end deficit was £(4,296)	
<u>Annual Recurring Requests Outstanding:-</u>	
<ul style="list-style-type: none"> Robert the Bruce Endowment (This amount is £2.10 accrued annually until sum reaches a reasonable amount to be paid out) 	2
Projected Income Available for Disbursement	Nil

Dufftown	
Estimated Disposable Income	£ 173
Undisbursed Income (unused limit carry forward from 2019/20)	<u>167</u>
Total Available for Disbursement 2020/21	340
Projected Income Available for Disbursement	340

Elgin	
Estimated Disposable Income	£ 40,270
Undisbursed Income (unused limit carry forward from 2019/20)	28,037
Less repayment of capital advance for property repairs	<u>(4,394)</u>
Total Available for Disbursement 2020/21	63,913
<u>Disbursements approved to Date:</u>	
• 1 st Elgin Scout Group	1,000
• Anderson's Care Home	7,500
• Contribution to Seagull Deterrent	20,000
Projected Income Available for Disbursement	35,413

Forres	
Estimated Disposable Income	£ 15,651
Undisbursed Income (unused limit carry forward from 2019/20)	4,579
Less repayment of capital advance for property repairs	<u>(1,483)</u>
Total Available for Disbursement 2020/21	18,747
<u>Disbursements approved to Date:</u>	
• Forres Area Community Trust	2,000
• Forres in Bloom	3,500
• Forres Mechanics	5,050
• Provision for Christies Elite rent review valuation	1,000
Projected Income Available for Disbursement	7,197

Portknockie	
	£
Estimated Disposable Income	682
Undisbursed Income (unused limit carry forward from 2019/20)	<u>288</u>
Total Available for Disbursement 2020/21	970
Projected Income Available for Disbursement	970

Keith	
	£
Estimated Disposable Income	62
Less overspend 2019/20 – 25% of disposable income to be repaid over 2 years	<u>(8)</u>
Total Available for Disbursement 2020/21	54
Projected Income Available for Disbursement	54

Findochty	
	£
Estimated Disposable Income	965
Undisbursed Income (unused limit carry forward from 2019/20)	<u>0</u>
Total Available for Disbursement 2020/21	965
Projected Income Available for Disbursement	965

APPENDIX 3

Common Good Asset Register

Buckie Common Good

Fishermans Hall, 16 North Pringle St, Buckie
 Town House West (Hall), Cluny Place, Buckie AB56 1HB
 Library, Cluny Place, Buckie, AB56 1HB
 Fishing Heritage Centre, Cluny Place, Buckie AB56 1HB
 Town House West (Offices), Cluny Place, Buckie AB56 1HB
 Public Toilets, Cluny Place, Buckie
 * Development Land, March Road West, Buckie
 Sites Opposite 26 Barron St, Buckie AB56 1XD
 42A Freuchny Rd, Buckie AB56 1TX
 25B East Cathcart St, Buckie AB56 1JP
 Site to rear of 5 Bridge Place, Buckie
 Store, Freuchny Road, Buckie
 ** Linzee Gordon Park, Buckie - Public Park, Play Area and Pavilion
 Buckie Victoria Bowling Club, West Church Street, Buckie
 Heritable Assets - Ansons Collection
 Heritable Assets - Chains of Office

Cullen Common Good

14/16 Reidhaven Street, Cullen AB56 4SZ
 Heritable Assets - Chains of Office

Dufftown Common Good

Tininver Park, Tininver Street, Dufftown
 The Clock Tower, The Square, Dufftown AB55 4AD
 Information Centre, The Clock Tower, The Square, Dufftown

Elgin Common Good

239 High Street, Elgin, IV30 1DJ
 Site Adjacent To 239 High Street Elgin Moray
 Riverside Caravan site, Elgin IV30 8UN
 Field Adjacent to The Oaks, Morriston Road, Elgin
 Field Adjacent to Oakview, Morriston Road, Elgin
 Shooting Acres & Aughteen Park Lands, Pluscarden Road, Elgin
 Moray Leisure Centre, Borough Briggs Road IV30 1AP
 Field at Riverside, West Road, Elgin
 Ground adjacent to The Mansion House, Blackfriars Rd, Elgin
 The Oaks, Morriston Road, Elgin IV30 6UN
 Playing field, Borough Briggs Rd, Elgin
 Land adjacent to Playing Fields, Borough Briggs, Elgin
 Play area, McIntosh Drive, Elgin
 Play area, Ardgilzean Place, Elgin
 Loch and Country Park, Millbuies, Elgin
 Depot Cooper Park, Elgin
 Greenfingers Nursery, King Street, Elgin IV30 1HU
 Biblical Gardens, King Street, Elgin
 Training Centre, Cooper Park, King Street, Elgin
 Rainbow Castle, Borough Briggs Road, Elgin
 Monument, Prospect Terrace, Lossiemouth (Charter of Novodamus)
 Site opposite 2 Seatown, Lossiemouth (Charter of Novodamus)
 Public Convenience, Seatown Rd, Lossiemouth IV31 6JL (Charter of Novodamus)
 Heritable Assets - Chains of Office

Forres Common Good

Forres Mechanics Football Ground, Mosset Park, Lea Rd, Forres IV36 1AU
Land adjacent to Mosset Park, Lea Road, Forres, IV36 1DX
Forres Bowling Club, St Catherines Rd , Forres
Nelsons Tower
The Greens, Forres
Car Park, Bogton Road, Forres IV36 3TW
Nursery, Bogton Road, Forres IV36 3TW
Bogton Playing Field and Play Area, Bogton, Forres
Christies Elite Nurseries Limited, Bogton Rd, Forres IV36 3TW
38a Clovenside Road (adjacent to Clovenside Cemetery), Forres
Field, Pilmuir Road West, Forres
Kingsmeadow Field, Forres
Field A Clovenside
Field B Clovenside
Market Cross Monument, High St, Forres
Forres Golf Club
Forres Golf Course, Forres IV36 2RD
Forres Town Hall, High St, Forres IV36 1PB
Land at mouth of River Findhorn
Roysvale Park and Pavillion, Sanquhar Road, Forres
Heritable Assets - Chains of Office

Keith Common Good

Nursery Park, Keith
Store, Seafield Park, Keith
Show Ground Store, Seafield Park, Keith AB55 5AJ
Pavillion, Seafield Park, Keith
Seafield Park, Keith
Heritable Assets - Chains of Office

Lossiemouth Common Good

Coulardbank Pavillion, Coulardbank Playing Fields, Lossie
Coulardbank Playing Fields, Coulardbank Road, Lossiemouth
Heritable Assets - Chains of Office

Findochty Common Good

Town Hall, 22 Station Rd, Findochty AB56 4PN

Burghead Common Good

St Aethans Park and Play Area, St Aethans Rd, Burghead
Heritable Assets - Chains of Office

Assets transferred from Moray Council in 2019-20

- * Development Land, March Road West, Buckie
- ** Pavilion in Linzee Gordon Park, Buckie

Assets removed in 2019-20

Sold 2019/20

Town Hall, Seafield Street, Cullen AB56 2SG

Transferred to Trust following updated
advice from Legal

Former Depot Grant Park, High St, Forres
Squash Court, Victoria Road, Forres IV36 1BN
Car Park, Victoria Rd, Forres



REPORT TO: MORAY COUNCIL EMERGENCY CABINET ON 1 JULY 2020

SUBJECT: FLOOD RISK AND DRAINAGE IMPACT ASSESSMENT FOR NEW DEVELOPMENTS SUPPLEMENTARY GUIDANCE

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

1. REASON FOR REPORT

- 1.1 To ask the Emergency Cabinet to agree the updated Flood Risk and Drainage Impact Assessment for New Developments Supplementary Guidance (SG) and delegate authority to the Head of Economic Growth & Development to submit the updated SG to the Scottish Government for approval.
- 1.2 This report is submitted to the Emergency Cabinet following a decision of Moray Council on 17 June 2020 to convene a meeting of the Emergency Cabinet as and when required until a new simplified Committee structure commences on 2 September 2020, due to the COVID-19 pandemic.

2. RECOMMENDATION

2.1 It is recommended that the Emergency Cabinet:-

- (i) **agrees the updated Flood Risk and Drainage Impact Assessment for New Developments Supplementary Guidance, as set out in Appendix 1 of the report;**
- (ii) **delegates authority to the Head of Economic Growth & Development to submit the updated Supplementary Guidance to the Scottish Government for approval and agrees that the Supplementary Guidance, upon approval, will form part of the statutory Moray Local Development Plan (MLDP) 2020 when adopted; and**
- (iii) **agrees that the Supplementary Guidance will be a material planning consideration for development management purposes as of 2 July 2020.**

3. BACKGROUND

- 3.1 The current adopted Supplementary Guidance (SG) on Flood Risk and Drainage Impact Assessment for New Developments was approved, following

consultation, by the Planning and Regulatory Services Committee on 13 November 2018 (para 13 of minute refers) and then by the Scottish Government, coming into effect in February 2019. The updated SG was consulted upon at the same time as the MLDP 2020 Proposed Plan and no comments were received.

- 3.2 The guidance sets out the flood risk and drainage information required to support a planning application and aims to improve the design and construction of developments with regard to flood risk and drainage. A key element of the SG is that only above ground attenuation solutions will be considered where it is necessary to include surface water attenuation as part of the drainage system.
- 3.3 The MLDP 2020 (as modified) was submitted to the Scottish Government on 15 June 2020 following agreement by the Emergency Cabinet at its meeting on 03 June 2020 (para 6 of the minute refers). The Plan is anticipated to be adopted by or on 31 July 2020.

4. REVISIONS TO THE SUPPLEMENTARY GUIDANCE

- 4.1 The SG, as set out in **APPENDIX 1**, largely reflects the current adopted SG. The policy wording set out in Section 3 of the SG (page 3 to 5) has been replaced with Policy EP12 *Management and Enhancement of the Water Environment* of the MLDP 2020 (as modified).
- 4.2 The only other update to the SG is at Appendix 7 where, for clarification, a definition of multiple benefits in the context of Sustainable Urban Drainage Systems (SUDS) has been included.

5. NEXT STEPS

- 5.1 If the updated SG is agreed by the Emergency Cabinet, delegated authority to the Head of Economic Growth & Development is sought to submit the finalised SG to the Scottish Government for a period of 28 days for their consideration before it is adopted by the Council on the same day as the MLDP 2020 and forms part of the statutory MLDP 2020.
- 5.2 It is proposed that the updated SG be used as a material consideration in determining planning applications as of 02 July 2020 until it is formally adopted as part of the MLDP 2020.

6. SUMMARY OF IMPLICATIONS

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

Flood Risk Management is a key priority in the 10 Year Plan “Building a better future for our children and young people in Moray.”

(b) Policy and Legal

The Flood Risk and Drainage Impact Assessment for New Developments SG will form part of the statutory MLDP 2020 on its adoption.

(c) Financial implications

There are no financial implications associated with the recommendations in this report.

(d) Risk Implications

There are no risk implications associated with the recommendations in this report.

(e) Staffing Implications

There are no staffing implications associated with the recommendations in this report.

(f) Property

There are no property implications associated with the recommendations in this report.

(g) Equalities/Socio Economic Impact

No Equality Impact Assessment is required for this report.

(h) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth & Development, the Legal Services Manager, and Lissa Rowan (Committee Services Officer) have been consulted and comments received have been incorporated into the report.

The Consultancy Manager, the Senior Engineer (Transport Development), the Equal Opportunities Officer and Paul Connor (Principal Accountant) have also be consulted and any comments will be confirmed verbally at the meeting.

7. CONCLUSION

7.1 The guidance provides clear advice on the flood risk and drainage factors that should be considered when planning a new development, and the documentation required to support the planning application.

7.2 Revisions have made to the policy references to reflect the MLDP 2020 (as modified) and a definition provided of the multiple benefits to SUDS.

7.3 This report asks the Emergency Cabinet to approve the updated SG and submit to the Scottish Government for 28 days for approval prior to adoption as part of the statutory MLDP 2020. It is also requested that the updated SG is used as a material consideration for development management purposes from 2 July 2020.

Author of Report: Darren Westmacott, Planning Officer (Strategic Planning & Development)

Background Papers:

Ref:

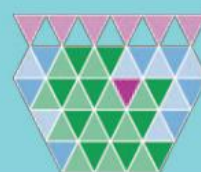
Moray Local Development Plan 2020

MODIFIED PLAN

VOLUME 5

Supplementary Guidance

**Flood Risk and Drainage Impact
Assessment for New Developments**



moray
council



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1 Introduction

Flooding is an act of nature, which cannot be completely eradicated but can be managed to reduce the potentially devastating effect on people, property, business and cultural heritage. Within Moray, there are a number of areas at risk of flooding from all sources, including rivers, the sea, surface water and ground water.

The Flood Risk Management (Scotland) Act 2009 (the Act) places a duty on Local Authorities to exercise their functions with a view to managing and reducing overall flood risk.

In line with the requirements of the Act, the Council wants to steer new development away from areas at risk of flooding by requiring developers to consider, at an early stage in the planning process, the susceptibility of their development to flooding and the impact it would have on flood risk elsewhere.

Role and Purpose of Document

Scottish Planning Policy (SPP) requires planning authorities to take account of flood risk when considering new development. This document provides advice to developers on the information required to support development applications. Flood risk and drainage must be assessed at an early stage in the development process by a competent and experienced professional. The location, layout and design of new developments are critical factors when determining the probability and impact of flooding and designing drainage systems.

Detailed information on the concept of 'flood risk' i.e. the probability that a particular magnitude of flood will occur sometime in the future is available from publications such as CIRIA C624 and Scottish Environment Protection Agency (SEPA)'s **Technical Flood Risk Guidance for Stakeholders**.



2 How to use this document

The aim of this document is to improve the design and implementation of developments with regard to flood risk and drainage. This guidance is aimed primarily at developers but its themes may be of interest to the wider public. It explains the Council's position regarding flood management and the responsibilities of other parties (Appendix 4) with an interest, including developers, landowners, Scottish Government, Scottish Water, SEPA and individual householders.

This guidance provides information on the issues that must be considered with regard to flood risk and drainage when planning a new development and the documentation developers are required to submit in support of a planning application. The level of detail required is proportionate to the complexity of the flood risk mechanisms, the site and the severity of the risk, which is affected by its location and to an extent the vulnerability of the proposed development.

It is expected the information submitted will demonstrate that the proposed development is not at risk of flooding and will not increase flood risk elsewhere. The application must also include robust and sustainable drainage proposals. This information must be completed by an appropriate professional, as set out in this document. If the proposed development does not comply with this Supplementary Guidance the application may be refused.



3 Planning and Regulatory Framework

Scottish Planning Policy (SPP) requires planning authorities to take into consideration the probability of flooding from all sources and the risks involved when preparing development plans and determining planning applications. Scottish Government's **Online Planning Advice on Flood Risk** provides advice on good practice and other relevant information.

Moray Council's general approach to flood risk is to encourage developers to avoid development on flood risk areas, specify the requirements for assessing flood risk where appropriate and to embrace a sustainable approach to flood management.

This Supplementary Guidance sets out guidelines for developers on what must be considered before planning a development and information regarding flood risk that may be required to support a planning application.

Moray Council's Local Development Plan 2020 policy regarding drainage and flood risk management is provided below:

EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT

a) Flooding

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

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

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

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

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

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

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

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

- a) In areas of little to no risk (less than 0.1%), there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure.



Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.

- c) Areas of medium to high risk (0.5% or above) may be suitable for:
- Residential, institutional, commercial and industrial development within built up areas provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan.
 - Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow.
 - Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
 - Employment related accommodation e.g. caretakers or operational staff.

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

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

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

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

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

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

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

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

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

c) Water Environment

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

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

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

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

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

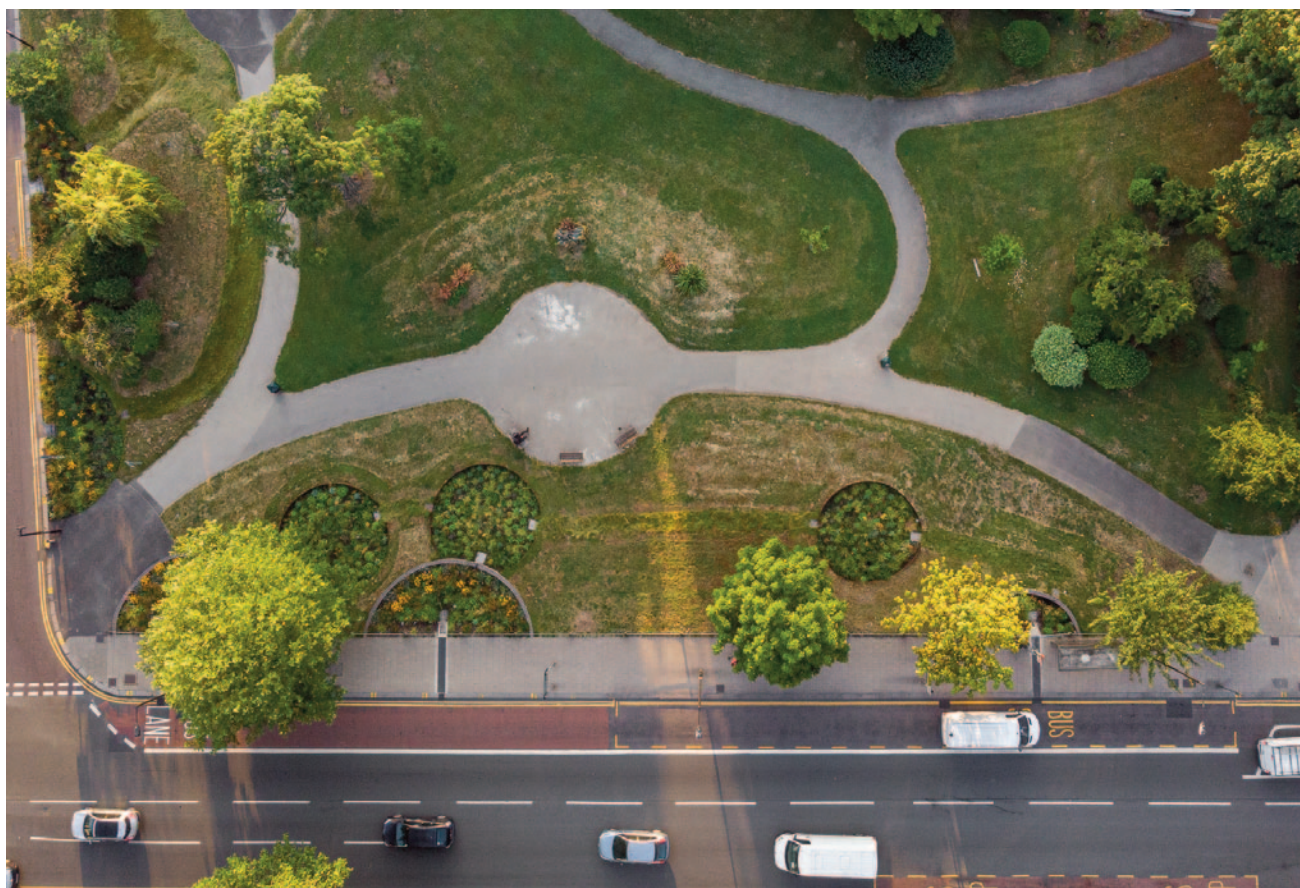
The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required to support proposals.



4 Consideration for new developments

Before a planning application is lodged for a new development the following flood risk and surface water management matters must be considered:

1. Is the development site at risk of flooding from any source?
2. Will the development lead to increased flood risk elsewhere?
3. Is it possible to provide safe access and egress during flood events?
4. How will surface and ground water from the site be managed during and post-construction?
5. Can surface and ground water be managed in a sustainable way, in line with the requirements of CIRIA SUDS guidance (currently CIRIA C753 The SUDS Manual) and CIRIA C768 Guidance on the construction of SUDS), the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) (as amended), ([see practical guidance](#)), and Moray Local Development Plan Policy EP12 during and after construction and who will be responsible for the ongoing management of the SUDS?
6. How will the development proposals impact on the water environment, with regard to habitat, protected species and protected areas?
7. Are there opportunities to enhance and connect with blue green infrastructure, providing multiple benefits (Appendix 7) such as enhanced biodiversity, amenity and education, while managing surface water?



5 Flood Risk Assessment (FRA)

Where Development Management, in consultation with the Flood Risk Management Team, considers there might be a risk of flooding to a proposed development or that the development may increase flood risk elsewhere, it will require a FRA to be submitted in support of the application. If the application does not have the required supporting information then it may be refused.

It is advisable that anyone wishing to apply for planning permission first check if the proposed development site is considered to be at risk of flooding. Information on flood risk can be found at:

www.sepa.org.uk/environment/water/flooding/

Listed below are the basic requirements for a FRA. This is not exhaustive as proposed developments will be assessed on the particular characteristics and complexity of the flood risk mechanisms of the site. It should be noted that if the FRA indicates the proposed development site is at risk of flooding, development will not be permitted.

5.1 Flood Risk Management Guidelines for Developments

- The FRA must demonstrate the development is not at risk of flooding during a 1 in 200 year flood event (including an allowance for climate change). A key requirement of the FRA is it must consider all sources of flooding (with the specific exclusion of internal sewer flooding as defined in the Act). With regard to coastal flood risk this should allow for surge and wave action as well as the astronomical tide level.
- As set out in SPP “Land raising should only be considered in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area. Compensatory storage may be required.”
- The adoption of flood mitigation measures may be acceptable in some circumstances (such as a Brownfield site) but avoidance would be the Council’s primary objective.
- In circumstances where mitigation is considered acceptable, the developer must demonstrate the measures will not increase flood risk elsewhere for the lifetime of the development, taking into account the potential effects of climate change and should include an allowance for freeboard.



5.2 Levels of Flood Risk Assessment

There are different levels of FRA, dependent on the complexity of the flood risk mechanisms, the site and the severity of the risk, which is affected by its location and to an extent the vulnerability of the proposed development. FRA's should be required for development in medium to high areas, and in some cases for medium to low areas.

- Level 1 is a flood statement with basic information with regard to flood risk.
- Level 2 is a full FRA providing details of flood risk from all sources, results of hydrological and hydraulic studies and proposed mitigation.

It is recommended that an appropriate level of FRA be carried out as soon as the site is considered for development. The level of FRA required must be discussed with the Council prior to submitting a planning application. The FRA must be completed by a professional with relevant experience in flood risk and drainage design. Guidance on appropriate levels of FRA required can be found in CIRIA Report 624 Development and flood risk – guidance for the construction industry, which can be purchased at [CIRIA online bookshop](#).



6 Drainage Impact Assessment (DIA)

Drainage is a material consideration at the planning stage of a development and due consideration must be given to the impact of the proposed development, both during and after construction. The Council will only consider the quantity of surface water runoff, i.e. flood risk, but the developer should also consider water quality (pollution).

A DIA is a report prepared by the developer, demonstrating the site specific drainage issues relevant to a proposal and the suitable means of accommodating these drainage needs. The DIA should cover surface water and foul drainage. Early discussions with the Council, SEPA and Scottish Water are encouraged for applications of a significant scale.

Surface water should be drained according to the principles of SUDS, in line with SPP (Paragraphs 255 and 268). PAN 61 Planning and Sustainable Urban Drainage Systems and PAN 73 Water and Drainage. The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) make SUDS a requirement for all new development constructed after April 2007. The only exception to this is a single dwelling and its curtilage, or if the development discharge is to coastal waters.

The requirements for the DIA will be dependent on the site characteristics. The Council will usually request a Drainage Statement for smaller developments but a full DIA may be required for these developments if the surface water management for the site is challenging. The Drainage Statement and the DIA should be submitted with the planning application. If the required drainage information is not submitted with the application then it may be refused.

6.1 Drainage Statement

All developments of less than 3 new dwellings or a non-householder extension under 100 square metres, will need to provide a drainage statement. This statement should describe the proposed drainage arrangements for the development, e.g. a private drainage system such as a soakaway or connection to Scottish Waters drainage network that complies with Section 3.6 of the Domestic Technical Handbook. Plans submitted with the application should include the proposed layout of the drainage proposals. If the proposed drainage system involves infiltration, information on ground conditions should also be provided. The statement should demonstrate, that the post-development runoff rate does not exceed the pre-development runoff rate or increase flood risk through discharge to a receiving watercourse.

6.2 DIA

A full DIA will be required for all proposed developments other than those identified above. The DIA should meet the basic requirements listed below. Advice regarding specific requirements for major applications will be provided at pre-application consultation stage.

- The DIA should demonstrate that the surface water drainage system adopts SUDS principles and specifications in accordance with current legislation and guidelines, such as CIRIC C697 - The SUDS Manual, Sewers for Scotland 3rd Edition - A design and construction guide for developers in Scotland, and Water Assessment and Drainage Assessment Guide. Applicants should use the Simple Index Approach as described in Section 26.7.1 of The SUDS Manual.
- 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. It should be noted that over development of a site or a justification on economic grounds will not be acceptable.



- The SUDS principles must conform to the Controlled Activities Regulations (CAR), which requires that all reasonable steps must be taken to ensure the discharge does not result in pollution of the water environment. The regulations provide for three types of authorisation, details of which can be found in the **CAR practical guide**; General Binding Rules; Registration; and Licenses.
- Any discharge to a watercourse must have the appropriate permission from the Council and SEPA, in terms of compliance with the relevant CAR General Binding Rule. Discharge to a sewer must be agreed with Scottish Water and the letter of agreement must be included in the DIA.
- Plans of the proposed drainage system must show:
 - drainage catchment and sub-catchment areas;
 - permeable and impermeable zones;
 - phasing details;
 - existing and proposed site sections and levels;
 - long and cross-sections for the proposed drainage system;
 - exceedance flow management routes;
 - finished floor levels; and
 - details of connections to watercourses and sewers.
- The DIA must demonstrate, that the post-development runoff rate does not exceed the pre-development runoff rate or increase flood risk through discharge to a receiving watercourse.
- Details of any flow limiting device(s) must be included in the DIA. If discharging to a body of water, the proposed rate of discharge, point of discharge and outfall structure must be included.
- Where infiltration is proposed, an acceptable infiltration assessment must be submitted, including geotechnical test results and evaluations. The infiltration test for proposed infiltration devices must be undertaken in line with the requirements in Building Research Establishment (BRE) Digest 365, which can be purchased at **BREbookshop.com**, or similar recognised methodology (developer to make clear which methodology has been used). These tests must be representative, i.e. they must be taken on or near the proposed area for infiltration.
- The requirements for drainage should be taken into account when determining the overall layout of the development. For large developments with separate zones that will be constructed at different stages or by different developers, a drainage master plan covering the whole development will be required.
- The capacity of the drainage system including attenuation measures such as SUDS features should be designed to withstand a 1 in 30 year event, without surcharging.
- Exceedance events up to and including the 1 in 200 year event plus climate change must be contained and managed on site, such that they do not increase flood risk. Details of the method used to manage this flow must be provided in the DIA. This method must also be shown on the general arrangement drawing.
- If attenuation systems take longer than 24 hours to drain completely, long duration events must be assessed to ensure that storage is not overwhelmed.
- To aid review and understanding, all calculations must be annotated to provide descriptive text of the logic, reasoning and methodology used.



- A schedule detailing inspection and maintenance arrangements for the entire drainage system must be submitted at the same time as the design. This document must include how the various elements are accessed for maintenance operations – as per Construction Design Management (CDM) 2015.
- The body responsible for management of the SUDs system must be identified in the DIA and a letter of agreement with the responsible body must be included. If the overall management of the system is to be undertaken by a factor employed jointly by the property owners, this arrangement must be made clear in the title deeds.
- An information and communications plan for the proposed SUDS scheme must be submitted where appropriate. This plan must include;
 - communication with and education of residents;
 - site and SUDS component specific information boards; and
 - local community education and education strategies (through schools).
- The DIA must include information regarding the foul drainage proposals, which must comply with Moray Local Development Plan Policy EP12, identifying whether the foul will discharge into Scottish Waters network or a private system.

This is only likely to be required on larger sites and may be provided by the drainage approving body or the developer agreed between them.



7 Drainage of the Road

If the road is to be adopted by the Council the developer must consult the Council's Transport Development Section before submitting the planning application.

When producing a DIA, drainage of the road network must be considered. Roads are drained either by off-the-edge diffuse drainage to grass filter strips and swales or stone filled filter trenches; or by point collection in gullies and other off-lets for discharge to sewers, trenches, swales, etc. A more sustainable approach will be favoured by both Scottish Water and the Council as Roads Authority.

Road drainage is designed for the annual or 1 in 2 year return period storm, but systems must be able to accommodate up to a 1 in 30 year storm without flooding. Storms greater than 1 in 30 years will cause water to flow/pond on the road surface. These flows must be managed for up to and including 1 in 200 year event plus climate change, to reduce the risk of flooding to property.

Guidance on roads drainage is available in www.scotsnet.org.uk/assets/SudsforRoads.pdf



8 Final Drainage Design

As drainage/SUDS is an important part of development infrastructure, it must be considered at the start of the development process to ensure the development layout does not restrict the SUDS options available.

A final drainage design must be submitted and approved by the Planning Authority (in consultation with SEPA where applicable) before the commencement of any development.

Submission of this document will be required for full planning approval.

The Council must be given the opportunity to inspect drainage systems during and after construction. Built drawings of the drainage systems must be submitted to the Council's Flood Risk Management Team on completion of the development.

9 Certification, Checklist & Accuracy of Information

Level 1 Flood Risk Statement and Drainage Statement may be completed and submitted by the applicant, architect or agent acting for the client.

Level 2 FRA and Level 2 DIA must be undertaken and signed-off by a competent professional who is a Chartered member of a relevant professional institution, with experience of flood risk/drainage assessment management.

The Council requires FRAs and DIAs to be submitted with a signed compliance certificate (Appendix 2 and 3) to certify the assessments have been carried out in accordance with this Guidance, relevant documents and legislation. An individual certificate is required for each assessment.

Evidence that the signatory holds Professional Indemnity Insurance, up to and including the value of £1,000,000, for each and every claim, must be submitted with each certificate. Evidence will take the form of a copy of the insurance policy, and a valid certificate of insurance.

It is the responsibility of the author(s) to ensure that the detailed calculations and computations are technically accurate.

A checklist providing a summary of key information in line with the Council's requirements (Appendix 1) must be attached to the front cover of the FRA and DIA.

10 Adoption of SUDS

The Scottish Government has charged Scottish Water and Local Authorities (as Roads Authorities) to make the most cost effective arrangements for draining new development sites. This will involve adopting the drainage scheme on completion of a development where the road is to be adopted. The ongoing maintenance of this system would then be agreed by Scottish Water and the Local Authority under Section 7 of the Sewerage (Scotland) Act 1968.

Details of the framework for these agreements are currently under discussion. Until such time as this framework is agreed, developers must provide details of the party responsible for the long term maintenance of the drainage system in each new development. If the overall management of the system is to be undertaken by a factor employed collectively by the property owners, this arrangement must be made clear in the title deeds. This information must be provided at detailed planning stage.



11 Riparian Buffer Strip & Ownership

The Council requires a buffer strip of at least 6m between the top of the bank of any body of water within an application site and the proposed new development (Policy EP12). Any request to reduce this requirement needs to be appropriately justified. This strip must be kept free from any development in order to allow access to the waterbody for the purpose of assessment and maintenance, to ensure bank stability and aid water and ecological quality. Riparian buffer strips may be secured by a planning condition.

SEPA requirements for buffer strips, as set out in its Development Management Water Environment guidance is provided below.

Development Management requirement 1 : Buffer strips

A buffer strip must be provided between built development and the water environment.

The WFD defines the water environment to include all wetlands, rivers, lochs, transitional waters (estuaries), coastal waters and groundwater. Buffer strips are areas of land surrounding water which are maintained in permanent vegetation. Measurements outlined in the table below are the minimum buffer strips that apply in built up urban areas on a shallow gradient. Sites may come forward where wet poorly drained soils, steep slopes ($>25^\circ$), the presence of sensitive water bodies, flood risk etc mean that SEPA consider buffer width should be increased.

In urban areas on a shallower gradient $\leq 25^\circ$ the following minimum buffer widths apply. Any request from a developer to reduce this requirement needs to be appropriately justified.

Minimum buffer strip width for urban areas on a shallow gradient $\leq 25^\circ$	Channel width (this includes ditches and culverted watercourses)
Up to 5m	6 m
Up to 15m	12m
15m+	20m

In upland areas on a high gradient $\geq 25^\circ$ producing high levels of surface water runoff, a buffer strip width of 50 m will apply.

Sites bordering still water (i.e. lochs and ponds) require a buffer strip of 6m for ponds and 12m for lochs.

Where SEPA are aware of site specifics relating to a proposal e.g. local ground conditions or the presence of sensitive water bodies (e.g. those with designations due to the presence of water-dependent species) and consider this merits a wider buffer strip requirement, this will be brought to the attention of the Planning Authority/applicant at the earliest opportunity.

A wider strip may be requested to allow for watercourse migration, in areas with erodible soils or steeply sloped river banks. The additional width required will be assessed on a case-by-case basis and will be proportionate to the nature of the watercourse at the development site and the associated risk. This request would be made in consultation with the Flood Risk Management Team.

Where a buffer strip is required there should be no encroachment of this strip during any stage of the development. Title to this area must not be sold to individual householders and must not form part of the garden ground, i.e. boundary fences and walls should be erected outside the buffer strip. Ownership and maintenance responsibility must stay with the developer or its factor.



12 Disclaimer

This document is for information purposes only and is a statement of Moray Council's requirements in relation to FRA and SUDs. Applicants will be required to satisfy themselves as to the current statutory and/or legal requirements in relation to FRA and SUDs.



Appendix 1 - Checklist

Flood Risk

Level 1 Flood Risk Statement			
Essential	Document Reference	Source	Signatory (eg architect, Applicant, Agent)
<p>Brief statement/ screening.</p> <p>General description of the development, its size, location and surrounding topography.</p> <p>Description of existing drainage arrangements on site and any sewers.</p> <p>FR from all sources considered/ commented on (based on authors' knowledge/ observations/ experience).</p> <p>Reference to SEPA flood maps where applicable</p>			

Level 2 Flood Risk Assessment			
Essential	Document Reference	Source	Signatory (e.g. Civil Engineer, Hydrologist or equivalent Chartered Member of professional institution e.g. ICE, CIWEM, ISTRUCTE)
<p>As Flood Risk Statement providing a full report including drawings/ calculations/ figures.</p> <p>Flood risk from all sources considered.</p> <p>Desk study approach.</p> <p>Consultation with SEPA & Scottish Water.</p> <p>Details of proposed development design/ mitigation measures.</p>			

Results of hydraulic / hydrological modelling or justification why this is not required.			
Details of proposed flood resilient materials.			
Topographic survey data used to assess flood routing /depths.			
Calculations for provision of compensatory storage.			

Drainage

Level 1 Drainage Statement- <3 (including) property developments Extensions between 25-100m². Change of use (not involving substantial new hardstanding/ buildings).

Essential	Document Reference	Source	Signatory (eg architect, Applicant, Agent)
<p>Brief statement.</p> <p>General description of the development, its size, location and surrounding topography and land uses.</p> <p>Description of existing drainage arrangements on site and any sewers.</p> <p>A concept drawing of the development and proposed/ likely means of providing foul and surface water drainage.</p> <p>Evidence of proposed runoff rates and storage volumes for a variety of return periods.</p>			



Level 2 Drainage Impact Assessment- A full DIA will be required for all proposed developments other than those identified for a Level 1.

Essential	Document Reference	Source	Signatory (e.g. Civil Engineer, Hydrologist or equivalent Chartered Member of professional institution e.g. ICE, CIWEM, ISTRUCTE)
<p>Report including drawings/calculations/ figures.</p> <p>Description of existing drainage rights/ arrangements on site.</p> <p>Assessment of pre/ post runoff rates, changes in impermeable areas.</p> <p>Evidence of proposed runoff rates and storage volumes for a variety of return periods.</p> <p>Outline Drainage Design showing use/ application of SUDS supported by calculations/ model results.</p> <p>Wastewater drainage proposals including a letter of agreement from Scottish Water to accept foul flows (if applicable).</p> <p>Reporting of onsite infiltration tests (where suitable).</p> <p>Proposals relating to discharge rate control methods, receiving water bodies, structures etc.</p>			



Appendix 2 - FRA Compliance Certificate



Flood Risk Assessment Compliance Certificate

I certify that all reasonable skill, care and attention to be expected of a qualified and experienced professional in this field have been exercised in carrying out the attached Assessment. I also confirm that I maintain the required Professional Indemnity Insurance*. The report has been prepared in support of the below named development in accordance with the reporting requirements issued by Moray Council.

Assessment Ref No:

Assessment Date:

Assessment Revision:

Name of Development:

Planning Application No:

Name of Developer:

Supporting Information

Name and Address of Organisation preparing this Assessment:

Signed:

Name:

Date:

Position Held:

Qualification **

* Please attach appropriate evidence of Professional Indemnity Insurance

** A chartered member of a relevant professional institution



Appendix 3 - DIA Compliance Certificate



Drainage Impact Assessment Compliance Certificate

I certify that all reasonable skill, care and attention to be expected of a qualified and experienced professional in this field have been exercised in carrying out the attached Assessment. I also confirm that I maintain the required Professional Indemnity Insurance*.

The report has been prepared in support of the below named development in accordance with the reporting requirements issued by Moray Council.

Assessment Ref No:

Assessment Date:

Assessment Revision:

Name of Development:

Planning Application No:

Name of Developer:

Supporting Information

Name and Address of Organisation preparing this Assessment:

Signed:

Name:

Date:

Position Held:

Qualification **

* Please attach appropriate evidence of Professional Indemnity Insurance

** A chartered member of a relevant professional institution



Appendix 4 - Roles and Duties of Stakeholders

ROLES AND DUTIES OF STAKEHOLDERS WITH REGARD TO FLOOD RISK

A number of organisations, including local planning authorities, SEPA and Scottish Water have a duty under the Flood Risk Management (Scotland) Act 2009 to work in partnership to reduce overall flood risk. One very important method employed by these organisations is to avoid increasing flood risk through promoting responsible development. Developers, landowners and householders also have responsibilities with regard to flood risk. A summary of the roles and responsibilities for each party is listed below.

THE DEVELOPER

1. Provide sufficient information to demonstrate their development proposals will not increase flood risk to the site and elsewhere, as per SPP 196 to 211.
2. Provide sufficient information to demonstrate their proposals will safeguard water quality
3. Provide details of the maintenance arrangements for sustainable features such as SuDS; and the party responsible for these arrangements.

THE HOUSEHOLDER

1. Protect their property from flooding.
2. Acquire home contents and building insurance.
3. Take action to prepare for flooding.
4. Maintain private drainage, including gullies and drains on shared private access roads/courtyards.

LANDOWNERS

1. Maintain watercourses and other water bodies within their property boundary.
2. Maintain private flood defences and private drainage systems.
3. Should not increase flood risk to other areas.

MORAY COUNCIL

1. Prepare maps of water bodies and SUDS.
2. Assess water bodies for conditions likely to create a flood risk.
3. Undertake maintenance works in water bodies, including clearance of watercourses where the works will significantly reduce flood risk.
4. Maintain existing flood risk management assets.
5. Maintain drainage including gullies.
6. Assess proposed development.
7. Work with the emergency services in response to flooding.
8. Coordinate reception centres for people evacuated from their homes and arrange temporary accommodation if appropriate.
9. Coordinate the clear up operation after a flood.
10. Deal with road closures (except on trunk roads).
11. Prepare Flood Risk Management Plans.
12. Promotion of new flood risk management schemes, where these can be justified and funding is available. Local authority powers to protect properties from flooding under the Act are permissive; there is no obligation to do so unless the action is included in a Local Flood Risk Management Plan.
13. Update and implement the Council's emergency plan, which sets out action that will be taken during a flood event, including the provision of sandbags and emergency evacuation.
14. Provide advice to property owners in flood prone locations on how to protect their own property.
15. Prepare Surface Water Management Plans.



SEPA

1. Provide a flood warning service for Scotland and operate flood line.
2. Provide advice to local authorities on flood risk and planning.
3. SEPA also has a role to coordinate flood risk management policy and activities across Scotland and this includes;
 - a. Development and publication of the National Flood Risk Assessment.
 - b. Development of flood risk management strategies.
 - c. Assessment of flood risk across Scotland including publication of flood risk and hazard maps.
 - d. Establishment of national and local flood risk advisory groups.
 - e. Preparation of maps of artificial structures and natural features.
 - f. Publishing of National Flood Risk Management Plans.

SCOTTISH WATER

1. Maintain water supply and drainage infrastructure.
2. Manage the discharge of surface water that enters the public drainage system.
3. Work in partnership with the local authority and emergency services.
4. Deal with flood damaged mains and any flooding caused by burst and choked pipes.
5. Liaise with SEPA, local authorities and the emergency services during flood events to alleviate any flooding from public sewers.
6. Scottish Water is responsible for assessing the risk of flooding from surface water and combined (surface and foul) sewers. Once risks are identified, Scottish Water, working with local authorities and SEPA, will look for opportunities to reduce those risks through its capital investment programme. This will be coordinated with other work to address surface water flooding.

MET OFFICE

1. Production of weather forecasts.
2. Warning of extreme weather events.
3. Provide a dedicated weather forecast service to SEPA's flood warning team.

SCOTTISH FLOOD FORUM

1. The Scottish Flood Forum is a charitable organisation, currently funded by Scottish Government, which offers support and advice on flood protection, insurance, recovery, establishment of community flood groups and business continuity planning.
2. The forum also represents the interests of people affected by, or at risk of flooding.

TRANSPORT SCOTLAND

1. Maintenance of gullies, gutter and drain covers for trunk roads.
2. Closure of trunk roads.

SCOTTISH GOVERNMENT

1. Setting National policy on flood risk management and flood warning.
2. Setting Scottish Planning policy.
3. Approve Flood Risk Management Strategies and Plans.

POLICE

1. Coordinate the actions of all agencies involved during the course of a major flood incident.
2. Will control the scene at its outer limits by setting up cordon points and setting up a traffic management system in conjunction with the local authority.
3. Responsible for public safety, coordinating evacuation and public information.

FIRE AND RESCUE

1. The Fire and Rescue Service has a duty to save lives, in the event of serious flooding that can cause or is likely to cause death, serious injury or serious illness. This includes rescuing people trapped or likely to be trapped by water and protecting them from serious harm.



Appendix 5 - FRA Reference Documents

Scottish Planning Policy, Scottish Government, Feb 2010

Planning Advice Note 51: Planning, Environmental Protection and Regulation

Planning Advice Note 69: Planning and Building Standards Advice on Flooding

Planning Advice Note 79: Water and Drainag

Scottish Environment Protection Agency – Technical Flood Risk Guidance for Stakeholders

Scottish Environment Protection Agency – Flood Risk Assessment checklist

Scottish Environment Protection Agency Policy No 22: Flood Risk Assessment Strategy

Scottish Environment Protection Agency Position Statement on Culverting of Watercourses

Scottish Environment Protection Agency Policy No 41: Development at Risk of Flooding: Advice and Consultation

The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) (as amended)

CIRIA C753: The SuDS Manual

CIRIA C768: Site Handbook for the Construction of SuDS

CIRIA C624: Development and Flood Risk Guidance for the Construction Industry

CIRIA R168: Culvert Design Manual

Dynamic Coast (www.dynamiccoast.com/)

Flood Estimation Handbook, Centre for Ecology and Hydrology, Wallingford

Flood Studies Report, NERC, London

National River Flow Archive Website for Gauging Station Data and the UK Coastal Flood Boundary dataset which is available from SEPA

SEPA Flood risk guidance supported by the land use planning background paper on flood risk

SEPA planning information note on proposed development protected by a flood protection scheme explains how we consider development in these areas

Green Infrastructure Policies in the CSGN – A Review of Local Authority Policies on Green Infrastructure in Built Development (www.gcvgreennetwork.gov.uk/publications/790-gi-policies-in-the-csgn)

Edinburgh Design Guidance, The City of Edinburgh Council

(www.edinburgh.gov.uk/local-development-plan-guidance/edinburgh-design-guidance)

Open Space and Designing New Residential Developments, South Ayrshire Council

(www.south-ayrshire.gov.uk/documents/planningopenspace.pdf)



Appendix 6 - DIA Reference Documents

Scottish Planning Policy, Scottish Government, June 2014

Planning Advice Note 51: Planning, Environmental Protection and Regulation

Planning Advice Note 69: Planning and Building Standards Advice on Flooding

Planning Advice Note 79: Water and Drainage

Scottish Environment Protection Agency – Technical Flood Risk Guidance for Stakeholders

Scottish Environment Protection Agency – Flood Risk Assessment checklist

Strategic Flood Risk Assessment: SEPA Technical Guidance to Support Development Planning document

Scottish Environment Protection Agency Position Statement on Culverting of Watercourses

Scottish Environment Protection Agency Policy No 41: Development at Risk of Flooding: Advice and Consultations

The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) (as amended)

CIRIA C753: The SuDS Manual

CIRIA C768: Guidance on the Construction of SuDS

CIRIA C624: Development and Flood Risk Guidance for the Construction Industry

CIRIA C689: Culvert Design and Operation Guide

Dynamic Coast (www.dynamiccoast.com/)

Flood Estimation Handbook, Centre for Ecology and Hydrology, Wallingford

Flood Studies Report, NERC, London

National River Flow Archive Website for Gauging Station Data and the UK Coastal Flood Boundary dataset which is available from SEPA

SEPA Flood risk guidance supported by the land use planning background paper on flood risk

SEPA planning information note on proposed development protected by a flood protection scheme explains how we consider development in these areas



Appendix 7 - Glossary

AEP	Annual Exceedance Probability. For example a flood with a 1% AEP has a statistical probability of being reached or exceeded in each year of 1%. This is often referred to as the “once in 100 year flood”. It should be noted however, that the occurrence of a flood event does not change the statistical probability of another flood occurring.
CAR	Water Environment (Controlled Activities) Regulations 2011
CIRIA	Construction Industry Research and Information Association
FEH	The Flood Estimation Handbook is a Centre for Ecology and Hydrology publication, giving guidance on rainfall and river flood frequency estimation in the UK
SEPA	Scottish Environment Protection Agency
Sources of Flooding	<p>Fluvial – flooding originating from a watercourse either natural or culverted.</p> <p>Coastal – flooding originating from the sea (open coast or estuary) where water levels exceed the normal tidal range and flood onto the low-lying areas that define the coast line. Pluvial – urban or rural flooding which results from rainfall- generated overland flow before the runoff enters any watercourse, drainage system or sewer.</p> <p>Groundwater - flooding due to a significant rise in the water table, normally as a result of prolonged and heavy rainfall over a sustained period of time.</p> <p>Drainage - flooding as a result of surcharging of man-made drainage systems including combined sewers where the capacity of the system to discharge runoff has been exceeded.</p> <p>Infrastructure Failure – flooding due to failure of manmade infrastructure including hydro-dams, water supply reservoirs, canals, flood defence structures, underground conduits, water treatment tanks etc.</p>
SPP	Scottish Planning Policy
SUDS	Sustainable Urban Drainage Systems
SW	Scottish Water
MC	Moray Council



Multiple Benefits of SUDS

Well designed, planned and managed SUDS can support high quality placemaking and have the potential to incorporate a wide range of environmental, economic and social benefits in the delivery of the system.

Developers should give early consideration to the multiple potential benefits and opportunities in order to deliver a SUDS with the best results. Benefits include:-

- **Climate resilience** – capture and stores carbon and other greenhouses gases, improving air quality and reducing air and water pollution.
- **Biodiversity** – increases biodiversity and quality of ecosystems by creating and linking habitats for new and existing wildlife.
- **Flood risk management** – reduces the risk of flooding to communities from development.
- **Water quality management** – reduces the impact of diffuse pollution.
- **Enabling development** – creates headroom (capacity) within established drainage networks.
- **Amenity** – increases the aesthetic value of area, providing an open space that can create better communities through social cohesion.
- **Recreation and health** – increases access to open, green space which can also act as sport/plat areas thereby improving the physical and mental health and wellbeing of communities.







REPORT TO: MORAY COUNCIL EMERGENCY CABINET ON 1 JULY 2020

SUBJECT: REVISED COMMITTEE CALENDAR – SEPTEMBER 2020 – FEBRUARY 2021

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

- 1.1 To ask the Emergency Cabinet to consider and agree the revised committee calendar.
- 1.2 This report is submitted to the Emergency Cabinet following a decision of Moray Council on 17 June 2020 to convene a meeting of the Emergency Cabinet as and when required until a new simplified Committee structure commences on 2 September 2020, due to the COVID-19 pandemic.

2. RECOMMENDATION

It is recommended that the Emergency Cabinet consider and agree the revised committee calendar as set out in Appendix 1 of the report.

3. BACKGROUND

- 3.1 At the meeting of Moray Council on 17 May 2017, the Council agreed the committee meeting cycle and calendar (para 8 of the minute refers).
- 3.2 At the meeting of Moray Council on 25 March 2020, the Council agreed to temporarily suspend all delegations to committees as a result of the Covid-19 pandemic (para 2 of the minute refers). This decision was reviewed at a meeting of Moray Council on 17 June 2020 where it was agreed that the suspension on committees should be lifted and that a simplified committee structure is put in place from 2 September 2020 with these arrangements being reviewed on or before 24 February 2021.
- 3.3 A new committee calendar has been created taking into consideration the simplified committee structure. This is set out in **Appendix 1** for consideration.

4. SUMMARY OF IMPLICATIONS

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

It is important for the Council to maintain an effective decision making process to continue to deliver vital services to vulnerable people in Moray and to support businesses through this challenging period.

(b) Policy and Legal

These proposals will temporarily amend the Council's Scheme of Administration and Scheme of Delegation.

(c) Financial implications

None

(d) Risk Implications

The Council needs to ensure that appropriate governance arrangements are put in place to deal effectively with ongoing Covid-19 response.

(e) Staffing Implications

None

(f) Property Implications

None

(g) Equalities/Socio Economic Impact

No direct implications

(h) Consultations

The Chief Executive, Depute Chief Executive (Economy, Environment and Finance, Depute Chief Executive (Education, Communities and Organisational Development), Head of Governance, Strategy and Performance and the Democratic Services Manager have been consulted and their comments incorporated into the report.

6. CONCLUSION

6.1 This report seeks approval for a revised committee timetable following the decision of Moray Council to put in place a simplified committee structure from 2 September 2020 which will be reviewed on or before 24 February 2021.

Author of Report: Lissa Rowan, Committee Services Officer
Background Papers:

TEMPORARY MEETING DIARY

SEPTEMBER 2020 TO FEBRUARY 2021

Wednesday 2 September 2020	9:30 am	Moray Council
Tuesday 15 September 2020	9:30 am	Planning & Regulatory Services Committee
Wednesday 16 September 2020	9:30 am	Appeals Committee (Committee Room)
Wednesday 23 September 2020	9:30 am	Education, Communities & Organisational Development Committee
Thursday 24 September 2020	9:30 am	Moray Local Review Body
Tuesday 6 October 2020	9:30 am	Economic Growth, Housing & Environmental Sustainability Committee
Wednesday 7 October 2020	9:30 am	Licensing Committee
Wednesday 7 October 2020	2:00 pm	Licensing Board
Wednesday 14 October 2020	9:30 am	Audit and Scrutiny Committee
Wednesday 28 October 2020	9:30 am	Moray Council
Thursday 29 October 2020	9:30 am	Moray Local Review Body
Tuesday 10 November 2020	9:30 am	Planning & Regulatory Services Committee
Wednesday 11 November 2020	9:30 am	Appeals Committee (Committee Room)
Wednesday 18 November 2020	9:30 am	Education, Communities & Organisational Development Committee
Thursday 19 November 2020	9:30 am	Police and Fire & Rescue Services Committee
Thursday 26 November 2020	9:30 am	Moray Local Review Body
Tuesday 1 December 2020	9:30 am	Economic Growth, Housing & Environmental Sustainability Committee
Wednesday 2 December 2020	9:30 am	Licensing Committee
Wednesday 2 December 2020	2:00 pm	Licensing Board
Thursday 17 December 2020	9:30 am	Moray Local Review Body
Wednesday 13 January 2021	9:30 am	Moray Council
Wednesday 20 January 2021	9:30 am	Audit and Scrutiny Committee
Tuesday 26 January 2021	9:30 am	Planning & Regulatory Services Committee
Thursday 28 January 2021	9:30 am	Moray Local Review Body
Wednesday 3 February 2021	9:30 am	Education, Communities & Organisational Development Committee

Tuesday 16 February 2021	9:30 am	Economic Growth, Housing & Environmental Sustainability Committee
Wednesday 17 February 2021	9:30 am	Licensing Committee
Wednesday 17 February 2021	2:00 pm	Licensing Board
Thursday 18 February 2021	9:30 am	Police and Fire & Rescue Services Committee
Thursday 25 February 2021	9:30 am	Moray Local Review Body