



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
23 MARCH 2021**

**SUBJECT: PLANNING POLICY GUIDANCE - MORAY LOCAL
DEVELOPMENT PLAN 2020**

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

1. REASON FOR REPORT

- 1.1 This report asks the Committee to approve planning policy guidance on parking requirements for Primary Policy 1 (PP1) Placemaking, enabling development for EP10 Listed Buildings, a definition on technically unfeasible for policy EP7 Forestry, Woodlands and Trees, and a Placemaking Statement template.
- 1.2 This report is submitted to Committee in terms of Section III (E) (2) of the Council's Scheme of Administration relating to the Review and Preparation of Strategic and Local Plans.

2. RECOMMENDATION

2.1 It is recommended that the Committee:

- (i) **Approves the planning policy guidance for the Moray Local Development Plan (MLDP) 2020 as set out in Appendix 1;**
- (ii) **Agrees the planning policy guidance will be used as a material consideration in the determination of planning applications; and,**
- (iii) **Notes that this planning policy guidance will be combined with the guidance approved by the Planning & Regulatory Services Committee in September and November 2020 into one document;**

3. BACKGROUND

- 3.1 The MLDP 2020 was formally adopted on 27 July 2020. At a meeting on 3 June 2020 the Emergency Cabinet agreed that additional policy guidance

would be provided to clarify certain policy aspects in the MLDP 2020 (para 6 of the minute refers).

- 3.2 Planning policy guidance on EV charging points, trees and woodland removal, cycle parking and tourism uses, and the restoration and aftercare of mineral sites was approved at a meeting of this Committee on 15 September 2020 (para 16 of the minute refers). Guidance on PP1 Placemaking was approved at a meeting of this Committee on 10 November 2020 except for the section on parking which would be the subject of a separate and updated report to a future meeting of this Committee (para 10 of the minute refers). This was to allow further consideration of the interpretation and application of the parking section of PP1, in relation to live planning applications which were being assessed in accordance with the newly adopted MLDP 2020 at that time.
- 3.3 Further guidance is also provided in the form of a Placemaking Statement template and clarification on the interpretation of technically unfeasible for policy EP7 Forestry, Woodlands and Trees and enabling development for policy EP10 Listed Buildings. The proposed planning guidance is shown in **Appendix 1**.

4. STATUS

- 4.1 The guidance is intended as an evolving technical guide/aid for developers and officers to be updated as further clarification on policy requirements becomes evident through the operation of the MLDP 2020. It is not supplementary guidance to the MLDP 2020 and as such, the guidance is not being publically consulted upon but once agreed, will be used as material consideration in the determination of planning applications.

5. PROPOSALS

- 5.1 PP1 Placemaking is the overarching policy of the MLDP 2020 which brings together various elements for good placemaking and delivers the far reaching benefits for health, climate change and the public sector. Parking is an important element of good placemaking and following the consideration of a number of live applications which presented different scenarios, further clarity is provided on section (vi) Parking of PP1. It is proposed this is incorporated into the wider guidance on PP1.
- 5.2 PP1 requires a Placemaking Statement for residential developments of 10 units and above. A template is proposed for the Placemaking Statement to help applicants provide the necessary information and to create a consistent approach for these Statements. This will make it easier for officers and the public to understand the design concept and determine whether the requirements of PP1 have been met which is assessed through the Quality Audit (QA) process. The template is to be incorporated into guidance for PP1.
- 5.3 Policy EP7 Forestry, Woodlands and Trees proposals must retain healthy trees and incorporate them within the proposal unless it is technically

unfeasible to retain these. It is proposed to update the guidance on policy EP7 to include a definition of 'technically unfeasible'.

- 5.4 Policy EP10 Listed Buildings sets out that enabling development may be acceptable where it can be shown to be the only means of retaining a listed building(s). Further guidance is proposed to provide clarity to applicants on the information required to demonstrate that this is the only feasible option to retain a listed building(s).

6. SUMMARY OF IMPLICATIONS

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

The LDP is a vital aspect of supporting and facilitating the Council's priority for economic growth. The Plan also aims to deliver other key aspects of Moray 2026, including the delivery of affordable housing and conservation and enhancement of our high quality natural and historic environment. The additional guidance aims to support these key aims.

(b) Policy and Legal

The LDP is a statutory plan which brings together and helps deliver key aspects of Moray 2026 and other national and local plans, strategies and policies. This guidance helps to deliver high quality places which is fundamental to achieving both national and local aspirations.

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

Quality Auditing involves staff from a number of services across the Council.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising from this report.

(h) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, the Senior Engineer Transportation, Paul Connor (Principal Accountant) and Lissa Rowan (Committee Services Officer) have been consulted and comments received have been incorporated into the report.

7. CONCLUSION

- 7.1 The MLDP 2020 was adopted on 27 July 2020. The planning guidance seeks to provide clarification on the parking requirements of primary policy 1 (PP1) of the MLDP 2020 and a Placemaking Statement template to aid consistency and interpretation of design concepts. The guidance also seeks to define when it is 'technically unfeasible' to retain trees as part of a development proposal, and provide clarity on the information applicants must provide to evidence that enabling development is the only way to feasibly retain a listed building(s).**

Author of Report: Eily Webster, Principal Planning Officer

Background Papers:

Ref: