

18/01373/APP

2nd November 2018

**Residential development and associated infrastructure
on Land At R4 Speyview Aberlour Moray
for Springfield Properties PLC**

Comments:

- A SITE VISIT has been carried out.
- The application is on a housing site designated for 50 or more dwellings within the Development Plan, regardless of whether the application is for all or part of the site.
- Advertised for neighbour notification purposes - notification not possible because no premises situated on land to which notification can be sent.
- 9 representations received from 7 parties.

Procedure:

- Legal agreement required prior to issue of any consent in order to incorporate developer obligations relating to healthcare provision.

Recommendation

Grant Planning Permission - Subject To The Following:-

1. Completion of Legal Agreement; and
2. The following conditions:

Conditions/Reasons

1. Prior to the commencement of any works, a full site Construction Environmental Management Plan, including a dedicated pollution prevention section, shall be submitted to and approved in writing by the Council, as Planning Authority, in consultation with SEPA; and thereafter all work shall be carried out in accordance with the approved plan.

Reason - In order to minimise the impacts of necessary construction works on the environment.

2. No development shall commence until an amended Landscape Scheme has been submitted to and approved by the Council, as Planning Authority. This shall be based upon the Detailed Landscaping Layout drawing number AB02_L_01 Rev C

and Landscape Management Plan AB02_L_02, and show and clarify the following:

- (a) extension of the natural stone wall to the side/south of plots 1 and 28,
- (b) clarification of the locations of the proposed beech and box hedging,
- (c) inclusion of a reference 'QR' Oak Roaster within the Planting Schedule to correspond with the 'QR' annotations on the layout drawing.
- (d) the arrangements for the time-scale(s) for all new planting, seeding and turfing to be undertaken on the site, and including the planting blocks to the southeast and northeast shown outwith the site boundary on the supporting masterplan drawing (June 2019).

Thereafter, the landscaping arrangements shall be carried out in accordance with the approved scheme details. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council as Planning Authority gives written consent to any variation of this planning condition.

Reason - In order to remove any ambiguity regarding the terms of the landscape scheme, to also ensure structural planting blocks are provided to help integrate this phase of the development and to ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.

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

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

Reason - To ensure all off the residential units approved on site are affordable and managed accordingly.

4. A construction phase surface water management plan shall be submitted a minimum of two months prior to the commencement of the development and shall be agreed in writing prior to work commencing with the Planning Authority in consultation with Moray Flood Risk Management. The plan shall include measures to prevent increased flood risk to neighbouring properties and measures to ensure heavily silted surface water does not enter the River Spey catchment. Thereafter the development shall be carried out in accordance with the agreed details.

Reason - To prevent surface water flooding during the course of the development and minimise risk to the River Spey SAC.

5. Notwithstanding the details shown in the approved landscaping plan and unless otherwise agreed in writing with the Planning Authority, the rear boundary enclosures facing onto the road of plots 1 to 8 shall comprise a 0.8m high wall finished in wet harl and a 1m high timber fence on top of the wall. This enclosure shall be retained as such throughout the lifetime of the development.

Reason – To break up the massing and dominance of this rear boundary enclosure on the street scene.

6. Prior to development commencing, details of the road surfacing/colouration between points A and B on the approved site plan shall be submitted to and agreed in writing with the Planning Authority. This section of road shall have a different finish/colouration to the remainder of the roads in the development. Thereafter the roads shall be finished in accordance with the agreed details.

Reason – To emphasise the street hierarchy and improve legibility of the development.

7. Unless otherwise agreed in writing with the planning authority, the equipped play area shall be provided in accordance with the approved plans prior to the commencement of the 20th residential unit on site. Thereafter the equipped play area shall be maintained in accordance with the approved Landscape Management Plan AB02_L_02 for the lifetime of the development.

Reason - To ensure the timeous provision of the play area and surrounding open space.

8. All surface water drainage infrastructure within the development shall be implemented in accordance with the details contained in the approved 'Drainage Assessment' and associated drainage AB01_ENG_250, AB02_ENG_220 A and AB02_ENG_600 B. Unless otherwise agreed in writing with the planning authority, this drainage infrastructure will be completed prior to the first occupation of any housing unit in the development and thereafter maintained for the lifetime of the development in accordance with the approved 'Drainage Assessment'.

Reason - To ensure an acceptable form of development is provided in accordance with intentions stated in the submitted Drainage Assessment, and to provide for adequate protection of the water environment from surface water run-off during the lifetime of the development.

9. Prior to the commencement of development (with the exception of works to form the access) the proposed ghost island priority junction with the A95 (T), as illustrated in Cameron + Ross Drawing No. A/180471-901 (Revision 5) "Proposed Ghost Island Layout" shall be constructed and agreed in writing by the Planning Authority, following consultation with Transport Scotland.

Reason: To ensure that the standard of access layout complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.

10. Prior to the occupation or completion of any of the dwellinghouses hereby approved, whichever is the sooner, a new footway along the east side of the re-aligned A95 (T), as illustrated in Springfield Properties Drawing No. AB02-ENG-260 (Revision A) "A95 Re-Alignment", shall be constructed and agreed in writing by the Planning Authority, following consultation with Transport Scotland.

Reason: To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road

11. Prior to the occupation or completion of any of the dwellinghouses hereby approved, whichever is the sooner, the proposed bus stop lay-bys on both sides of the A95 (T), as illustrated in Cameron + Ross Drawing No. A/180471-905 "Proposed Bus Stop Locations", shall be constructed to the satisfaction of the Planning Authority, following consultation with Transport Scotland.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

12. Prior to commencement of the development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and agreed in writing with the Planning Authority, following consultation with Transport Scotland and thereafter implemented in accordance with the agreed details.

Reason: To ensure that there will be no distraction to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.

13. Prior to commencement of the development, details of the barrier proposals along the trunk road boundary shall be submitted to, and agreed in writing with the Planning Authority, following consultation with Transport Scotland and thereafter implemented in accordance with the agreed details.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents

14. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing trunk road drainage network is not affected.

15. Notwithstanding the details submitted on the site layout drawing (Drawing No AB02_PL_01 Rev G), prior to the commencement of development the following details shall be submitted for approval by the Planning Authority in consultation with the Roads Authority:

a) Details (Plan Scale 1:500 minimum) showing the locations of all pedestrian crossing facilities throughout the development including details of all dropped kerbs and tactile paving to the Moray Council standards and specifications;

- b) Details (Plan Scale 1:500 minimum) showing extent of all roads, cycleways and footways to be adopted, including the proposed footway along the frontage of plots 1 to 8; and
- c) Details, including maintenance details, of all hedges to be planted adjacent to parking spaces which shall be planted at least 1.0 metres from the edge of the parking space to readily enable access into and out of parked vehicles at all times.

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

Reasons:

- a) To ensure acceptable development that does not create any hazard to road users in the interests of road safety through the provision of details currently lacking.
 - b) To ensure acceptable development through the provision of details currently lacking.
 - c) To ensure an acceptable development in terms of parking provision and amenity of the area.
16. Prior to the commencement of development the following shall be submitted for approval by the Planning Authority in consultation with the Roads Authority:
- a) A Construction Traffic Management Plan which includes details of any temporary site access arrangements, site compounds, lay down areas and site parking (Plan scale 1:500 minimum) and proposals to safeguard non-motorised road users;
 - b) Details (Plan scale 1:500) which show the provision of a temporary turning area, including details of all materials to be used in the construction of the turning area, adjacent to Plots 35/36 to provide a turning facility for refuse collection vehicles and other visiting vehicles.

The approved Construction Traffic Management Plan must be complied with at all times. The works identified in b) shall be completed prior to the first occupation or completion, whichever is the sooner, of any of the houses on plots numbered 29 to 36 and shall be retained until such time that the roads connecting Plots 35/36 and Plots 13/14/15/16 are connected and available for use by visiting service vehicles.

Reasons:

- a) To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.
 - b) To ensure acceptable infrastructure to service the development through the provision of details currently lacking.
17. Prior to the commencement of development a Travel Information Pack, which sets out opportunities for travel by foot, cycle and public transport, shall be submitted for approval by the Planning Authority in consultation with the Roads Authority. The Travel Information Pack shall include:
- a) Information on routes for pedestrians and cyclists to access local facilities.

- b) Information on the provision of bus services serving the development.
- c) Details of how to access personal Travel Planning and of incentives to travel by foot, cycle and public transport.
- d) Details of the programme for updating the Travel Information Pack as the development progress.

The approved Travel Information Pack shall thereafter be provided to each dwelling as they are completed from the date of first completion of any part of the residential development.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

18. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height and fronting onto the public road shall be within 2.4m of the edge of the carriageway.

Reason: To ensure acceptable development that does not create any hazard to road users in the interests of road safety.

19. The width of the individual vehicular access shall be 3.0m – 5.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the public footway shall be to The Moray Council specification and surfaced with bituminous macadam.

Reason: To ensure acceptable infrastructure at the individual development accesses.

20. Parking Provision shall be provided and maintained for use in accordance with the approved site layout plan (Drawing No AB02_PL_01 Rev G) unless otherwise agreed in writing with Moray Council Transportation.

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

21. Houses requiring 2 parking spaces shall have a driveway length of 6.0m minimum in front of any garage to permit a second car to park, unless alternative parking arrangements are provided. No part of the driveway shall be included in the public road.

Reason: To ensure acceptable development in the interests of road safety.

22. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. This should comprise an archaeological trial trenching evaluation of 7-10% of the total proposed development site, to be undertaken by a suitably qualified archaeological contractor, the results of which will be used to inform whether further mitigation is required. The WSI shall include details of how the recording

and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

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

23. No development shall commence until details of protection measures of existing private water supplies leading through the site (both during construction and for the lifetime of the development) have been submitted to and agreed in writing with the Council as Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details, unless otherwise agreed with the Planning Authority.

Reason: In order to safeguard the water supplies which serve the neighbouring houses.

24. Prior to development commencing, cross sections through the proposed play area shall be submitted to and agreed in writing with the planning authority. Thereafter the play area shall be provided in accordance with the agreed details.

Reason: To ensure the play area is provided at an acceptable gradient, to maximise the functionality of this facility.

Reason for Decision

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

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

List of Informatives:

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

This development is subject to a section 75 Agreement in regard to the arrangements for developer obligations towards addressing the impact of the development upon health care, with the proposed contribution payable in instalments.

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

assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

To address concerns regarding the topography of the site, development along the northern boundary will require further detailed analysis through a subsequent planning application(s) to determine whether the extent of development indicated on the masterplan and slope analysis is appropriate and the level of woodland planting necessary to sensitively integrate the development into the landscape.

THE ENVIRONMENTAL HEALTH MANAGER has commented that:

I would advise that there has been a history of failures from the private water supply that leads through the site and that it has dried up in drought conditions. We would therefore strongly recommend that the existing properties which bound the development site using this supply are connected to the mains supply, and note that the developer has confirmed that it is happy to facilitate this.

SCOTTISH NATURAL HERITAGE has commented that:-

Any works should not result in unattended excavations that badger or other mammals could fall into and become trapped. Excavations should be covered when unattended or formed with a sloping edge to allow any animals to escape.

Lighting used during development works should be fitted with shades to prevent light spillage outside the working area. Lighting during and post development should not illuminate woodland and scrub habitat as lighting can affect commuting and foraging success for crepuscular and nocturnal species.

ABERDEENSHIRE ARCHAEOLOGICAL SERVICE has commented that:-

Post-Excavation Research Design (PERD)

A written specification for the post-excavation analysis of artefacts and samples recovery during the excavation phase or archaeological works, prepared by the appointed Chartered Institute for Archaeologists (CIfA) member archaeological contractor on behalf of the applicant. This should include a project design for the post-excavation work, a costed assessment for this work, and costed proposals for the publication of results. The PERD must be submitted to the planning authority for approval. Once the PERD has been agreed, written confirmation must be provided to the planning authority demonstrating that an agreement is in place between the applicant and the appointed CIfA member archaeological contractor, committing the applicant to fund the post-excavation work and for said work to be completed by an agreed date.

Securing post excavation research design

When any post excavation research design is required through the implementation of a programme of archaeological works, the analysis, publication and dissemination of results and archive deposition requires to be agreed and secured between the developer of the site and the archaeological contractor undertaking

the archaeological works on the site before it will be agreed in writing by the planning authority.

TRANSPORT SCOTLAND has commented that:-

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Planning consent does not carry with it the right to carry out works within the public road boundary. Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

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

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

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

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

The developer must contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin – Tel (01343) 557300, Ext 7327 to discuss the proposals with respect to the specifications and design of street lighting provision.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
AB1_LP_01	Location plan
T-01	Topographical survey 1 of 3
T-02	Topographical survey 2 of 3
T-03	Topographical survey 3 of 3
1339DT(--)901 F	Braemar type detached house - elevations and floor plans
932TE(AS)901	Dallachy type semi-detached house - elevations and floor plans
9505D(AS)901 D	Ardmore type - elevations and floor plans
	Movement diagram
	Phasing plan
MC/2018/CS/01	CS type affordable semi-detached house - elevations and floor plans
A/180471-901 5	Proposed ghost island layout
A/180471-905	Proposed bus stop locations
AB02_ENG_210	Swept path analysis

AB02-ENG02-200	Internal visibilities
AB01_ENG_250	Drainage layout
AB02_ENG_220 A	Overland flow routes
AB2_ENG_600 B	Drainage layout
AB02-ENG-260 A	A95 re-alignment
	Masterplan
AB02-ENG-505	Road long section
AB02_PL_06 A	Roads hierarchy
AB02_L-02	Landscape Management Plan
	Play park equipment details
2016 BB_901 A	BB- elevations and floor plans
AB02_L_01 C	Detailed landscaping
AB02_PL_01 G	Site layout
AB02_PL_04 B	Material conditions
AB02_PL_06 A	Roads hierarchy
	Short sections
01	Play equipment layout

AB02-ENG-300 D	Levels layout
MC/2017/F/01 A	F type semi-detached house - elevations and floor plans
	Slope analysis
2016/EB/PL/01 A	E type/B type affordable semi combination - elevations and floor plans
AB02-DTYPE_PL_01 A	D type affordable semi-detached house - elevations and floor plans
AB02_MC_01 A	Material conditions
AB02_PL_05 B	Materials and character areas
MC/2018/A/01 A	Cottage flat A type - elevations and floor plans

Supporting information accompanying the decision:

Drainage Assessment
Air Source Heat Pump Details



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

18/01373/APP

Site Address:

Land At R4 Speyview
Aberlour

Applicant Name:

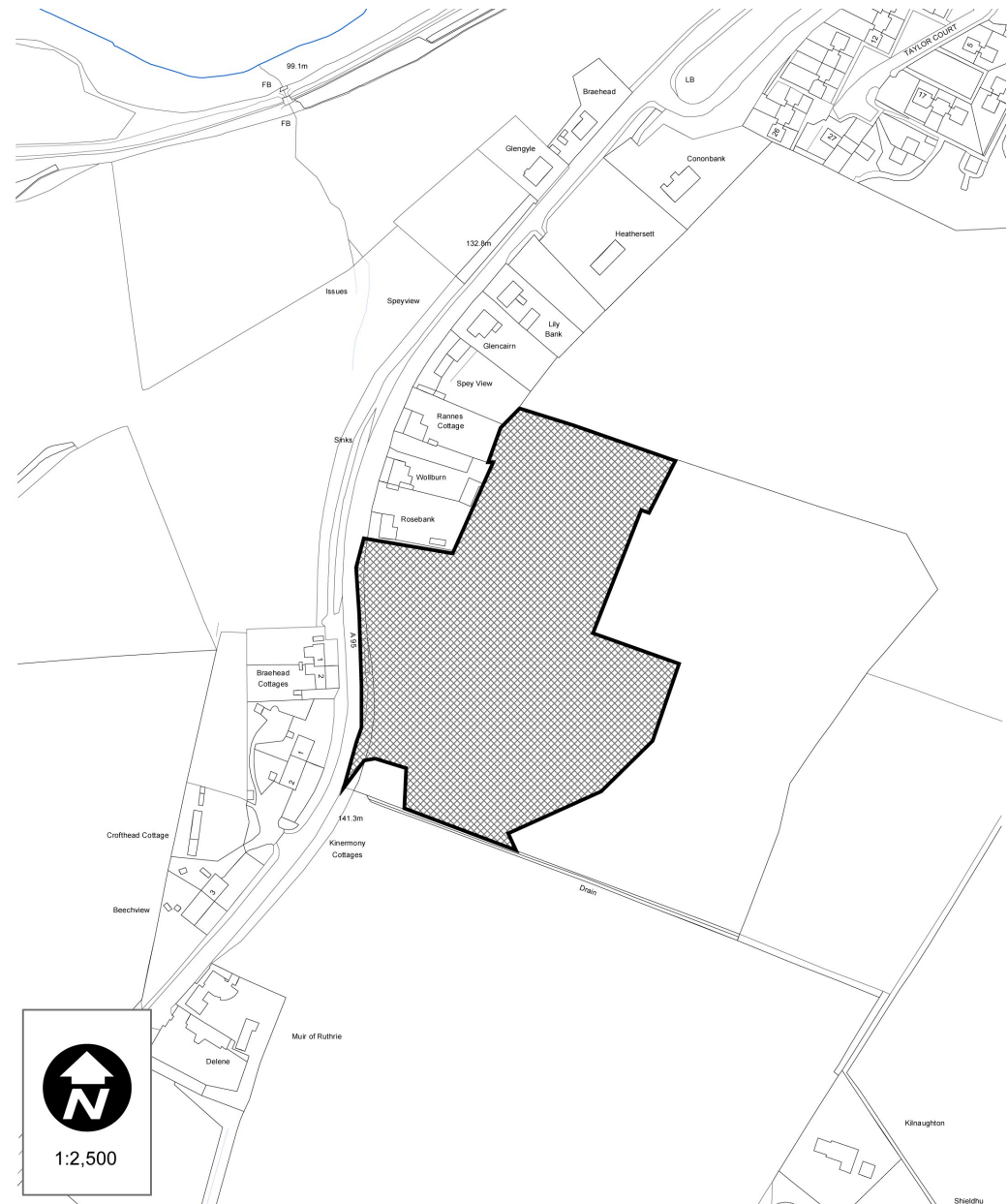
Springfield Properties PLC

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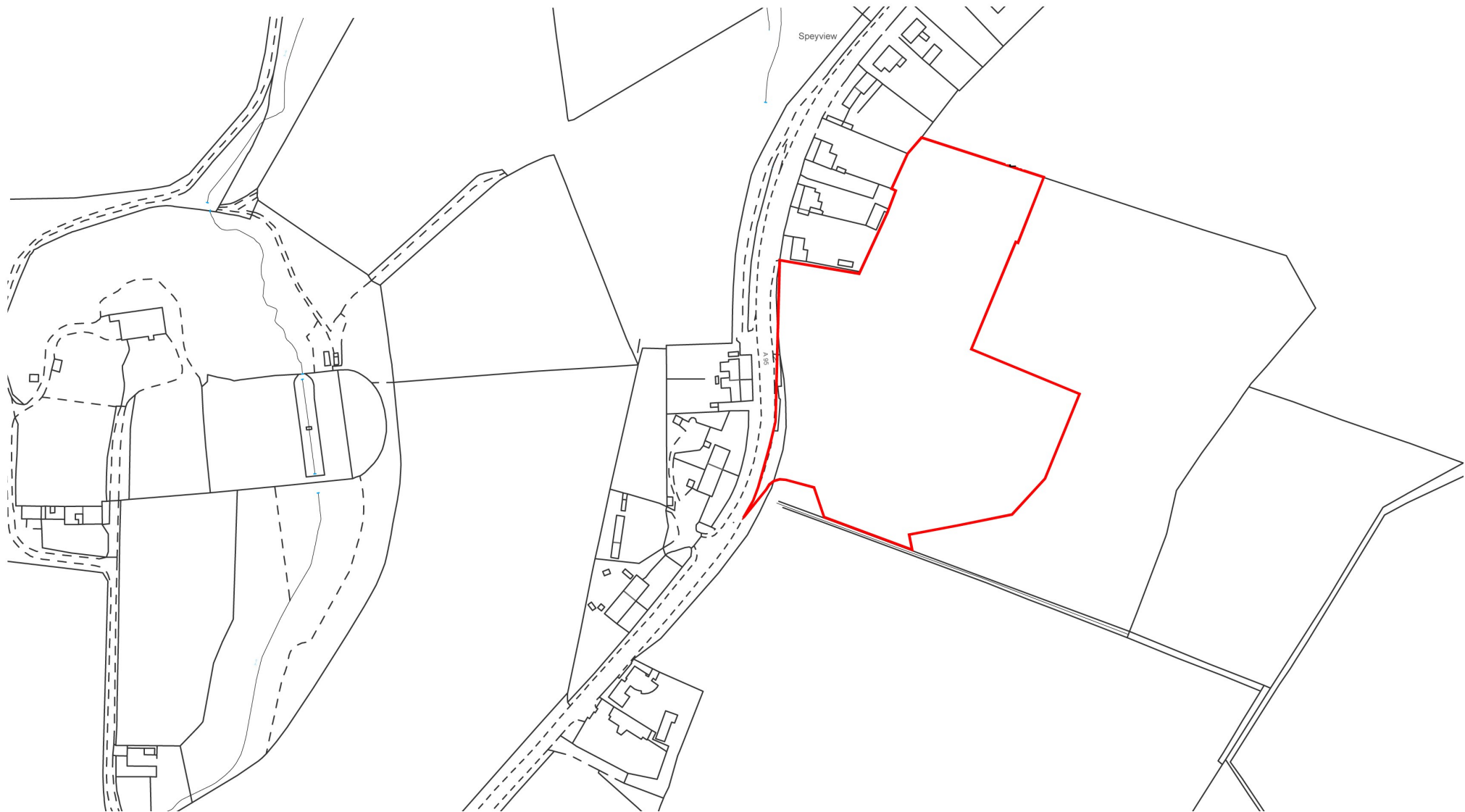
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Location Plan



Site Location



Site layout











PLANNING APPLICATION: 18/01373/APP

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

THE PROPOSAL

- This application seeks planning permission for the erection of 39 houses/units on the north west portion of the R4, Speyview designation in Aberlour.
- 30 of the houses/units proposed are affordable with the remaining 9 being private.
- This application only covers around quarter of the overall R4 designation, however, an indicative masterplan has been submitted which indicates how the remainder of the designation is likely to be developed in the future. This would result in around 120 housing units across the whole designation, with a significant proportion of the site set aside for tree planting and open space.
- The proposed 39 units are broken down into 8, 1-bed flats, 4, 2-bed semi-detached houses, 6, 2-bed semi-detached bungalows, 18, 3-bed semi-detached houses and 3, 4-bed semi-detached houses. The 9 distinct house types have a pitched roof form and are to be finished in smooth grey concrete roof tiles and a mixture of wet harl render and painted timber cladding on the walls. The houses fronting onto the A95 have a natural slate roof.
- The houses will be connected to the public water supply and public foul sewerage system. Surface water from the development will be disposed of via swales and infiltration basins located throughout the site, which will attenuate flows and eventually discharge into a drainage ditch at the opposite side of the A95.
- The development has been designed around the contours of the site, with the flatter areas being developed and the steeper sloping areas being planted with woodland or being left open.
- The suds and play area features have been located together within the southern part of the current site, which allows space for their expansion in further phases of the development. The equipped play area will be provided as part of this first phase of the development.
- There is a central tree lined road/cycleway running north south through this site and then leading on throughout the remainder of the R4 designation. This access and cycle way is taken to the northern boundary of the site to allow for a cycleway/road link to be formed across the neighbouring land in the future.
- As part of the proposals the A95 will be realigned and pushed westwards, to allow for a footway to be formed in front of the existing houses which lie to the northwest of the site. Two bus stops will be provided on the A95, with the southbound bus stop being directly adjacent to the site and the northbound stop in front of the existing houses which bound the site to the northwest.
- The Landscaping scheme comprises a mix of heavy standard trees, multi-stemmed/feathered trees, beech hedges, shrub beds/borders and planted swales. Identified tree species are Beech, Scots Pine, Copper Beach, Crab Apple, Cherry, Rowan, Lime, Birch, Maple, Hawthorn and Hornbeam.
- The following supporting documents have also been provided; Design and Access

Statement, Planning Statement which incorporates the Sustainability Statement, Transport Statement, Road Safety Audit, Badger Survey, Archaeological Evaluation Written Scheme of Investigation, Flood Risk Assessment, and Drainage Assessment.

THE SITE

- The site is approx. 1.94 hectares in area and comprises the northwest portion of the R4 Speyview, Aberlour designation, which lies on the southern edge of Aberlour and is identified as having an indicative capacity of 100 units within the Moray Local Development Plan 2015.
- The proposed site is relatively flat, however, outwith the site boundary within the remainder of the designation the land rises relatively steeply in sections to the northeast, east and southeast and much of the designation is bounded by mature woodland to the east.
- The site is bounded to the west by the A95 and existing houses, to the north by further agricultural land and to the south and east by the remainder of the designation.
- The River Spey SAC and SSSI are located approximately 180m to the northwest of the site.
- The SEPA indicative flood map shows that the site is identified as being at 'little or no risk' from river flooding. The SEPA flood map also indicates that the majority of the site is at low risk from surface water flooding, with small localised areas shown to be at 'medium or high risk'.

HISTORY

None

POLICY - SEE APPENDIX

ADVERTISEMENTS

- Advertised for neighbour notification purposes.

CONSULTATIONS

Strategic Planning & Delivery - Policy and urban design comments provided. Amendments sought and provided to ensure fuller compliance with quality audit aims and with placemaking policy PP3 (see observations section).

Moray Flood Risk Management - Comments provided on surface water drainage arrangements and following further submissions, no objections subject to conditions.

Developer Obligations - Developer Obligations assessment carried out in relation to current Local development plan policy and associated supplementary planning guidance. Contributions are sought towards provision of healthcare facilities. A Section 75 Legal agreement will be required to secure these contributions.

Moray Access Manager - No objections.

Environmental Protection - No objections.

Aberdeenshire Council Archaeology - No objections, subject to conditions and informatives requiring an archaeological scheme of investigation.

Scottish Water - No objections.

Environmental Health - No objections.

Environmental Health, Private Water Supplies – No objections, subject to condition to protect existing supplies. Advised that where possible houses on existing private water supplies should connect to the public network as there has been a shortage of water on the private supply in past years.

Contaminated Land - No objections.

Transportation Manager - No objections subject to conditions and informatives covering access, parking, construction traffic and footway/cycleway provision.

Transport Scotland – No objections subject to conditions and informatives covering the provision of the new access onto the A95 and new pedestrian access along the A95. Works to the trunk road will require to be subject to a separate regulatory process between the applicant and Transport Scotland.

Housing Strategy and Development Manager - No objections, subject to conditions regarding provision of affordable units.

Speyside Community Council – Objects to the development on a number of grounds, including lack of path/cycle infrastructure to Taylor Court, lack of safe waking route into Aberlour and re-aligning the A95 does not make it safe, the remote nature of the site will encourage travel by car, separation of the private and affordable housing, the tenure of the affordable housing, and surface water and foul sewerage concerns.

Scottish Natural Heritage - No objections. Sufficient separation and intervening landform from the River Spey SAC and SSSI to ensure no adverse impact and therefore there is no requirement for an Appropriate Assessment. Informatives recommended to protect the interests of badgers that will not be directly affected by the development but are known to be present in the area, as identified by the Badger survey submitted in the support of the application.

Building Standards – No objections, warrant required.

OBJECTIONS-REPRESENTATIONS

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

[REDACTED]

[REDACTED]

All objections/representations have been read and where material, given the appropriate consideration prior to the recommendation now reached.

Headings of objection reasons selected by objectors from objection/representation weblink:

- Activity at unsociable hours/behaviour
- Affecting natural environment
- Height of proposed development
- Loss of privacy (being overlooked)
- Over-development of site
- Parking
- Noise
- Road access
- Road safety
- Smell
- Traffic
- View affected

The grounds for objection/representation are summarised as follows:

Issue: Impact on privacy

- The two storey flats are located too close to the existing houses and will result in an adverse impact on privacy levels.
- The proposed planting between the flats and existing houses will take a number of years to mature therefore not reducing privacy impact.

Comment (PO): The proposals have been amended to remove the two storey flats proposed to the rear of the existing houses and replaced with semi-detached bungalows. This when coupled with the 1.8m high rear timber screen fencing and window to window separation of 48m, will ensure the proposals do not result in an adverse privacy or overbearing impact.

Issue: Noise and light pollution

- Large increase in noise and light pollution as well as the increase in volume of traffic.
- Will suffer the impact of increased noise from traffic entering and exiting this access, and the noise of through traffic slowing and speeding up.

Comment (PO): The proposed new housing development is not considered to result in an unacceptable level of noise or light pollution. It would be unreasonable to restrict residential development within Moray on the basis of potential noise or light pollution in

future. Environmental health have been consulted in relation to the development and have no objections to the approval of the application. Should any noise nuisance occur during the construction or use of the houses the Environmental Health Manager has powers to investigate any complaints.

Issue: Damage to neighbouring property

- Are the developers responsible in the long term for any damage caused by excavation works or tree roots as the development ground is higher than our property?

Comment (PO): The potential for damage to neighbouring boundary walls has been raised with the applicants, who have confirmed that these will remain unaffected by the proposals. The issue has also been discussed with the Building Standards Section, which has confirmed that the proposed land raising under the houses which bound the existing neighbouring properties will be designed by an engineer to ensure its stability and will be addressed as part of the building warrant process. Any damage to neighbouring property as a result of future tree root growth is a private legal matter.

Issue: Active travel route to Taylor Court to the north of the development and footpath down the side of the A95.

- The Key Design Principles diagram in the current Local Development Plan (2015) indicates the need for remote footpath cycle links.
- The Transport Assessment seems to be promoting a route to/from the centre of the village via a double crossing of the A95 Trunk road. This does not appear to be a safe option, particularly as a route to/from school.
- Confirmation that the owners of the land to the north have not agreed for this land to be used as a sustainable travel route as part of planning application 18/01373/APP, or indeed as part of the proposed housing master plan release, which is considered as isolated from the main settlement.
- The plans show a footpath which comes out onto the A95 just beside the play area, The existing footpath on the A95 ends at Wollburn and restarts at Heathersett. Pedestrians have to cross the road, climb over the crash barrier, continue on the other side of the A95 before crossing back again to regain the pavement. We note that there is a proposal for two crossings. This is a busy stretch of trunk road and the line of sight for both pedestrians and traffic at Wollburn is extremely poor. It is our opinion that more thought and investigation needs to be done regarding this. Traffic coming north in particular will come round a blind corner right into a crossing which could cause accidents.
- We also do not agree that it is safe for young children to use the existing incomplete footpath infrastructure (walking or cycling) and we also believe that the distance from the proposed development to the village of Aberlour would be too far for anybody with mobility issues to walk. The A95 is an extremely busy road and the proposal to install two signalised pedestrian crossings is totally unacceptable both from a motorist's and a pedestrian's point of view. The proposal to install one of these crossings at Glengoyne is unworkable – heavy vehicles often struggle up the Dowans Brae and regularly become stuck in winter due to the road conditions. A pedestrian crossing situated anywhere between Aberlour Distillery and the T-junction at Kinermony on the A95 would simply grind Aberlour to a complete standstill irrespective of weather conditions.
- Traffic survey model is questionable. The survey states that only limited traffic would

come and go without any prior knowledge of who will be living in the proposed development or how many cars per household. There is not a safe walk way into the village. Residents not only have to cross a dangerous road in multiple places but pathways are narrow and not ideal for walking with children or animals. Current transport links in the area are already tenuous. Any use of cars into the village puts pressure on an already limited amount of parking.

- The location of the proposed pedestrian crossing on a busy & fast trunk road. Heavy lorries in wintertime already struggle to keep moving, this problem will become exacerbated.

Comment (PO): It is accepted that the provision of an active travel route to the north of the site linking into Taylor Court would provide a secondary safer route into the centre of Aberlour from the site, however, the text accompanying the Speyview R4 designation outlines the following:

“Footways along the frontage of the site onto the A95 will be required and additional works may be required for existing footways and crossings on the A95 to provide a safer route for pedestrians and for routes to school.”

The policy does not stipulate that a separate active travel route be provided to Taylor Court. The Key Design Principles plan outlines that “Public Access Routes should aim to create safe and attractive routes”, however, it is important to acknowledge that the purpose of Key Design Principles plans is to guide development and not to stipulate policies that must be followed.

To this end the applicants have provided copies of correspondence which indicates that they have approached the land owner of the land to the north of the site, however, no agreement regarding the provision of an active travel route across this land has been reached. Separate correspondence has been received from the agent acting on behalf of the owners of the land to the north of the site confirming that they are not willing to agree an active travel route though their land at this point in time.

With the above in mind the applicant have proposed the active travel link up to the boundary of their site leading northwards and should the opportunity arise in the future to achieve this link the layout of the proposed development would not restrict this option.

In order to provide a safe pedestrian route into the centre of Aberlour from the site, the applicants have amended their original proposals for utilising existing footways down the A95 and supplementing these with formalise crossing points, and now propose to realign the A95 carriageway, pushing it westwards and provide a pavement along the eastern side of the carriageway. A road safety audit has been provided in support of the proposals and Transport Scotland has confirmed that they have no objection to the approval of the application subject to conditions as recommended. The Transportation service has also confirmed that they have no objection to the provision of a single pedestrian route down the A95.

Whilst it is recognised that a secondary active travel route to Taylor Court would be desirable, it is clear that at present there are legal ownership constraints which restrict this option and there is insufficient policy basis to insist on the link being provided, particularly given that the footpath down the eastern side of the A95 is considered to be acceptable by Transport Scotland.

It is noted that the emerging Local Development Plan designation for Speyview has been amended from the current designation to include the requirement for this active travel link to be formed, however, as the designation is subject to challenge, the emerging plan holds minimal weight in the determination of this application and it would not be reasonable to insist that the link be provided based on this emerging policy. The applicant's provision of the link up to the boundary of the site facilitates this new policy in future and as such the current proposals are considered to be acceptable in terms of footpath links to the centre of Aberlour.

Issue: Design

- Whilst we can see the need for housing development in Aberlour it has to be right, especially at the entrance to the village. Some of the proposed buildings appear to be of the one and a half storey construction, which would be in keeping with the existing housing, but others are two storey buildings quite out of keeping.
- The current proposed plans show buildings two storeys high, this is not in keeping with the current buildings in the area and will have adverse effects on privacy / views and welfare of current residents. This is further complicated by the elevation of the site.

Comment (PO): The material finish of the houses fronting onto the A95 have been amended to white wet harl on the walls and slate on the roof, which tie in well with the existing traditional houses which bound the site to the northwest and traditional houses found throughout Aberlour. In addition the two storey properties initially proposed to the rear of the existing houses, have been amended to 4 bungalows, which will ensure that the proposals do not dominate the existing properties and surrounding streetscape, and form a more gradual progression of development up the slope of the site.

The proposed variation of single storey, one and a half storey and two storey houses throughout the development will provide a good variation in streetscape, which is reflective of housing found throughout the remainder of Aberlour and is considered to be acceptable.

The use of the traditional material finishes on the most prominent houses fronting onto the A95, coupled with the low level natural stone walls delineating the front gardens of these properties and the tree planting along the frontage of the site, will result in a welcoming entrance to Aberlour, which picks up on the strong traditional character of the town and results in a development which creates a good sense of place and an overall acceptable design.

Issue: Concern regarding use of existing boundary walls as part of the development.

Comment (PO): All houses proposed adjacent to existing properties will be bounded by their own 1.8m high rear timber fences.

Issue: Private water supplies

- The development will be built over the top of existing private water supply routes and there is concern regarding future maintenance and disruption to the supplies.

Comment (PO): The applicants have confirmed that they are happy to connect any existing properties who wish to be connected to public water supply which will be brought

to the site. A condition is recommended requiring submission/approval of mitigation measures to ensure that where existing property owners wish to retain their private supply that these are protected during the construction process and for the lifetime of the development. Environmental Health has been consulted in this regard and has raised no objection to the application subject to the condition as proposed. They have also noted that private supplies in this area have suffered from a shortage of water in previous years and would encourage all existing residents on the supply to connect to the public supply.

Issue: Access to a bus stop

- The public transport provision is very poor. The nearest bus stop is in the village square in Aberlour, is a distance of 1.6km. Whilst this might be an acceptable walking distance for a fit adult, for a parent with a couple of young children or an elderly infirm resident it is definitely not. It is quite a long haul, especially coming back up the hill from the village.
- We also do not accept that existing bus stops in Aberlour constitute “a reasonable walking distance” for the reasons stated above. With regards to providing bus stops at the site location, this is also considered to be unsafe and would require an additional area at which the vehicle could turn round. It is also not possible for anybody other than a school child to access school transport; the Dial A Bus service must be pre-booked and cannot be accessed over “school run” times. The 36 service does not operate on a Sunday or in the evenings. We therefore disagree with the suggestion that this area is well served by public transport.

Comment (PO): Two bus stops will be provided on the A95, with the southbound bus stop being directly adjacent to the site and the northbound stop in front of the existing houses which bound the site to the northwest.

Issue: Flood Risk

- The area and road surface both along the A95 and the Glenallachie road does suffer from surface water/flooding particularly during the winter months. This situation is exacerbated following a period of snow fall and subsequent melt.
- Serious concerns about the drainage of the land and the provision of water to the new development. Whilst the report on drainage appears to be thorough it concerns me that all sampling and information was gathered during one of the hottest summers in Scotland.
- Both North and South access roads have surface water issues which for obvious reasons were not seen during the report mentioned above. The North access has water running over the road towards the Spey whilst the South access is regularly covered by surface water, which takes a number of days to drain.

Comment (PO): Flood risk and drainage assessments have been provided in support of this application which assess surface water movement across the whole of the designation and ensure that the SUDs features adopted for this current phase of the development cannot only serve this current development, but can be extended and supplemented to ensure that surface water for the whole designation can be managed in a sustainable manner without increasing flood risk elsewhere.

The proposed drainage scheme will intercept all rainfall falling on impermeable surfaces and store this in the suds ponds and swale proposed. The water will then be held in these storage areas and released in a managed manner via the existing culvert under the A95 in

the northwest corner of the site, which will ensure that proposed surface water run off rates will not exceed existing surface water run off rates and in turn the development does not exacerbate flood risk. Flood Risk Management has raised no objection to approval of the application.

Issue: Segregation of affordable housing from private housing.

Comment (PO): It is recognised that the affordable housing will be in separate blocks from the private housing, however, when viewing the appearance and design of the development, the affordable houses along the frontage of the A95 will be finished in a higher standard of finish (natural slate on roofs, wet harl on walls and natural stone boundary walls) than the remainder of both the affordable and private houses in the scheme. With the variety of house types throughout the scheme it will be difficult to determine which houses are affordable and which are private and to this end a good level of tenure blindness is considered to be achieved in this scheme and the proposals are considered acceptable in this regard.

Issue: Safety of the play park

- Strongly oppose the citing of the play area which is currently located next to the A95.
- Danger of drainage provision near a play park

Comment (PO): The position of the play park has been amended to a central location away from the A95 and is considered to be in a safer position. The proposed SUDs detention basin is located across the road from the play area, which provides an element of separation. Although this is designed to hold water during rainfall events, for the majority of time it would sit empty and have the appearance of a grassy depression.

Issue: We do not agree with the assessment that a single access onto the A95 is sufficient to service a potential development of 110 units.

Comment (PO): The current application is for the erection of 39 units, where a single access is sufficient to serve the proposed houses. A masterplan has been provided in support of the development which outlines that a secondary access will be provided on the southern boundary of the designation in line with the text accompanying the designation. This outlines the following,

“For any development exceeding 100 residential units, a second vehicular access to the development from the existing public road network will be required. Prior to the commencement of the 50th house or equivalent traffic impact from a combined housing and employment development an emergency access will be required at a location to be agreed (potentially onto the U103H Ruthrie Road).”

Any such future connections would need to be the subject of a formal planning application and require to be designed to meet relevant transportation standards.

Issue: Public foul sewerage system capacity

- Scottish Water has not confirmed that the sewer waste can handle the increased capacity. On a regular basis you can smell the water treatment plant on the high street near to Oggs Garage, I have serious concerns about the increase to this plant and the effect it will have on the residents living near it.

Comment (PO): Scottish Water has been consulted in relation to this development and has no objections to the application. There is a separate regulatory process managed by Scottish Water which will ensure the infrastructure is of a sufficient capacity to serve the development.

Issue: Road safety

- Access onto the A96 is on a dangerous corner. Traffic travelling at 40 miles per hour into and out of the village is too fast to allow safe access to the proposed area either on foot or by car.
- Southern boundary does not mention the residential properties that are affected by the build. This access road is a single track road not capable of handling plant equipment. The current infrastructure of the road would require serious upgrade to allow for the increase in traffic should the development be approved.
- The increase in the volume of traffic, especially as these days most households have 2 or more vehicles. The access is on a bend and is likely to heighten the risk of accidents which may affect our property.

Comment (PO): Both Transport Scotland and the Councils Transportation service have raised no objection to this application subject to conditions covering the re-alignment of the A95, provision of the footway along the eastern side of the A95 and ghost island entrance to the site.

Access onto the single track road to the south of the designation does not form part of the consideration of this application as it is not required to serve this initial phase of the development.

Issue: Impact on existing public services

- Unclear as to how the local schools and doctors are to handle additional pupils / residents. The primary school already uses composite classrooms due to the lack of teachers. The high school, albeit can take more pupils, is struggling to fill current vacancies for teachers to teach the children. The doctors surgery has recently increased waiting times for appointments and the proposed development would put more pressure on an already volatile system.

Comment (PO): A developer obligations assessment has been carried out in relation to the development and has identified that both primary and secondary education facilities within the catchment are operating below capacity, there are no requirements for transportation contributions and the sports and recreation facilities are considered to be adequate to serve the needs of the residents anticipated to be generated by this development. It has been identified that Aberlour Heath centre is working beyond design capacity and therefore contributions are being sought in this regard and in relation to the provision of an additional dental chair. The applicants have confirmed that they are agreeable to providing these contributions and they will be secured via a section 75 legal agreement.

OBSERVATIONS

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

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

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

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

On 25 June 2019 the Planning & Regulatory Services Committee agreed to give greater weight to sites within the proposed Plan which are not subject to the Examination process from 1 August 2019. In this case the proposal is subject to a designated site which will be subject to the Examination process and therefore will be given minimal weight.

The main issues are considered below:

R4 Speyview (MLDP 2015 - Policies H1, IMP1 and Speyview R4)

The site comprises roughly a quarter of the larger R4 Aberlour residential designation with an indicative capacity of 100 houses. A summary of the text accompanying the designation outlines that in addition to residential development a modest release of employment land within the site may also be acceptable.

A detailed development brief will be prepared for the site reflecting the design principles set out in the accompanying plan. This site is on the edge of Aberlour and relatively prominent, as such it will require significant structural landscape planting to provide a backdrop and containment for new development. The topography of the site should be used to integrate development sensitively.

There may be a requirement to prepare a Flood Risk Assessment relating to the open ditch that passes through the site and since surface water flooding is an issue in Aberlour and the design, layout and use of SUDS should be carefully considered to ensure that water quality in the River Spey SAC is unaffected.

A badger survey may be required. There is potential for buried archaeological remains and an archaeological evaluation of 7-10% is required.

A Transport Assessment will be required for the overall development of the site. Primary access to the site should be onto the A95 trunk road. For any development exceeding 100 residential units, a second vehicular access to the development from the existing public road network will be required.

Footways along the frontage of the site onto the A95 will be required and additional works may be required for existing footways and crossings on the A95 to provide a safer route for pedestrians and for routes to school.

In relation to the site designation text, a development brief has not been prepared for the designation, however, the Key Design Principles plan, which accompanies the designation within the development plan provides a steer in terms of the opportunities and constraints of the site.

With regard to the indicative capacity of the site being 100 units, policy H1 and the designation text outlines that capacities are indicative only and proposed capacities will be considered against the characteristics of the site and conformity with policies PP3, H8 and IMP1. With this in mind the application for 39 units along with the supporting layout plan covering the whole of the R4 designation and indicating a total in the region of around 120 units is not considered to be a departure in this regard, as outlined in the design and layout section of this report.

Although the proposed structural planting does not fully reflect the key design principles plan, it is considered to be effective in providing backdrop and containment for the proposed houses. With regard to utilising the topography of the site to integrate the development sensitively, this current application/phase of the overall R4 designation is located on the flattest area of the site, whilst the masterplan submitted in support of the development, indicates that the steepest sloping areas of the site will largely be utilised for structural planting and open space with the flatter areas used for housing, sudds and formal play areas. There are a couple of exceptions to this outwith the current site boundary where the masterplan shows housing backing onto steeply sloping land and concerns have been raised through the quality audit process that housing in these areas may not necessarily be viewed favourably within future applications unless creative design solutions can be found to overcome these issues without the use of high retaining walls or provision of housing with inadequate usable amenity space due to the sloping land.

A Flood Risk Assessment and Drainage Assessment have been provided and consider the flow of surface water through the whole designation. In terms of the potential impact on the water quality of the River Spey SAC, conditions are recommended to control and treat surface water run-off both during and after the construction of the development. Taking on board the conditions as recommended the interests of the River Spey SAC will be protected. A Badger survey has also been provided and the applicants are agreeable to a condition recommended by the regional archaeologist in relation to archaeological investigation of the site.

Access provision is shown in accordance with the requirements identified and realignment works are proposed to the A95 to accommodate a footway leading along the side of the A95 in front of the existing houses which bound the site to the northwest.

Although this application only forms a portion of the overall R4 designation, the text supporting the designation outlines that a phased approach would be likely given the large scale of the site. Where development is proposed on a portion of a larger designation

policy H1 requires that a comprehensive layout of the whole designation be provided in support of any such application and that key aspects developing the whole designation be taken into account, such as ensuring that access can be provided to the remainder of the site, flood risk and Suds designs can be easily integrated when developing the designation further and landscaping is well integrated throughout the phases of development. The required level of information has now been provided in support of this application and ensures that approval of this application would not prejudice the remainder of the designation. With this in mind the proposal is considered compliant with the R4 Speyview designation and associated policies H1 and IMP1.

Natural Environment (Speyview R4, E1 and E3)

The site itself is not subject to any site-specific nature conservation designation, although there are natural heritage interests within the wider area, in this case the River Spey SAC, SPA and SSSI located approximately 180m to the northwest. Compliance with the condition as recommended to control/treat surface water run-off during and after the construction of the development will ensure that the proposal would have no adverse impacts on these areas. Scottish Natural Heritage has been consulted in this regard and has raised no concerns and advised it is unlikely that the proposal will have a significant effect on any qualifying interests of the River Spey SAC either directly or indirectly.

As the site is currently agricultural land it is of limited natural heritage interest with low bio diversity value and unlikely to offer habitat for shelter and breeding of any protected species. However, badgers are known to be in the vicinity of the site and the designation text outlines a requirement for a badger survey to be carried out. A badger survey has been submitted in support of the application and identifies that the site is used for foraging purposes; however, there are no active badger setts within 30m of the site. SNH have reviewed the survey and have recommended that an informative be attached to the decision notice regarding good working practices during the construction of the development, which will protect the interests of the badgers.

A detailed landscaping plan has been submitted in support of the application which details hedge and tree planting throughout the site along with a naturalised SUDs features, which incorporates a mixture of grasses, hostas, ferns and foxgloves all of which will contribute to enhance the overall habitat value of the site.

Informative advice shall be attached highlighting relevant legislative requirements regarding the protection of nesting birds that may be present along the site boundaries.

From the above the proposal complies with policies Speyview R4, E1 and E3.

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

During consideration of the application, discussions with the applicant have sought to promote an acceptable form of development in terms of good design and place-making principles as advocated by policy PP3 and the related Supplementary Planning Guidance (SPG). As a material consideration, a Quality Audit (QA) process, covering both design and site layout issues, has been agreed to assess the conformity of residential development with Policy PP3 place-making and Urban Design SPG principles. The QA approach examines 12 criteria considered to contribute to place-making principles i.e. connections, public transport, safer environment, car parking, legibility/street hierarchy, character and identity, housing mix, access to facilities and amenities, natural features, open space, biodiversity, and landscaping.

The initial QA which was undertaken for this application identified a number of points requiring attention, however it was evident that the majority of these were as a result of a lack of information to ensure this proposal did not prejudice the development potential of the remainder of the designation and to demonstrate that the designation was being developed in a manner which respects the characteristics of the site.

A number of issues were also identified within the initial QA, including the design and finish of the houses fronting onto the A95 not reflecting the architecture found in Aberlour, the potential adverse privacy/overbearing impact of the proposed two storey flats located on raised ground to the rear of the existing neighbouring houses, issues with 1.8m high privacy fencing dominating the street scene in places, lack of road/street hierarchy in terms of width of roads and use of varying road surfacing, play park too close to the A95, safe pedestrian link to into Aberlour required, lack of access to a close bus stop, parking dominating the street scene in places, SUDs not incorporated into the open space or planted to maximise biodiversity and lack of landscaping detail.

In response to the initial QA, consultation responses and representations, the applicants have submitted a more detailed masterplan for the site, which is reinforced by a greater level of detail. These include a slope analysis, drainage assessment covering the whole designation, street hierarchy plan, creation of separate housing areas with different character types to assist in providing a sense of place and an explanation of the rationale which led to the layout proposed which takes account of constraints such as flood risk and gas pipelines running through the wider masterplan site.

In addition to this, the applicants have also addressed the specific issues raised and amended the finishes of the houses fronting onto the A95, changing these to wet harl and natural slate to tie in better with the neighbouring traditional houses and the traditional houses found in the centre of Aberlour. The two storey flats overlooking the existing neighbouring houses were changed to single storey houses, removing the overbearing/privacy impact. A central tree lined spine was created through the layout and the remainder of the designation helping to provide a stronger street hierarchy. Where proposed 1.8m high fences bound this spine, these will be broken up with wet harled base walls with timber fences on top and shrub/hedge planting in front, greening the street scene. The applicants have also agreed to continue the natural stone walling along the side of plots 1 and 28 to enhance the character and identity of the scheme and provide a welcoming access to the development. These aspects are to be conditioned. Where varying the width of the streets to improve legibility throughout the development has not been possible the applicants are agreeable to amending the road surface finish/colouration. The formal playpark has been removed from the frontage of the site adjacent to the A95 and moved to a more central position within the site, adjacent to the main SUDs basin, creating a large open green area on at the entrance to the site. The location of the park and SUDs also allows for these features to be extended in subsequent phases of the development.

In terms of safe pedestrian access to Aberlour, the applicants initially proposed to utilise the existing path network which runs along the western side of the A95, however, this would have involved providing two crossing points within relatively close proximity to one and other, and taking into account the potential increase in pedestrian movement from the site Transport Scotland did not deem this to be the safest option and instead recommended that the whole A95 carriageway be pushed westward to allow space to provide a pedestrian footway along the eastern side of the A95, removing the need for pedestrians from the development to cross the A95 twice when walking into the centre of

town. Two bus stops will be provided on the A95, with the southbound bus stop being directly adjacent to the site and the northbound stop in front of the existing houses which bound the site to the northwest. Where parking had the greatest potential to dominate the street scene in front of the proposed flats and the private dwellings, either some of the flats have been removed from the development or have changed position and their associated parking areas have been broken up by landscaping. The private units have been moved forward closer to the street and parking provided to the side which helps screen parked vehicles from view.

The SUDs features are now well integrated into the development, with an additional basin being required following discussions with the Councils Flood Risk Management Team. It is proposed that the margins of the basins be planted with grasses, hostas, ferns and foxgloves with the wider areas around the basins incorporating tree planting which will all act to enhance biodiversity of the site. Detailed landscaping plans have also been provided for the development.

In summary, the amended proposals have incorporated the majority of the mitigation improvements highlighted in the QAs, and improve upon the proposal's compliance with place-making principles. These improvements result in a development which although could go further in terms of legibility/street hierarchy and character and identity on balance the proposals are acceptable and satisfy relevant planning policy and supplementary guidance including policy PP3, H1 and IMP1.

The proposal is also considered to be compliant with Policy PP2. The submitted 'Sustainability Checklist' outlines that the residential units will be of an air tight design, with high insulation, maximisation of solar gain and use of triple glazed windows. In addition all units will be fitted with air source heat pumps and environmental health has confirmed that they have no objection to their use on noise impact grounds.

Drainage from the site will be managed in a sustainable manner, with construction methods adopted to minimise waste and use of certified timber kits from sustainable sources. Pedestrian and cycle routes have been provided and a detailed landscaping scheme provided which incorporates green and blue infrastructure and maximises opportunities for planting which will enhance biodiversity in the area.

The proposed tree lined frontage to the site onto the A95, tree lined spine through the development and central suds and play area will provide a welcoming development and ensures compliance with policy E5, in that, over 20% of the site area has been given over to open space and the wider masterplan showing over 50% open space/tree planting provision.

In light of the above considerations and subject to conditions as recommended the proposal complies with the place-making, siting, design and amenity requirements of policies PP3, PP2, H8, H9, E5 & IMP1.

Affordable/Accessible Housing (H8, H9, PP3, IMP1)

The majority of house/flats proposed are to be affordable housing and following consultation with the Housing Strategy & Development Manager, the proposed housing mix is considered to meet the needs of the area. A condition shall be attached as recommended by the Housing Strategy and Development Manager covering the delivery and management of the affordable housing to ensure compliance with policy H8.

With regard to accessible housing, all affordable houses are built to an accessible standard and as such the requirements of policy H9 are met.

Transportation (Speyview R4, T2, T5, T6, T7, PP3, IMP1, IMP2)

The applicants have incorporated all of the transportation requirements as set out within text accompanying the site designation. Following consultation the Transportation Section has confirmed that it has no objection to the grant of permission subject to conditions as recommended regarding access, parking and provision of a Construction Traffic Management Plan.

As the main access for the development is onto the A95 trunk road, Transport Scotland have been consulted on the proposals and have raised no objection subject to conditions relating to the provision of a ghost island junction, which will enable vehicles to access the development without impeding traffic flows on the trunk road, provision of a footway along the eastern side of the realigned trunk road prior to the occupation of any of the houses in the development, provision of bus stops on the trunk road and details of landscaping and barrier treatment adjacent to the trunk road.

Subject to compliance with these conditions, the proposals would accord with the above policies.

Drainage, Flood Risk and Water Supply (EP4, EP5, EP7, EP10, IMP1)

Policy EP5 requires surface water drainage to be dealt with in a sustainable manner using SUDs with a Drainage Assessment required for developments of 10 or more houses, together with consideration to be given to the impact of construction phase run-off.

The SEPA flood map indicates that the majority of the site is at low risk from surface water flooding, although small localised areas are identified as being at 'medium or high risk'.

A flood risk assessment and drainage assessment have been provided in support of this application which assess surface water movement across the whole of the designation and ensure that the SUDs features adopted for this current phase of the development can not only serve this current development, but can be extended and supplemented to ensure that surface water for the whole designation can be managed in a sustainable manner without increasing flood risk elsewhere.

In short the proposed drainage scheme will intercept all rainfall falling on impermeable surfaces and store this in the suds ponds and swale proposed. The water will then be held in these storage areas and released in a managed manner via the existing culvert under the A95 in the northwest corner of the site, which will ensure that proposed surface water run off rates will not exceed existing surface water run off rates and in turn the development does not exacerbate flood risk.

Moray Flood Risk Management (MFRM) have reviewed the flood risk assessment and drainage assessment provided and have raised no objection subject to conditions as recommended regarding the implementation of the surface water drainage scheme and measures to manage surface water discharge during the construction phase.

Policy EP10 requires a public connection for development located within settlements. Scottish Water has raised no objection to the approval of the application.

There are currently private water supplies which run through the site and serve existing neighbouring houses. The applicants have confirmed that they are happy to connect the existing houses to the public supply should they wish this. The Environmental Health Manger has confirmed that they have no objection to the application subject to a condition that ensures the protection of private water supplies during and after the construction process (where private supplies are being retained). They have also noted that private supplies in this area have suffered from a shortage of water in previous years and would encourage all existing residents on the supply to connect to the public supply. An informative has been added to this effect. However, this would be a matter for the existing residents and developer.

Subject to compliance with the recommended condition, the proposal complies with policy EP4, EP5, EP7, EP10 and IMP1.

Impact Upon Cultural Heritage (Speyview R4, BE1, IMP1)

There are no built heritage assets near the site, however, the text accompanying the designation identifies that there is potential for buried archaeological remains and an archaeological evaluation of 7-10% is required. The applicants have submitted an archaeological written scheme of investigation which identifies how the site investigation will be carried out. The Aberdeenshire Archaeological Service has no objection to the development subject to a condition which requires the investigation to be carried out and any finding logged appropriately.

Subject to compliance with the recommended condition, the proposal complies with policy Speyview R4, BE1 and IMP1.

Developer Obligations (IMP3)

A Developer Obligations assessment has been carried out in accordance with current Local Development Plan policy and associated supplementary planning guidance and has identified the need for contributions towards healthcare. The applicants have confirmed that they are agreeable to the contribution, which will need to be secured via a legal agreement prior to the grant of permission.

Conclusion

On the basis of the above and subject to the conditions recommended the proposal is acceptable.

REASON(S) FOR DECISION

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

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

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APPENDIX

POLICY

Adopted Moray Local Development Plan 2015

R4: Speyview

This large new site is expected to serve Aberlour well beyond the duration of the Local Development Plan period. It is being considered due to the constraints in developing the sites at Braes of Allachie. The site can accommodate a phased development of up to 100 houses. Depending on demand there may also be the opportunity for modest release of employment land.

A detailed development brief will be prepared for the site reflecting the design principles set out in the accompanying plan. This site is on the edge of Aberlour and relatively prominent, as such it will require significant structural landscape planting to provide a backdrop and containment for new development. The topography of the site should be used to integrate development sensitively. The layout of the development should optimise the extent of green areas to absorb rainwater to help address surface water run-off.

There may be a requirement to prepare a Flood Risk Assessment relating to the open ditch that passes through the site, the ditch should be incorporated into the design of the site. Surface water flooding is an issue in Aberlour and the design, layout and use of SUDS should be carefully considered to ensure that water quality in the River Spey SAC is unaffected.

A badger survey may be required. There is potential for buried archaeological remains and an archaeological evaluation of 7-10% is required.

A Transport Assessment will be required for the overall development of the site. Primary access to the site should be onto the A95 trunk road. The details of the A95 access junction will need to be agreed with Transport Scotland and The Moray Council. Speed limits on the A95 may require to be relocated. For any development exceeding 100 residential units, a second vehicular access to the development from the existing public road network will be required. Prior to the commencement of the 50th house or equivalent traffic impact from a combined housing and employment development an emergency access will be required at a location to be agreed (potentially onto the U103H Ruthrie Road).

Footways along the frontage of the site onto the A95 will be required and additional works may be required for existing footways and crossings on the A95 to provide a safer route for pedestrians and for routes to school.

Primary Policy PP1: Sustainable Economic Growth

The Local Development Plan identifies employment land designations to support requirements identified in the Moray Economic Strategy. Development proposals which support the Strategy and will contribute towards the delivery of sustainable economic growth and the transition of Moray towards a low carbon economy will be supported where

the quality of the natural and built environment is safeguarded and the relevant policies and site requirements are met.

Primary Policy PP2: Climate Change

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

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

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

Primary Policy PP3: Placemaking

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

Developments should;

- create places with character, identity and a sense of arrival
- create safe and pleasant places, which have been designed to reduce the fear of crime and anti social behaviour
- be well connected, walkable neighbourhoods which are easy to move around and designed to encourage social interaction and healthier lifestyles
- include buildings and open spaces of high standards of design which incorporate sustainable design and construction principles

- have streets which are designed to consider pedestrians first and motor vehicles last and minimise the visual impact of parked cars on the street scene.
- ensure buildings front onto streets with public fronts and private backs and have clearly defined public and private space
- maintain and enhance the natural landscape features and distinctive character of the area and provide new green spaces which connect to green and blue networks and promote biodiversity
- The Council will work with developers and local communities to prepare masterplans, key design principles and other site specific planning guidance as indicated in the settlement designations.

Policy H1: Housing Land

Designated sites

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

Windfall sites within settlements

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

- a) The proposal does not adversely impact upon the surrounding environment, and
- b) Adequate servicing and infrastructure is available, or can be made available
- c) The site is not designated for an alternative use
- d) The requirements of policies PP2, PP3 and IMP1 are met.

Housing Density

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

Policy H8: Affordable Housing

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

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

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

Policy H9: Housing Mix/Accessible Housing

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

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

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

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

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

Policy 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 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.

EP4: Private Water Supplies

All proposals to use a private water supply must demonstrate that a wholesome and adequate supply can be provided. Applicants will be required to provide a National Grid

Reference for each supply source and mark the supply (and all works associated) e.g. the source, holding tank and supply pipe, accurately on the application plan. The applicant will also be required to provide information on the source type (e.g. well, borehole, spring). This information is necessary to enable the appropriate authorities to advise on the environmental impact, adequacy, wholesomeness, capacity of supply for existing and proposed users and pollution risks.

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 EP6: Waterbodies

Proposals must be designed to avoid adverse impacts upon water environment and should seek opportunities for restoration. The Council will only approve proposals impacting on water features where the applicant provides a satisfactory report that demonstrates that any impact (including cumulative) on water quality, water quantity, physical form (morphology), river hydrology, sediment transport and erosion, nature conservation, fisheries, recreational, landscape, amenity, and economic and social impact can be adequately mitigated.

The report should 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 6m between any new development and all water features is required. These should be designed to link with blue and green networks and can contribute to open space requirements. Developers may be required to make improvements to the water environment as part of the development.

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 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 T1: Transport Infrastructure Improvements

The Council will promote the improvement of road, rail, air and sea routes in Moray and priority will be given to:

- a) dualling the A96 Aberdeen to Inverness route with early delivery of bypasses for settlements prioritised.
- b) improving the A95 (Keith to Grantown) route.
- c) Improving A941 (Lossiemouth to Elgin to Craigellachie) and A98 (Fochabers to Cullen) routes. Proposals must avoid or address any adverse effect on the integrity of Loch Spynie SPA or the River Spey SAC including hydrological and water quality impacts on habitat or disturbance to species.
- d) improving the Aberdeen to Inverness railway for passengers and freight by providing route and service enhancement.
- e) improving harbour facilities for freight and leisure including the diversification of the commercial harbour at Buckie for offshore renewables. Harbour improvement works must avoid or address any adverse effect on the integrity of the Moray Firth Special Area of Conservation through noise or vibration disturbance to bottlenose dolphins, cumulative increase in vessel movements, or through dredging and disposal operations.
- f) improving access to air facilities, at Aberdeen and Inverness, in particular through public transport, and the establishment of a railway station at Dalcross.
- g) improving the transport network within Elgin where there is evidence of positive economic benefits including release of sites designated in the local development plan.

Proposals that compromise the implementation of these priorities will not be acceptable.

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 T7: Safeguarding & Promotion of Walking, Cycling, & Equestrian Networks

The Council will promote the improvement of the walking, cycling, and equestrian networks within Moray. Priority will be given to the paths network including Core Paths and the wider Moray Paths Network. There are several long distance routes that cross Moray including the Speyside Way, Dava Way, Moray Coastal Trail and Aberdeen to Inverness National Cycle Route.

Development proposals that would have an unacceptable impact on access rights, core paths, rights of way, long distance routes and other access routes that cannot be adequately mitigated will not be permitted. Where a proposal will affect any of these, proposals must:

- incorporate the route within the site layout and the routes amenity value must be maintained or enhanced; or
- provide alternative access that is no less attractive and is safe and convenient for the public to use.

Policy IMP1: Developer Requirements

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

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.

- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

Policy IMP2: Development Impact Assessments

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

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

Policy IMP3: Developer Obligations

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

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

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

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

Proposed Moray Local Development Plan 2020

PP1 PLACEMAKING

- a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
- b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include a sufficient information for the Council to carry out a Quality Audit including a topo survey, slope analysis, site sections, 3D visualisations, a Landscaping Plan, a Street Engineering Review and a Biodiversity Plan as these will not be covered by suspensive conditions on a planning consent. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.
- c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles;
 - (i) **Character and Identity**
 - Create places that are distinctive to prevent homogenous 'anywhere' development.
 - For developments of 20 units and above, provide a number of character areas that have their own distinctive identity and are clearly distinguishable. Developments of less than 20 units will be considered to be one character area, unless they are part of a larger phase of development or masterplan area.
 - Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of

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

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

(ii) Healthier, Safer Environments

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

(iii) Housing Mix

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

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

(iv) Open Spaces/Landscaping

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

(v) Biodiversity

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

(vi) Parking

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

(vii) Street Layout and Detail

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

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

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

PP2 SUSTAINABLE ECONOMIC GROWTH.

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

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.
- iii) 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.

EP3 SPECIAL LANDSCAPE AREAS AND LANDSCAPE CHARACTER.

i) Special Landscape Areas (SLA's).

Development proposals within SLA's will only be permitted where they do not prejudice the special qualities of the designated area set out in the Moray Local Landscape Designation Review, adopt the highest standards of design in accordance with Policy DP1 and other relevant policies, avoid adverse effects on the landscape and visual qualities the area is important for, and are for one of the following uses;

- a) In rural areas (outwith defined settlement and rural grouping boundaries);
 - i) Where the proposal involves an appropriate extension or change of use to existing buildings, or
 - ii) For uses directly related to distilling, agriculture, forestry and fishing which have a clear locational need and demonstrate that there is no alternative location, or
 - iii) For nationally significant infrastructure developments identified in the National Planning Framework.
- b) In urban areas (within defined settlement, rural grouping boundaries and LONG designations);
 - i) Where proposals conform with the requirements of the settlement statements, Policies PP1, DP1 and DP3 as appropriate and all other policy requirements, and
 - ii) Proposals reflect the traditional settlement character in terms of siting and design.
- c) The Coastal (Culbin to Burghead, Burghead to Lossiemouth, Lossiemouth to Portgordon, Portgordon to Cullen Coast), Cluny Hill, Spynie, Quarrywood and Pluscarden SLA's are classed as "sensitive" in terms of Policy DP4 and no new housing in the open countryside will be permitted within these SLA's.

Proposals for new housing within other SLA's not specified in the preceding para will be considered against the criteria set out above and the criteria of Policy DP4.

Where a proposal is covered by both a SLA and CAT or ENV policy/ designation, the SLA policy will take precedence.

ii) Landscape Character.

New developments must be designed to reflect the landscape characteristics identified in the Landscape Character Assessment of the area in which they are proposed.

Proposals for new roads and hill tracks associated with rural development must ensure that their alignment and use minimises visual impact, avoids sensitive natural heritage and historic environment features, including areas protected for nature conservation, carbon rich soils and protected species, avoids adverse impacts upon the local hydrology and takes account of recreational use of the track and links to the wider network.

EP5 OPEN SPACE.

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

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

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

opportunity identified within the settlement statement. Where one of these exceptions applies, proposals must;

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

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

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

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

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

b) Green Infrastructure and Open Space in New Development.

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

Open space provision in new developments must meet the accessibility, quality and quantity standards set out below and meet the requirements of policy PP1 Placemaking,

EP2 Biodiversity, other relevant policies and any site specific requirements within the Settlement Statements. Developers must demonstrate through a Placemaking Statement that they have considered these standards in the design of the open space, this must include submission of a wider analysis plan that details existing open space outwith the site, key community facilities in the area and wider path networks.

i) Accessibility Standard.

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

ii) Quality Standard.

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

Accessible and well connected.

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

Attractive and Appealing Places.

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

Biodiverse supporting ecological networks (see Policy EP2 Biodiversity).

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

Promotes activity, health and well being.

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

Safe, Welcoming and contributing to Character and Identity.

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

iii) Quantity Standard.

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

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

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

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

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

EP7 FORESTRY, WOODLANDS AND TREES.**a) Forestry.**

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

b) Woodlands.

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

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

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

c) Trees and Tree Preservation Orders.

Development proposals must to retain existing healthy, mature trees and incorporate them within the proposal. Where mature trees exist on or bordering a development site, a tree survey and tree protection and mitigation plan must be provided with planning applications if the trees (or their roots) have the potential to be affected by development and construction activity. Proposals must identify a safeguarding distance to ensure construction works, including access and drainage arrangements, will not damage or interfere with the root systems in the short or longer term.

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

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

EP8 HISTORIC ENVIRONMENT.

a) Scheduled Monuments and National Designations.

Where a proposed development potentially has a direct impact on a scheduled monument, the written consent of Historic Environment Scotland is required, in addition to any other necessary consents.

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

b) Local Designations.

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

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

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

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.

R2 Speyview 14 ha 60 units and 1 ha of employment land

- Proposals must comply with key design principles set out in Figure 1.1.
- Masterplan required for the site including provision of 1ha of employment land to the south.
- The site will provide a gateway into the settlement. Proposals must be designed to reflect this.
- Development must reflect the woodland character of the site.
- Houses fronting onto the A95 must be 1½ storey in height, have their primary elevations facing the road with no direct access onto the A95 and be of traditional design with stone frontages, natural slate roofs and low stone walls with metal railings.
- Woodland creation along the eastern boundary must be provided to create a backdrop for housing and an attractive edge to the town.
- Landscaping on the western edge must be provided to create a buffer between the development and existing housing along the A95.
- Early phase(s) must provide a central greenspace with pocket park.

- Later phase(s) must provide a neighbourhood park or a pocket park, depending on the balance of residential and industrial use.
- Phase 1 must provide an active travel connection to Sellar Place.
- Footpath along or parallel to the extent of the site frontage onto the A95 must be provided. Once completed, the development must provide active travel connections from U103H (Ruthrie Road) on the southern boundary with the A95 frontage and Sellar Place and potential for future connectivity from the eastern site boundary.
- Flood Risk Assessment (FRA) may be required.
- Drainage Impact Assessment (DIA) required.

Figure 1.1 Key Design Principles R2 Speyview

Key frontage houses must have their principle elevation facing onto the A95 and must be 1½ storeys.

Development must be located predominantly on the flat areas of the site. Development on the flanks of the hill will not be permitted. These areas must instead be landscaped to create a setting for new development.

An extensive landscaped area must be provided to separate the housing and employment land elements of the development.

1ha of employment land, compatible with residential uses at the southern end of the site must be provided.

Landscaping must provide connecting paths to encourage more active use of the space

A network of accessible footpath/cyclepath connections must be provided linking to Sellar Place and the wider countryside.

A significant area of accessible greenspace must be provided on the higher areas of the site creating a vantage point with views across the wider countryside.

A substantial band of new mature woodland planting must be provided along the eastern edge of the site to create a backdrop and containment for buildings and create an attractive edge to the town.

There are limited opportunities for development on the plateau at the top of the hill. A maximum of 10 individual house plots will be permitted here. Significant advanced woodland planting of a sufficient height and maturity to create appropriate levels of enclosure and containment must be provided. Houses in this location must meet the design requirements set out in Policy DP4 Rural Housing.