

20/00120/APP
31st January 2020

Proposed residential development comprising 10 dwellings and associated roads and landscaping R1 Land Off Meft Road Urquhart Moray for Mr Edward Rattray

Comments:

- Refer to Committee in accordance with the approved scheme of delegation - where the site is allocated in the MLDP 2020 for less than 50 houses but the proposal is a departure from the development plan.
- The proposal has been advertised as a departure and for neighbour notification purposes.
- 14 objections from 9 parties, 1 petition from 2 signatories, and 1 comment in support have been received on the proposal.

Procedure:

- Completion of a Section 75 Legal Agreement required prior to the issue of consent to cover developer obligations relating to health care and affordable housing.

Recommendation

Grant planning permission – subject to the following:-

Conditions/Reasons

1. No development shall commence until full details (scaled drawing 1:100 and equipment specification schedule) of the equipped play area as identified on the approved Site Plan (Drawing Number 838 (20) 001 H) inclusive of maintenance arrangements have been submitted to and approved in writing by the Council, as Planning Authority. The equipped play area shall include provision for all-abilities access including in relation to the surface finish, play equipment and seating. The equipped play area shall be provided in accordance with the approved details and be available for use prior to the occupation of the 5th unit hereby approved. Thereafter the play area shall be maintained in accordance with the approved maintenance arrangements.

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

2. The development shall be carried out in accordance with the Tree Survey and tree

protection measures set out on the Existing Tree Protection Plan (Drawing Number 838 (90) 002) to ensure that trees T1 and T2 are protected through the development works.

Reason: To protect neighbouring trees in the interests of tree preservation in line with the requirements of Policy EP7.

3. All works shall be carried out in accordance with the agreed Landscape and Biodiversity Diversity Plan (drawing number 838 (90) 001 C). Unless otherwise agreed as part of the approved details all planting, seeding or turfing shall be carried out in the first planting season following the first occupation of any of the units hereby approved. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless otherwise approved by the Council, as Planning Authority.

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

4. The boundary treatments for the development shall be carried out in accordance with the approved plan Boundary Fence (drawing number 838 (90) 0004). Thereafter the boundary treatments as specified on the approved details shall be retained in perpetuity throughout the lifetime of the development, unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure the timely implementation and retention of the approved 'hedgehog highway' in the interest of biodiversity.

5. The accessible housing on plot 5 shall be implemented in accordance with the approved Wheelchair Accessible Housing Statement of Compliance and the approved drawing Wheelchair Accessible Housing (drawing reference 838 (20) 010), unless otherwise agreed with the Council, as Planning Authority. Thereafter, the accommodation as identified shall, at all times, remain as accessible housing and remain capable for adaptation for accessible housing needs unless otherwise agreed with the Council, as Planning Authority.

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

6. The two plots (6 and 7) identified as affordable housing on the approved Site Plan (Drawing Number 838 (20) 001 H, plots) shall only be occupied as affordable housing in accordance with the agreement(s) concluded between the applicant/developer and Moray Council and/or any registered social landlord (e.g. housing association or similar) to enable the long term delivery of affordable housing on this site; And no development shall commence until details of the agreement(s) to confirm the arrangements for the delivery of the proposed

affordable accommodation have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details, unless otherwise agreed with the Council, as Planning Authority.

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

7. All surface water drainage proposals shall be in accordance with the submitted report 'Drainage Assessment R1 Meft Road, Urquhart'. All measures for the management of surface water shall be implemented in full prior to the first occupation of any residential unit hereby approved.

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

8. Notwithstanding the details shown on Drawing 900 Rev C (Roads Layout) for the fencing and gating of the SUDs area associated with the Road Safety Audit mitigation works which are not accepted. No development shall commence until design details for the SUDs area (Plan 1:500) have been agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority. For the avoidance of doubt these details shall either omit the fencing and gates entirely or provide revised proposals to address maintenance access and road safety issues. Thereafter the agreed details shall be implemented in full prior to the first occupation of any house hereby approved.

Reason: The submission of additional roads design information in the interests of road safety.

9. Unless otherwise agreed in writing by the Council as Planning Authority in consultation with Transportation, no other works shall commence on site until the works to widen Meft Road and the improvements to the Meft Road Main Street junction have been completed in accordance with the approved details as indicated on (Drawing 904b).

Reason: In the interests of road safety for the proposed development traffic, construction traffic and other road users.

10. No works shall commence on site until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with Transportation. The Construction Traffic Management Plan shall include the following information:
 - duration of works;
 - construction programme;
 - anticipated schedule for delivery of materials and plant;
 - full details of any temporary construction access;
 - measures to be put in place to prevent material being deposited on the public road;

- measures to be put in place to safeguard the movements of pedestrians;
- No articulated HGV delivery vehicles to the site shall be permitted via the Meft Road/Main Street junction unless otherwise agreed in writing by Transportation;
- traffic management measures to be put in place during works including any specific instructions to drivers; and
- parking provision, loading and unloading and turning areas for construction traffic.
- Condition surveys of Meft Road (from Main Street to the C19E Scotstonhill – Fernyfield Road) and Main Street (from the C18E Station Road to Meft Road) to be undertaken and submitted to transport.develop@moray.gov.uk.

Thereafter, the development shall be implemented in accordance with the approved details and additional condition surveys as set out in the CTMP and shall be undertaken on completion of the final house within the development.

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

11. Prior to the completion of any house within the development the remote footpath link from Meft Road to Main Street shall be completed in accordance with the approved details.

Reason: To ensure adequate provision for non-vehicular road users is provided in the interests of road safety.

12. Unless otherwise agreed in writing by the Council, as Planning Authority in consultation with Transportation, car parking for each house shall be provided at a rate of 2 spaces per 3 bed house and 4 spaces per 4 bed house and maintained available for that use at all times.

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

13. No works shall commence until the following details for Electric Vehicle charging provision has been submitted for approval by the Council, as Planning Authority in consultation with the Roads Authority:
 - Statement/specifications to confirm that the EV charging supply and cabling provisions for each plot will be suitable for the connection of a 7Kw 'Fast' type charging unit as a minimum.
 - Design/specifications for the proposed mounting/installations to be provided for any future EV charging points which would not be mounted on a wall.

Thereafter the development shall be completed in accordance with the approved details before occupation of the unit to which the charging provision relates.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking from the submission.

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

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

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

Reason: To ensure acceptable infrastructure is provided at accesses and driveways.

16. No development shall commence until details confirming the installation of fibre broadband connection for each residential unit (to be provided prior to occupation of each unit) have been submitted to and approved in writing by the Council, as Planning Authority. Thereafter, the development shall be implemented in accordance with these approved details, unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure the residential units hereby approved are served by appropriate high speed internet connections, in accordance with policy PP3 Infrastructure and Services of the Moray Local Development Plan 2020.

17. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 - 1900 hours, Monday to Friday and 0800 - 1600 hours on Saturdays only, and at no other times outwith these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken outwith the permitted/stated hours of working.

Reason: To ensure acceptable working practice in the interests of residential amenity.

Reason(s) for Decision

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

The proposal is a well designed housing development which reflects good placemaking principles on land designated for residential use under the Urquhart R1 Designation and the partial early release of the eastern extent of the Urquhart LONG1 designation.

The partial early release of the Urquhart LONG1 designation can be supported as an acceptable departure against LONG1 and Policy DP3 because the application has been supported by a masterplan and delivery plan which sets out an indicative layout for the comprehensive development and delivery of Urquhart R1 and LONG1 designation, demonstrating a cohesive development which does not compromise the remainder of the LONG1 designation.

The proposal entails access upgrades including upgrading an existing offsite footpath which lies to the east of the site, connecting to Main Street via the playing field and the provision of an improved visibility splay of 2.0m by 43m at the Meft Road/Main Street Junction. The access proposals have been supported by a Road Safety Audit and sufficient technical details. The Transportation Manager has confirmed that the alternative proposals for pedestrian access and the upgrades to the Meft Road/Main Street junction are acceptable and that the proposed alternative access arrangements can be supported as an acceptable departure from Urquhart R1 and LONG1.

Based on the information provided in the application submission and the recommendations received from consultees (including conditions proposed) the development can be adequately serviced and will not adversely impact the character and amenity of the locality. The proposal therefore represents an acceptable departure from Policies DP3, Urquhart R1 Meft Road and Urquhart LONG1 Meft Road. In all other regards, subject to conditions, the proposal complies with the requirements of the MLDP 2020 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 S.75 legal agreement in regard to arrangements for payment of developer obligations to address the impact of the development upon healthcare and towards affordable housing.

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

www.snh.org.uk/publications/online/wildlife/law/birdseggs.asp

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

THE TRANSPORTATION MANAGER, has commented that:

Construction deliveries to the site shall be managed and where possible large or heavy vehicles shall avoid routing through the Meft Road/Main Street junction to reduce the impact on local residents and road users. No articulated HGV delivery vehicles shall use the Meft Road/Main Street junction and details shall be provided within the construction management plan showing the route to be taken by these vehicles avoiding this junction.

Notwithstanding the details shown for the road widening construction on Drawing 904, the wearing course for Meft Road shall be resurfaced over the full width of the road for the extents of the road widening. Details for this to be approved under the Roads Construction Consent.

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

Construction Consent shall include a CCTV survey of all existing roads drainage to be adopted and core samples to determine the construction depths and materials of the existing road. Any requirement for additional Road Safety Audit stages may be determined through the Roads Construction Consent process or subsequent to the road construction prior to any road adoption.

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

If street furniture needs to be repositioned this will be at the expense of the developer. Advice on these matters can be obtained by e-mailing transport.develop@moray.gov.uk

Street lighting will be required as part of the development proposal.

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

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

The applicant shall ensure that their operations do not adversely affect any Public Utilities, which should be contacted prior to commencement of operations.

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
838 (20) 002	House type 1 - elevations and floor plans
838 (20) 003	House type 2 - elevations and floor plans
838 (20) 004	House type 3 - elevations and floor plans
838 (20) 005	House type 4 - elevations and floor plans
838 (20) 006	House type 5 - elevations and floor plans
909	Drainage construction details
838 (20) 010	Wheelchair accessible housing
838 (90) 002	Existing tree protection
838 (90) 004	Boundary fence
838 (05) 001 A	Proposed site sections
838 (05) 002	Proposed site sections
901	Road long section
907	Road construction details
908	Drainage long sections
909	Road drainage construction details
910	Drainage construction details

911	Surface water soakaway details
914	Utilities plan
838 (00) 001 A	Location plan
838 (20) 007	House type 6 - elevations and floor plans
838 (20) 008 C	Proposed masterplan
838 (90) 001	Landscape and Bio-diversity plan
838 (20) 001 H	Proposed site plan
900 C	Road layout
902 A	Drainage layout
903 B	Kerbing layout
904 B	Engineering construction
905 C	Traffic signs and road markings
838 (20) 009 D	Proposed ground floor site plan
912 C	Junction alterations sheet 1 of 2
912 C	Junction alterations sheet 2 of 2
915 B	Swept path analysis 1 of 2
916 B	Swept path analysis 2 of 2



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
20/00120/APP

Site Address:
R1
Land Off Meft Road

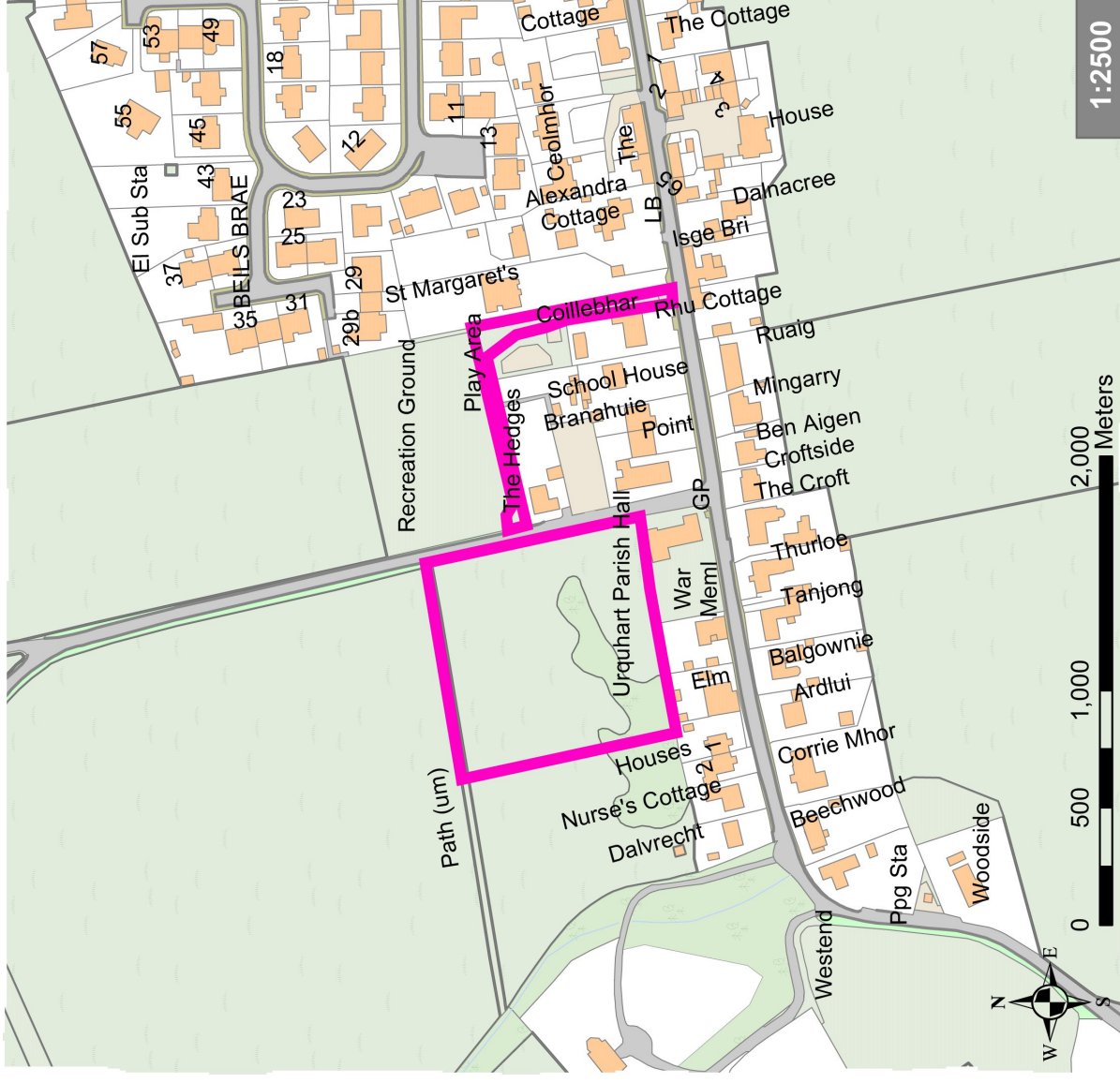
Applicant Name:
Mr Edward Rattray

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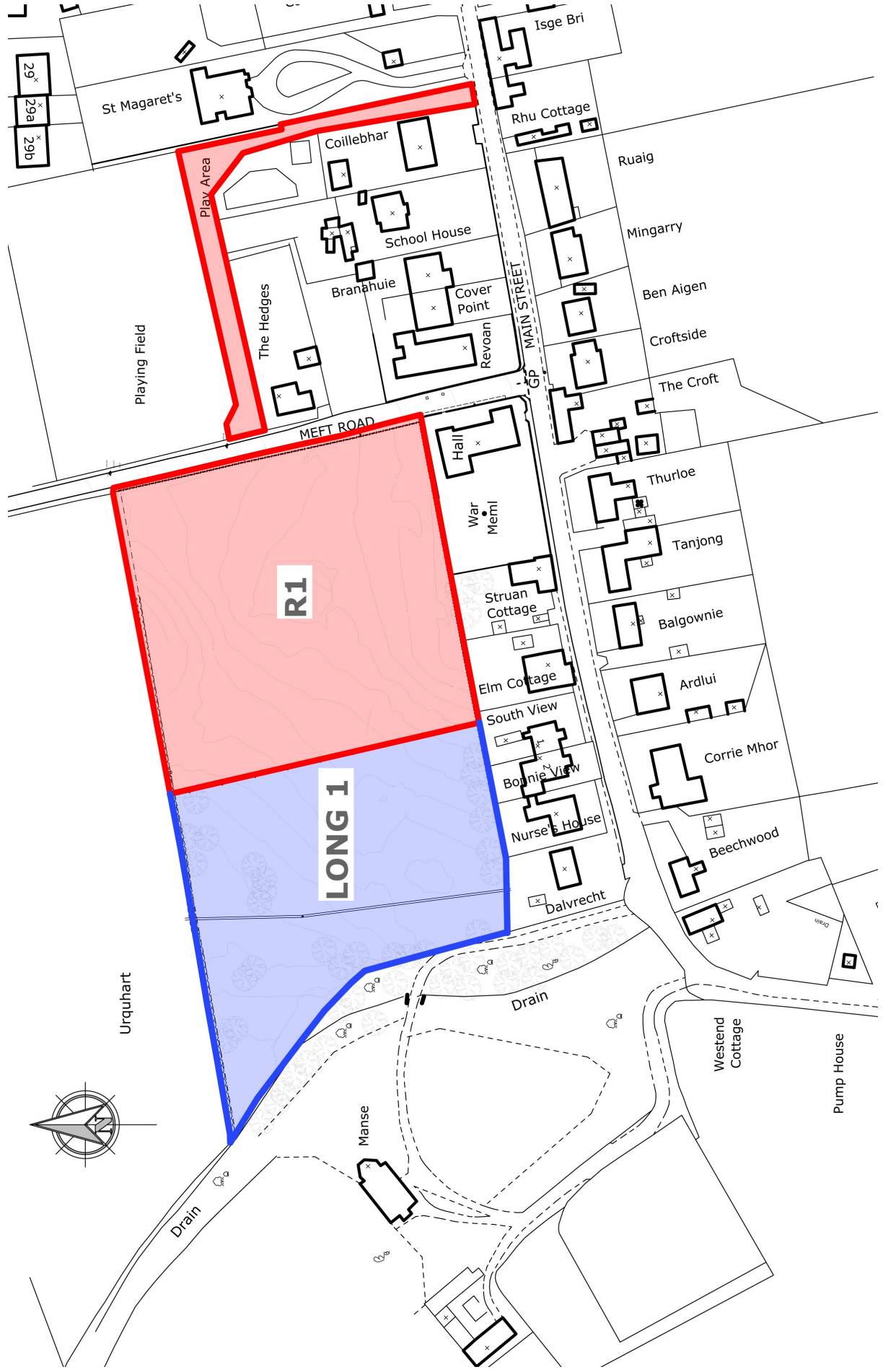
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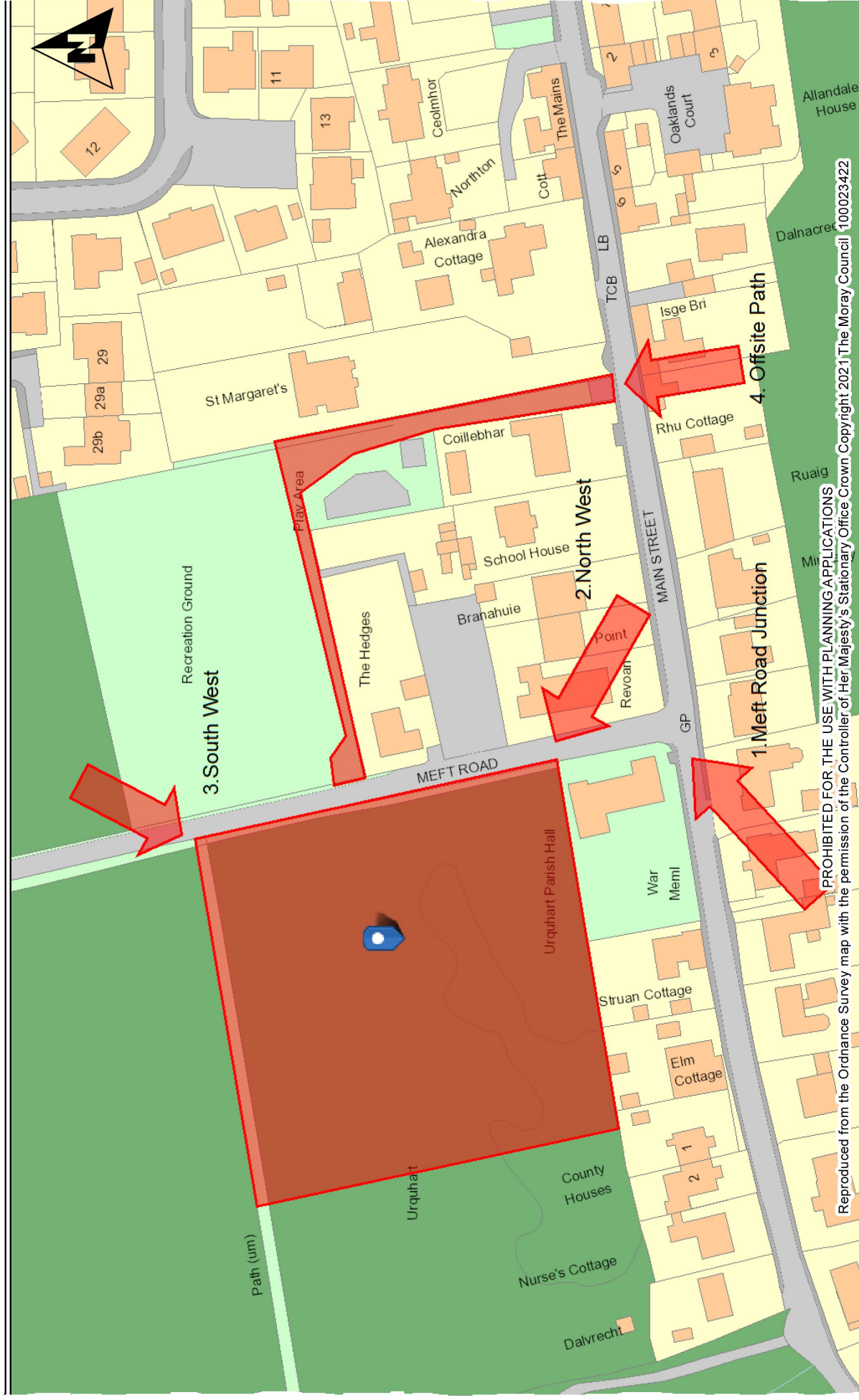
Location Plan



Site Location



20/00120/APP Meft Road - Photo positions



1 Meft Road Junction



2 Looking north west



3 Looking south west



4 Off site path location



PLANNING APPLICATION: 20/00120/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 10 houses, associated access, parking and drainage (foul and surface water). Open space with provision for play area and landscaping.
- Plots 1-4 front on to Meft Road, with plots 1 and 2 to the north of the new access road from Meft Road which will serve the development and plots 3 and 4 to the south.
- The new access road intersects the development creating a linear street scene, with plots 8, 9 and 10 located to the north of the road, set on to the open space/pay area and plots 5, 6 and 7 located to the south.
- There are six house types proposed for the development:
 - House type 1: 4 Bedroom, one and a half storey design with adjoining garage (plots 1 and 2)
 - House type 2: 4 bedroom, one and a half storey design with adjoining garage (plot 3)
 - House type 3: 4 bedroom, one and a half storey design (plot 4)
 - House type 4: 3 bedroom wheelchair accessible, single storey design (plot 5)
 - House type 5: 3 bedroom, one and a half storey design (plots 8, 9 and 10)
 - House type 6: 3 bedroom affordable, one and a half storey design (plots 6 and 7)

The dwellings will be finished with natural slate roof tiles, off white wet dash render and timber cladding.

- Open space and play area will be located centrally on the north side of the development road and an existing access path along the northern boundary of the site will be retained to connect to the open space and play area. There will be tree planting along the northern and western boundaries of the site.
- The dwellings will connect to the public water supply. Foul drainage will be to the existing sewer located on Meft Road via the proposed private packaged sewage pump. Each plot will have its own surface water soakaway and road drainage will be split between surface water sewer, infiltration basis and roadside swales.
- A new access will be formed from Meft Road (U31E public road) to serve the development.
- The proposal entails upgrading the existing Meft Road/Main Street junction. This includes the building out of the junction which would bring forward the giveway line into Main Street and associated traffic calming measures on Main Street, with the provision of an improved visibility splay of 2.0m by 43m.
- A 2m wide footpath is provided along the Meft Road frontage of the development, wider pedestrian access is proposed via the upgrading of an existing offsite footpath which lies to the east of the site, connecting to Main Street via the playing field to the east.

- The application has been supported by the following assessments/statements: Placemaking Statement, Drainage Assessment, Site Insight Report, Accessible Housing Statement of Compliance, Site Access Statement, Sustainability Statement/Checklist, Road Safety Audit and Tree Survey.
- An updated Environmental Impact Assessment (EIA) screening has been undertaken on the development which has concluded that no EIA procedures are necessary.

THE SITE

- The site extends to approximately 0.8 of a hectare a significant majority of which is located on the R1 Meft Road Urquhart Residential Designation.
- The site is located at the north western extent of the Urquhart settlement boundary. The westernmost part of the site (approximately 15m strip) is on the LONG 1 Meft Road Urquhart Designation, falling outwith the defined settlement boundary.
- The offsite path to be upgraded/formalised is located to the east of the site on the playing field and currently already serves to connect Main Street to Meft Road.
- The site is scrub ground with no trees on the site, there is a gradual slope on the site from north to south.
- To the north of the site runs an informal path with open farmland beyond. To the east of the site is Meft Road and the playing field directly beyond. The LONG 1 designation is located to the west of the site with the Urquhart Manse listed buildings located beyond. Immediately to the south of the site lies the parish hall, a memorial garden, and residential dwellings located along Main Street.

HISTORY

18/01225/SCN – Proposed new development at R1 Meft Road Urquhart. Screening assessment concluded that Environmental Impact Assessment (EIA) procedures are not required for this development. Decision issued on 9 November 2018.

POLICY - SEE APPENDIX

ADVERTISEMENTS

Advertised as a departure from the MLDP 2020 and for neighbour notification purposes.

CONSULTATIONS

Strategic Planning & Delivery – Summary of key points raised:

- The layout has been well designed, to create a development with character and identity.
- Given the size of the development (10 units) and the amendments that have been made to comply with Policy PP1, it is considered that the proposal constitutes one character area that is distinctive in character and identity, and will be easy to navigate. On balance, and given the small scale nature of the development and high quality design, key buildings or public art are not deemed necessary to help orientate people around the development in this instance.

- The front elevations of buildings front onto the street and open space/play area and creates good natural surveillance throughout the development.
- All houses are of traditional design with a contemporary style, reflecting qualities of traditional properties within Urquhart in terms of character and form.
- A variety of tree and shrub species are proposed as part of the landscaping and the choice of species will add colour and seasonal variation to the development as well as improve biodiversity throughout the site.
- Whilst the majority of the proposal is located wholly within Urquhart R1 Meft Road, a small area to the west is located within the Urquhart LONG1 Meft Road designation which, as a LONG, is outwith the settlement boundary. Policy DP3 LONG Term Land Reserves embargoes LONG designations from development during the local development plan period unless their early release is justified. In this case it is considered that the partial early release of Urquhart LONG1 is acceptable as it forms part of a well-designed layout and will not compromise delivery of the remainder of the designation, as demonstrated by the Indicative Masterplan and Delivery Plan submitted. The proposal is therefore an acceptable departure to Policy DP3.
- As the western part of the site forms part of a designated LONG term development site (LONG1) that is being released under the terms of an acceptable departure from DP3, the proposal complies with Policy EP6 Settlement Boundaries.
- The Applicant has been unable to reach agreement with third party landowners to provide the Transportation requirement of Urquhart R1 and LONG1 and as such the proposal is a departure. Alternative proposals for the Meft Road/Main Street junction and the pedestrian footpath have been submitted to the satisfaction of Transportation and the proposal is therefore considered an acceptable departure from Urquhart R1 and LONG1.
- A QA2 was undertaken on the proposal following positive engagement with the Applicant and the submission of amended plans, the proposal has scored Green in all 7 categories.

Developer Obligations – The assessment confirms that obligations are required for: Healthcare (new build medical practice in Fochabers): £13,932.00 and Affordable housing: £8,000.00

Transportation Manager – The designation text within the MLDP identifies several requirements including the following Transportation related requirements:

- Layout siting and design must take account of future development of LONG1 to the west.
- A 2m wide footway is required along the Meft Road frontage providing connection to the existing pedestrian network. This requires third party landowner agreement.
- The visibility splay at the junction of Meft Road/Main Street requires to be improved to achieve 2.4m by 43m. This will require third party landowner agreement.

The proposed layout includes a 5.5m road constructed to the site boundary from which a future road extension could be provided to the west to enable future development of the LONG1 designation.

The proposals include the provision of a 2m footway along the frontage of the site onto Meft Road. The applicant has evidenced approaches to representatives of the Urquhart Parish Hall with a proposal to construct a 2m wide public footway along the frontage to satisfy the Local Plan requirements. The representatives for the Urquhart Parish Hall have responded denying permission for this.

The applicant in discussion with officers from Transportation and Estates within Moray Council has agreed in principle the provision of an alternative footpath connection to adoptable standard with lighting which would connect the development to Main Street (opposite Rhu Cottage) via the recreation ground and play area. Whilst the proposals represent a departure from the designation, Transportation consider the alternative provision to be an acceptable departure as the mitigation would provide a connection from the development to Main Street which avoids the need to walk on the carriageway and is broadly similar in terms of the travel distance to the same location on Main Street. The provision of a footway along the site frontage south to the boundary wall of the Parish Hall would also allow for the possibility of a connection to be provided in the future.

The existing Meft Road junction with Main Street has limited visibility due to the existing property boundary walls and planting and the narrow footway width on Main Street. A Road Safety Audit submitted by the applicant notes that there was no history of accidents recorded within the 5 years of data observed. The lack of visibility in this location is raised as a concern in a number of the public response to the proposals. The use of the junction by large vehicles (including school buses, agricultural, livestock lorries, coal and gas delivery vehicles), and difficulty of doing so are also raised as concerns in a number of public comments.

In order to address visibility issues and the local plan requirements the applicant has proposed a build out of the junction which would bring forward the giveway line into Main Street, improving visibility for traffic exiting from Meft Road. The consequence of this would be a reduction in the road width on Main Street to 4.1m (this is the minimum width required for two standard cars to pass unopposed). This proposal provides an element of traffic calming on Main Street which could be considered beneficial towards addressing concerns raised in a number of the responses around perceived traffic speeding issues on Main Street.

Representations received indicated that a variety of agricultural and commercial vehicles regularly use this junction however no details or specifications are provided. Transportation consider that the most onerous swept path analysis requirement would likely relate to 16.5m articulated HGV type vehicles or 18m drawbar trailer type vehicles which have both been assessed by the applicant. The results of this (Drawing 915) demonstrate that these vehicle types cannot negotiate the existing junction arrangement without impacting on the existing footways. Notwithstanding this the assessment also demonstrates that the proposed mitigation works to the junction can be accommodated subject to modifications to the kerbing to allow for vehicle overrun. The details for construction of the modifications shall be approved as part of an RCC or Technical Approval process.

The proposed junction modifications improve junction visibility and demonstrate that a minimum visibility splay of 2.0m by 43m can be achieved. Whilst this does not match the recommended minimum 'X' distance of 2.4m stated in the MLDP designation text it is a considerable improvement on the existing junction visibility, and it satisfies the minimum 'X' distance of 2m as defined within the National Planning Policy (Designing Streets). Whilst the proposals represent a departure from the MLDP designation text, Transportation consider the proposed junction modifications and visibility splay provision and departure from the MLDP designation text to be acceptable.

The consultation response from Transportation is concluded with conditions and informatives.

Housing Strategy and Policy Manager – No objection with acceptance of housing provision.

Aberdeenshire Council and Archaeology Service – No objection.

Contaminated Land – No objection.

Environmental Health - No objection with a condition for construction hours.

Moray Access Manager – No objection with positive comments in relation to paths and access.

Estates Manager – No objection with informative advice to be passed to the applicant/developer, noting their agreement to conclude a land owner agreement for the upgraded footpath separate from the planning process but subject to planning permission being granted.

Moray Flood Risk Management – No objection.

Scottish Water – No objection with advice in relation to existing Scottish Water assets in the vicinity of the site.

Innes Community Council –The Community Council has raised concerns about access requirements including the Meft Road/Main Street Junction, road safety and developer obligations:

- Urquhart is a very old village and the road layout and widths were put in place long before vehicular traffic was invented. Meft Road is a country road barely accommodating 2 vehicles.
- The vision to the left on to Main Street from Meft road has extremely poor visibility and there is no scope to put in a splay area. Currently a car has to be well over the road junction to get a view of oncoming traffic.
- There are a number of farming enterprises around Urquhart. All use very large agricultural machinery. Currently there are problems with these very large vehicles entering/leaving Meft Road.
- The proposed development will increase the problems at the junction. More traffic on Main Street will create more problems for traffic as the majority of houses on Main Street between Station Road and Meft Road have no off street parking thus creating road hazards.
- The plans show the construction of a footpath through the King George V playing field.
- Nobody knows who owns that playing field other than it was donated to the community and in recent years it has been maintained by Moray Council.
- Has permission been sought from the developers for the construction of the path and if so from whom?
- Is the developer assuming that as the park is maintained by Moray Council and the existing paths connecting to the park are registered with Moray Council as public rights of way?
- If approved who will be responsible for the upkeep and maintenance of that path in future years?

- Will any consent include the installation of street lighting along the length of that proposed footpath and again whom would be responsible for maintenance?
- A similar path was constructed on the east side of the village from Beilds Brae to the park. It has never been maintained with the original developer and Moray Council arguing over who is responsible for maintenance. The net result is that the path is not maintained and almost impassable. Concern from within the community is that if ownership and responsibility is not ascertained before full approval of the development, the path will not be maintained and pedestrians will be forced to use Meft Road which has no footpath.
- The community also asks if any developer contribution could be used to upgrade the public footpath from Main Street Urquhart to Garmouth Road, Lhanbryde via Murriehall farm.

Comments (PO): The application proposal, inclusive of proposed access details and road safety audit have been assessed by the Council's Transportation Section. Transportation has raised no objection to the proposed access arrangements and have advised that in order to address existing visibility issues and local plan requirements the applicant has proposed a build out of the junction which would bring forward the giveway line into Main Street, improving visibility for traffic exiting from Meft Road. The consequence of this would be a reduction in the road width on Main Street to 4.1m (this is the minimum width required for two standard cars to pass unopposed). This proposal provides an element of traffic calming on Main Street which could be considered beneficial towards addressing concerns raised about access via Main Street. It is also concluded by Transportation that the proposed visibility splay offers a considerable improvement on the existing junction visibility, and satisfies the minimum 'X' distance of 2m as defined within National Planning Policy (Designing Streets).

The applicant has served the required land ownership notification on the Council as the land owner of the site of the proposed offsite footpath. The footpath will be constructed to an adoptable standard. Transportation, the Estates Section and the Moray Access Manager have raised no objection to the offsite path, with Transportation recommending the acceptance of the offsite path as an acceptable departure from the designation text. Transportation has also confirmed the Council will be responsible for maintenance of the path once it is adopted.

The application has been assessed in line with the requirements of Policy PP3 and the Supplementary Guidance on Developer Obligations. The assessment has identified that developer obligations towards health care is required. The developer has accepted the developer obligation.

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).

14 objections from 9 parties, 1 petition from 2 signatories, and 1 comment in support have been received on the proposal.

J E Allan - 94 Franklin Place Westwood East Kilbride Glasgow G75 8LS - R

Mr And Mrs Paul And Wilma Ralph - Elm Cottage Main Street Urquhart Elgin IV30 8LG - O
Ms Susan MacDonald - Struan Cottage Main Street Urquhart Elgin IV30 8LG - O
Urquhart Parish Hall - Main Street Urquhart Elgin IV30 8LG - O
Mrs Ray Cartwright - 2 Meft Road Urquhart Elgin Moray IV30 8GG - O
Nicola Thomson - 31 Swordale Crescent Bonar Bridge IV24 3EH - S
Clare Smith - Schoolhouse Main Street Urquhart Elgin Moray IV30 8LG - O
Mr Ian Sutherland - Coille Bhar Main Street Urquhart Elgin Moray IV30 8LG - O
PETITION - C/o Mr David Landers Mingarry Main Street Urquhart IV30 8LG - O
Mr Peter McIntosh - Croftside Main Street Urquhart Elgin IV30 8LG - O
Mr Colin Keir - Craigeir 47 Beils Brae Urquhart Elgin IV30 8XQ – O

Issue: Traffic, access including construction vehicles, parking and pedestrian access issues. The existing traffic, access, parking and pedestrian access issues are already constrained in the village and the existing road layout would be unable to cope with the development.

Comments (PO): The application proposal, inclusive of proposed access details and road safety audit have been assessed by the Council's Transportation Section. Transportation has raised no objection to the proposed site access and have advised that in order to address visibility issues and the local plan requirements the applicant has proposed a build out of the junction which would bring forward the give way line into Main Street, improving visibility for traffic exiting from Meft Road. The consequence of this would be a reduction in the road width on Main Street to 4.1m (this is the minimum width required for two standard cars to pass unopposed). This proposal provides an element of traffic calming on Main Street which could be considered beneficial towards addressing concerns raised about access via Main Street. It is also concluded by Transportation that the proposed visibility splay offers a considerable improvement on the existing junction visibility, and satisfies the minimum 'X' distance of 2m as defined within National Planning Policy (Designing Streets).

Representations received indicated that a variety of agricultural and commercial vehicles regularly use this junction however no details or specifications are provided. Transportation consider that the most onerous swept path analysis requirement would likely relate to 16.5m articulated HGV type vehicles or 18m drawbar trailer type vehicles which have both been assessed by the applicant. The results of this (Drawing 915) demonstrate that these vehicle types cannot negotiate the existing junction arrangement without impacting on the existing footways. Notwithstanding this the assessment also demonstrates that the proposed mitigation works to the junction can be accommodated subject to modifications to the kerbing to allow for vehicle overrun.

The applicant has served the required land ownership notification on the Council as the land owner of the site of the proposed offsite footpath. The footpath will be constructed to an adoptable standard. Transportation, the Estates Section and the Moray Access Manager have raised no objection to the offsite path, with Transportation recommending the acceptance of the offsite path as an acceptable departure from the designation text.

It is also noted that the consultation response from Transportation recommends that a condition be applied which requires a Construction Traffic Management Plan to effectively manage construction traffic to the site.

Issue: Concern about the potential impact of the upgrades to the Meft Road/Main Street Junction impacting on existing private driveways located in proximity to the junction, in

particular the need to retain regular access for a van to an existing property is highlighted. The contributor advises there are existing difficulties with the access and notes that the full extent of the existing road is required to access the driveway.

Comments (PO): Transportation has advised, that no specific details for the type of van are provided, however, on the basis of the driveway length and representation made Transportation recommended that a long wheelbase type van should be assessed as the most onerous requirement. The applicant has submitted swept path analysis for an L4 type long wheelbase type van (7.37m) which demonstrates (Drawing MR01-916 Rev B) that a vehicle of this size would still be capable of manoeuvring into and out of the driveway. The representation highlighted existing difficulties with access. This could be in part due to the road geometry but is more fundamentally likely to be due to the constraints of the property boundary wall and access width which is something the property owner could address to improve accessibility now or following future modifications to the junction to improve access. Taking account of the comments from Transportation, this is considered a private matter.

Issue: The alternative pedestrian access route via the park is likely to be unused as it is a significant detour for pedestrians and people will opt for the shortest route. There is no provision for street lighting.

Comments (PO): Based on advice from Transportation, the proposed alternative pedestrian access route via the park is considered an acceptable alternative pedestrian access route to the development. The Transportation Section in their assessment confirmed that the alternative access provision is acceptable as the mitigation would provide a connection from the development to Main Street which avoids the need to walk on the carriageway and is broadly similar in terms of the travel distance to the same location on Main Street. It is also noted that the provision of a footway along the site frontage south to the boundary wall of the Parish Hall would also allow for the possibility of a connection to be provided in the future. The offsite footpath will be constructed to an adoptable standard (including lighting) and the Council's Estates Section as land owner has raised no objection to the proposal.

Issue: Object to the existing gate off Main Street to the play park being replaced with bollards. Motorcyclists access the play park creating disruption. Replacing the gate at Main Street with bollards would give easier access to such motorcyclists.

Comments: The existing gate will be replaced by bollards with the middle three bollards to be telescopic types that can be securely installed to allow maintenance access to the playing fields and prevent un-authorised vehicle access but retaining pedestrian and cycle access at all times. It is also noted that any use of the park by motorcycles would constitute anti-social behaviour which is not a material consideration in the assessment of the planning application and should be addressed via the powers of the community wardens and/or the police as appropriate.

Issue: Concerns about the drawings because the developer has previously built in the village which turned out to be much larger in size than the proposed one and a half storey dwelling. Loss of privacy would be a concern if this were to be repeated here.

Comments (PO): The development must be carried out in accordance with the approved plans and it is noted that all of the dwellings in the development are single or one and a half storey. The proposed development is not considered to result in unacceptable amenity impacts upon existing dwellings within the vicinity of the site.

Issue: The development would set a precedent for further development on this land that the village infrastructure would not cope with.

Comments (PO): Under the terms of the MLDP 2020, the application site and the adjacent land to the west are designated as Urquhart R1 Meft Road and Urquhart LONG1 Meft Road which means that residential development on these sites is considered acceptable subject to satisfactory planning assessment.

Issue: Development would be detrimental to the existing character of the village which is an old historic village.

Comments (PO): As noted above, under the terms of the MLDP 2020, the application site and the adjacent land to the west are designated as Urquhart R1 Meft Road and Urquhart LONG1 Meft Road which means that residential development on these sites is considered acceptable subject to satisfactory planning assessment. Whilst it is recognised that Urquhart is an historic village, there are other examples of small modern housing developments within the village. It is also considered that the development proposed by this application is of a design, layout and density which is appropriate to the character of the Village.

Issue: Generalised, non-site specific comments submitted on multiple planning applications on the need to protect wildlife, flora and fauna.

Comments (PO): The site is not the subject of any natural heritage or environmental designations. There are no existing trees on the site and on this basis a bat survey is not considered necessary. There are two trees adjacent to the south of the site, appropriate tree protection measures have been identified for these. The development proposal includes significant and site-appropriate Landscaping and Biodiversity provisions which will help to encourage and promote biodiversity in the development over time.

Comments in Support of the application include:

- Positive to see this small scale development being pursued in Urquhart as the land was originally designated for housing in 2008.
- The site is currently unsightly and overgrown, the development proposed fits well with the existing village.
- The new footpath is a welcome addition, formalising a short-cut used by many walkers to get from Main Street to the informal path to the north of the site.
- The small scale nature of the development proposed will add very few additional traffic movements in Urquhart and will not adversely affect road safety, as others have claimed.
- The Meft Road / Main Street junction improvements proposed are welcomed and long overdue to help overcome historic visibility issues caused by the high stone dyke and overgrown trees on the corner.
- The development would offer the opportunity for people to move to the village and provide a safe environment for children.

Comments (PO): The comments in support of the application are noted.

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 2020 (MLDP) unless material considerations indicate otherwise.

Principle of Development (R1, LONG1, DP2, DP3 and EP6)

The majority of the application site is located on the Urquhart R1 Meft Road Residential Designation but the westernmost part of the application site falls within the Urquhart LONG1 Meft Road Designation, outwith the defined settlement boundary. The principle of development on the R1 designation for residential use is established through the designation. The LONG1 also identifies residential use in its designation text.

Policy DP3 LONG Term Land Reserves embargoes LONG designations from development during the local development plan period unless their early release is justified. The application has been supported by a masterplan which sets out an indicative layout for the comprehensive development of Urquhart R1 and LONG1 designation which demonstrates the required linkages in terms of open space and access/connectivity. The Delivery Plan (as included in the Placemaking Strategy) incorporates the timescales for delivery of both R1 and LONG1. It is therefore considered that the partial early release of Urquhart LONG1 is an acceptable departure to DP3 as it forms part of a well-designed cohesive layout which incorporates good Placemaking principles, and does not compromise the delivery of the remainder of the designation. On this basis, the partial early release of the Urquhart LONG1 designation is an acceptable departure from Policy DP3 and LONG1.

As the western part of the site forms part of a designated LONG term development site (LONG1) that is being released under the terms of an acceptable departure from DP3, the proposal complies with Policy EP6 Settlement Boundaries which allows for development in this circumstance.

The settlement designation for Urquhart R1 requires the provision of a 2m wide footway along the Meft Road frontage which connects onto the existing pedestrian network and improvements to the visibility splay at the junction of Meft Road/Main Street, with the settlement designation requiring a splay of 2.4m by 43m.

The applicant has been unable to reach agreement with third party landowners to provide these requirements but has provided satisfactory alternatives which includes upgrading/formalising an existing offsite footpath which lies to the east of the site, connecting to Main Street via the playing field, noting that the upgrading works can be accommodated without comprising the primary use of the playing field and has been accepted as suitable pedestrian access to the site by Transportation.

The Meft Road/Main Street junction will be upgraded to achieve an improved junction design which includes building out of the junction, bring forward the giveway line into Main Street with traffic calming measure on Main Street and the provision of a much improved visibility splay of 2.0m by 43m. The junction design has been supported by a Road Safety Audit and sufficient technical details. On this basis the Transportation Manager has confirmed that the alternative proposals for pedestrian access and the upgrades to the Meft Road/Main Street are acceptable, the proposed alternative access arrangements can be supported as an acceptable departure from Urquhart R1 and LONG1.

The application has been supported by a Tree Survey and Tree Protection Plan which confirms that there are no trees on the R1 site and no trees need to be removed as part of the proposal. Had trees been present on the site the settlement designation would have required a bat survey to assess these for roosting opportunities, however, given that there are no trees a bat survey is not necessary.

Landscaping comprising of Rowan, Silver Birch and Oak is proposed along the northern and western extents of the site to help manage and soften the transition from the built form of the development to the countryside. There is also considered to be sufficient separation between the application site and The Glebe House and Listed Manse Dovecot both of which are category B and lie to the west of the site beyond the LONG1 designation. The listed interests are separated from the LONG1 by a row of mature Beech trees.

Placemaking, Siting and Design (PP1, DP1, R1, LONG1, DP2 and DP3)

Housing developments of ten units or more are subject to the Quality Audit (QA) process. The QA approach examines the key criteria considered to contribute to successful placemaking, ensuring that new developments are places with Character and Identity Healthy, Safe Environments, Housing Mix, Open Space/Landscaping, Biodiversity, integrated Car Parking and effective Street Structure, Layout and Detail. In order to demonstrate compliance with Placemaking requirements the application has been supported by a Placemaking Statement, incorporating the Delivery Plan, Landscaping and Biodiversity Plan and Utilities Plan.

At the time of submission the application was assessed against the previous MLDP 2015. A Quality Audit (QA) was undertaken with Officers from the Council's Strategic Planning and Development, Development Management, Transportation and Housing Services in March 2020. Following the adoption of the MLDP 2020 (on 27 July 2020) the proposal required to be re-assessed under the terms of the MLDP 2020. The QA is an iterative process and following positive engagement with the applicant, the submission of additional information and amended plans, the final QA Audit Scores in March 2021 resulted in the proposal achieving green in all 7 categories subject to the use of conditions when appropriate.

Design Principle	Audit Score March 20	Audit Score Sept 20	Final Audit Score March 21	Mitigation/Condition Necessary to Score Green
Character & Identity				
Healthier, Safer Environments				
Housing Mix				
Open Space/Landscaping				Condition requiring provision of full details of the play area, including the provision of all abilities play equipment.
Biodiversity				Condition preventing future boundary treatments from blocking the unrestricted movement of Hedgehog Highway.
Car Parking				
Street Structure, Layout and Detail				

The proposal is considered a good, well considered design and layout which will result in a development with character, identity and a sense of place which will sit well as a small expansion to the rural edge of the village. All of the dwellings on the eastern edge of the development have strong frontages onto Meft Road which is achieved through active

frontages, and in the case of plot 3 an effective turn the corner design. The use of low natural stone boundary treatments along the frontage of Meft Road will create an attractive and welcoming entrance to the development which is in keeping with the character of the village.

The new access road creates a linear streetscene with the dwellings facing onto the open space (with landscaping and seating), play area and onto the wider streetscene. All the dwellings will have a portion of front garden with large rear gardens; this coupled with the centrally located open space / play area will provide for a pleasant environment with easy access to useable open space and ample private amenity space for residents to enjoy.

A range of house types are proposed with a variety of single and one and a half storey designs. The designs proposed are of traditional design and form, reflecting the qualities of traditional properties within the village but with contemporary style. The use of more contemporary features such as elongated glazing will bring daylight and lower energy use benefits to the properties. The materials proposed complement the designs and the use of slate roof tiles is particularly welcomed and will work well within the village setting, helping to blend the new development into the traditional context of the village. It is also welcomed that the materials and designs proposed for the affordable housing are the same as the private housing helping to create a tenure blind development.

Parking is provided to the side or rear of the dwellings which ensures that the parking will be integrated into the development, appropriately positioned on the plots and will not have a dominant or detrimental impact on the overall character and appearance of the development.

The plot sizes can comfortably accommodate the dwellings proposed, allowing for front garden space and large private rear gardens. The density of development proposed is in keeping with the settlement designation and although the far western extent of the site edge red falls into the LONG1 designation the proposal does not compromise the remainder of the LONG1 designation. The development is appropriate to the setting as a small edge of village rural housing development, with appropriate tree planting and landscaping to manage the transition from the settlement to the countryside.

The design and layout also incorporates integrated useable open space / play area wherein a variety of trees and shrub species are proposed as part of the Landscaping and Biodiversity Plan. The integration of the SUDs system into the open space and landscaping will also allow for a blue/green network to establish in the development helping to create a pleasant living environment with ready access to usable open space.

The high quality design, layout and scale of the development is such that the development constitutes one character area which will integrate effectively into the existing village as an appropriate expansion to the settlement which successfully incorporates the principles of good placemaking, a requirement which underpins the MLDP 2020.

Privacy, Overlooking and Amenity (PP1, PP3 and DP1)

The development has been designed such that each plot will have large well-proportioned private garden spaces. The large plot sizes, the separation distances between the dwellings and the orientations proposed means that the dwellings will provide an appropriate level of residential amenity within this small rural housing development. There is sufficient separation from the site to existing houses to ensure there is no significant detrimental amenity impact. Given the presence of existing dwellings adjacent to the site,

Environmental Health has recommended a condition to control construction times in the interest of the residential amenity of the existing residential properties.

The development has been sited and designed in a manner that is sympathetic to the amenity of the area and accords with the requisite requirements of Policies PP1, PP3 and DP1.

Landscaping, Open Space and Biodiversity (EP2 and EP5)

The proposal incorporates a centrally positioned area of public open space which incorporates a play area, seating, tree and shrub planting as well as the SUDs swales. The open space complies with the 15% open space required by policy and will be functional, integrated and well overlooked by houses on both sides of the road. The open space also provides a connection to the existing informal path to the north of the site. The open space will have feature planting with the use of Wild Cherry Trees, and the provision of seating in the open space means that there will be opportunities to enjoy this feature and encourage social interaction. These characteristics are such that the open space should become a particularly pleasant well used feature within the development. The location and indicative details for the play area have been provided; this information is sufficient and conditions will be applied which will require full specification details for the play area (which must include the provision of all abilities play equipment) and setting a trigger for the provision of the play park upon completion of 50% of the development.

The application has been supported by a Landscape and Biodiversity Plan. The planting of native trees, shrubs, boundary hedges and blue/green networks (to be sown with wildflower seeds) will create an attractive development appropriate to the edge of village location. The planting along the northern boundary of the site will soften the transition from open countryside to the built form of the village and as noted previously the use of Wild Cherry Trees around the open space will provide a pleasant environment. The boundary treatments across the development will be Beech/Hawthorn hedging, along with post and wire fencing which will be unrestricted to allow for the provision of a Hedgehog Highway with un-inhibited progression across the site. A condition preventing future boundary treatments from blocking the unrestricted movement of the Hedgehog Highway is recommended. Each house will incorporate bat and bird boxes in their design. Landscaping, open space and biodiversity is well considered in the design and layout of the scheme and appropriate to the site, and the proposal is therefore acceptable in relation to Policies E2 and E5.

Impact on Trees EP7

There are no existing trees on the site, there are two existing trees in neighbouring properties to the south which overhang the site. A Tree Survey and Tree Protection Plan has been submitted. No tree removal is proposed and the two trees in the vicinity of the site have been identified and will be protected throughout the construction of the development (ensured by condition). The proposal therefore complies with Policy EP7.

Access and Parking (DP1, R1 and LONG1)

A new access will be formed from Meft Road (U31E public road) to serve the development. The linear internal layout includes a 5.5m road constructed to the site boundary from which a future road extension could be provided to the west to enable future development of the LONG1 designation. The street layout is legible and logical and it's considered that the design and layout has taken account of future development of LONG1.

Within the scheme, parking is provided to the side or rear of the dwellings which ensures that the parking will be integrated into the development. The parking provision as detailed on the submitted plans complies with the Council's parking standards and policy DP1(ii)(e).

The proposal also entails upgrading the existing Meft Road/Main Street junction which includes a build out of the junction to bring forward the giveway line into Main Street and associated traffic calming measures on Main Street, with the provision of an improved visibility splay of 2.0m by 43m. Whilst this does not match the recommended minimum 'X' distance of 2.4m stated in the MLDP designation text, Transportation has confirmed that the proposals offer a considerable improvement on the existing junction visibility, and it satisfies the minimum 'X' distance of 2m as defined within the National Planning Policy (Designing Streets). Transportation also confirm in their consultation response that while the design for the Meft Road/Main Street represent a departure from the MLDP designation text; the proposed junction modifications, visibility splay provision and departure from the MLDP designation text are acceptable. On this basis, the proposals are considered an acceptable departure from the R1 and LONG1 designation text.

A 2m wide footpath is provided along the Meft Road frontage of the development, wider pedestrian access is proposed via the upgrading of an existing offsite footpath which lies to the east of the site, connecting to Main Street via the playing field to the east. Transportation has confirmed in their consultation response that they consider the alternative provision to be an acceptable departure as the mitigation would provide a connection from the development to Main Street which avoids the need to walk on the carriageway and is broadly similar in terms of the travel distance to the same location on Main Street. The provision of a footway along the site frontage south to the boundary wall of the Parish Hall would also allow for the possibility of a connection to be provided in the future. On this basis, the proposed offsite path is considered an acceptable departure from the R1 and LONG1 designation text.

Water, Drainage and Flood Risk (DP1, EP12 and EP13)

The dwellings will connect to the public water supply. The application has been supported by a Drainage Assessment which provides details of the drainage design for the development. Foul drainage will be to the existing sewer located on Meft Road via a proposed private packaged sewage pump. Each plot will have its own surface water soakaway and road drainage will be split between surface water sewer, infiltration basins and roadside swales incorporating a blue/green network into the development which will sit alongside the open space provision.

Moray Flood Risk Management and Scottish Water has raised no objection to the development. The proposal is considered acceptable in relation to the requirements of Policies DP1, EP12 and EP13.

Affordable Housing & Accessible Housing (DP2)

The required affordable housing contribution will be achieved by two on-site affordable housing units (plots 6 and 7) and a commuted sum payment of £8,000.00. This approach has been accepted by the Housing Policy and Strategy Manager and the house types proposed have been accepted. A condition shall be imposed to agree the delivery arrangements.

One accessible house has been provided (plot 5), with the required compliance statement submitted in support of this unit. This has also been accepted and agreed by the Housing

Policy and Strategy Manager. A condition is recommended to ensure that this will be secured as accessible housing in perpetuity.

The integration of the affordable and accessible housing provision into the development of a design and appearance which reflects the overall character of the development is welcomed as this will allow for a mixed, tenure blind development. The development complies with Policy DP2.

Information Communication Technology (ICT) (PP3)

Policy PP3 Infrastructure & Services vii) requires development proposals to incorporate the installation of Information Communication Technology and fibre optic broadband connections (unless justification can be provided to show that ICT is technically unfeasible). A utilities plan has been provided which shows broadband connections to each of the dwellings. The specific requirement for the provision of fibre optic IT cabling will be addressed by condition.

Developer Obligations (PP3)

The development has been assessed for developer obligations. An obligation of £13,932.00 is sought towards new health care facilities in Fochabers. The applicant has agreed to pay the obligation and this shall be controlled by means of a S.75 Legal Agreement.

Conclusion and Recommendation

The proposal is a small, well designed housing development which incorporates good placemaking principles to be sited on land designated for residential use under the Urquhart R1 Designation, and the partial early release of the eastern extent of the Urquhart LONG1 designation is considered an acceptable departure. The design, layout and density of the proposal would be a logical expansion to the settlement at a scale and density which is appropriate to the site and character of the surrounding area.

The proposal entails access upgrades including upgrading an existing offsite footpath which lies to the east of the site, connecting to Main Street via the playing field and the provision of an improved visibility splay of 2.0m by 43m at the Meft Road/Main Street Junction. The access proposals have been supported by a Road Safety Audit and sufficient technical details. The Transportation Manager has confirmed that the alternative proposals for pedestrian access and the upgrades to the Meft Road/Main Street junction are acceptable and that the proposed alternative access arrangements can be supported as an acceptable departure from Urquhart R1 and LONG1.

Based on the information provided with the application and responses received from consultees (including proposed conditions) the development can be adequately serviced and will not adversely impact the character and amenity of the locality.

On this basis the proposal is considered an acceptable departure from Policies DP3, Urquhart R1 Meft Road and Urquhart LONG1 Meft Road, noting that in all other regards, subject to conditions, the proposal complies with the requirements of the MLDP 2020.

REASON(S) FOR DECISION

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

The proposal is a well designed housing development which reflects good placemaking principles on land designated for residential use under the Urquhart R1 Designation and the partial early release of the eastern extent of the Urquhart LONG1 designation. The partial early release of the Urquhart LONG1 designation can be supported as an acceptable departure against LONG1 and Policy DP3 because the application has been supported by a masterplan and delivery plan which sets out an indicative layout for the comprehensive development and delivery of Urquhart R1 and LONG1 designation, demonstrating a cohesive development which does not compromise the remainder of the LONG1 designation.

The proposal entails access upgrades including upgrading an existing offsite footpath which lies to the east of the site, connecting to Main Street via the playing field and the provision of an improved visibility splay of 2.0m by 43m at the Meft Road/Main Street Junction. The access proposals have been supported by a Road Safety Audit and sufficient technical details. The Transportation Manager has confirmed that the alternative proposals for pedestrian access and the upgrades to the Meft Road/Main Street junction are acceptable and that the proposed alternative access arrangements can be supported as an acceptable departure from Urquhart R1 and LONG1.

Based on the information provided in the application submission and the recommendations received from consultees (including conditions proposed) the development can be adequately serviced and will not adversely impact the character and amenity of the locality. The proposal therefore represents an acceptable departure from Policies DP3, Urquhart R1 Meft Road and Urquhart LONG1 Meft Road. In all other regards, subject to conditions, the proposal complies with the requirements of the MLDP 2020 and there are no material considerations that indicate otherwise.

**Author/Contact
Officer:**

Shona Strachan
Planning Officer

Ext: 01343 563303

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

APPENDIX

POLICY

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 sufficient information for the council to carry out a Quality Audit. Where considered appropriate by the council, taking account of the nature and scale of the proposed development and of the site circumstances, this shall include a landscaping plan, a topographical survey, slope analysis, site sections, 3D visualisations, a Street Engineering Review and a Biodiversity Plan. 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;
 - Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable;
 - 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.
- Landscaping areas that because of their size, shape or location would not form any useable space or that will not positively contribute to the character of an area 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 where physically possible extend or enhance wildlife corridors and green/blue 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 50% of car parking must be provided to the side or rear and behind the building line with a maximum of 50% 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 parking areas and on-street parking at a maximum interval of 4 car parking spaces.
- Secure 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 standardised.
- Dead-end streets/cul-de-sacs will only be selectively permitted such as on rural edges or where topography, site size, shape or relationship to adjacent developments prevent an alternative more permeable layout. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
- Where a roundabout forms a gateway into, or a landmark within, a town and/or a development, it must be designed to create a gateway feature or to contribute positively to the character of the area.
- 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) Future masterplans will be prepared through collaborative working and in partnership between the developer and the council for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. Masterplans that are not prepared collaboratively and in partnership with the council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan.
- (e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

PP3 INFRASTRUCTURE & SERVICES

Development must be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services.

- a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:
- 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 (including road and rail) 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 and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
- 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.
- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

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 or such access is required to facilitate development that supports the provisions of the development plan.
- 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 (including rail), sports and recreational facilities and access routes. Obligations will be sought to reduce, eliminate or compensate for this impact. Developer obligations may also be sought to mitigate any adverse impacts of a development, alone or cumulatively with other developments in the area, on the natural environment.

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.

LONG1 Meft Road

- Indicative capacity for 10 houses.
- The site is an extension to the R1 site.
- Landscape planting along the northern boundary must be provided to manage the transition between development and the countryside and filter views. This must comprise a mix of hedging and trees.
- A comprehensive layout must be provided for LONG1 and R1.
- Removal of existing trees may require assessment of bat roosting opportunities.
- Development of R1 and LONG1 must be sympathetic to the Listed Manse and Dovecot nearby.
- Archaeological watching brief required.
- A 2m wide footway is required along the Meft Road frontage providing connection to the existing pedestrian network. This requires third party landowner agreement.
- The visibility splay at the junction of Meft Road/Main Street requires to be improved to achieve 2.4m by 43m. This will require third party landowner agreement.
- Drainage Impact Assessment (DIA) required.

R1 Meft Road 0.8 ha 10 units

- Layout siting and design must take account of future development of LONG 1 to the west.
- Landscape planting along the northern boundary must be provided to manage the transition between development and the countryside and filter views. This must comprise a mix of hedging and trees.
- A comprehensive layout must be provided for LONG 1 and R1. This must show the connections between phasing and how and where a minimum of 15% open space will be delivered across the combined sites.
- Removal of existing trees may require assessment of bat roosting opportunities.
- Development of R1 and LONG1 must be sympathetic to the Listed Manse and Dovecot nearby.
- Archaeological watching brief required.
- A 2m wide footway is required along the Meft Road frontage providing connection to the existing pedestrian network. This requires third party landowner agreement.
- The visibility splay at the junction of Meft Road/Main Street requires to be improved to achieve 2.4m by 43m. This will require third party landowner agreement.
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- Drainage Impact Assessment (DIA) required.

DP1 DEVELOPMENT PRINCIPLES

This policy applies to all development, including extensions and conversions and will be applied reasonably taking into account the nature and scale of a proposal and individual circumstances.

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. 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.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

(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. Maximum (50%) 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, rail 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 such as road stubs or hatchets, 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 shall include 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 as may be required by the planning authority, unless these requirements are not specified in the site designation or are considered not to be required.

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 Strategic Planning and Development 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 40.

e) Housing Mix and Tenure Integration

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 incorporating affordable housing will be required to provide 10% of the private sector units to wheelchair accessible standard. 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 41.

POLICY GUIDANCE NOTE- AFFORDABLE AND ACCESSIBLE HOUSING

Affordable Housing

Providing affordable housing is a key priority for Moray Council and this is reflected in the Local Outcomes Improvement Plan (LOIP) and the Local Housing Strategy (LHS). The Council's Housing Need and Demand Assessment 2017 highlights the significant requirement for affordable housing in Moray, which is a national issue, resulting from a number of factors including affordability issues, downturn in the economy and the shortage of public and private sector rented houses.

Planning policies assist with the provision of affordable housing, which is defined in Scottish Planning Policy (SPP) as;

"housing of a reasonable quality that is affordable to people on modest incomes. Affordable housing may be provided in the form of social rented accommodation, mid-market rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for self-build and low cost housing without subsidy." This local development plan regards lower quartile earnings as "modest incomes".

The 2017 HNDA identified a requirement for 56% of all need and demand to be affordable units in Moray between 2017 and 2035. This Local Development Plan has lowered the threshold so that individual house proposals are required to make a contribution towards

affordable housing provision, which is intended to ensure proposals do not circumnavigate the policy and provide a fair and transparent process.

A number of variables influence affordability of housing, including mortgage deposit requirements, mortgage interest rates, lower quartile house prices, lower quartile private rents, lower quartile full time gross earnings. Changes in these variables will affect the affordability of housing in Moray. The maximum affordable rent and maximum affordable house purchase prices is published on the Council's website at

http://www.moray.gov.uk/moray_standard/page_90100.html. The current Local Housing Allowance will be used as a proxy for average private sector rents.

Affordable housing should be provided on site and as part of a mixed development of private and affordable units. To meet the need for affordable housing there may be proposals for 100% provision of affordable housing and these will be acceptable as part of a wider mixed community, provided all other Local Development Plan policies are met.

The policy requires single house proposals to make a commuted sum payment as a developer obligation towards affordable housing, with the cost figure published annually on the Council website at http://www.moray.gov.uk/moray_standard/page_94665.html and determined by the District Valuer's assessment of the value of serviced land for affordable housing in Moray. This allows developers to be clear at the outset of a project about the potential cost of commuted payments and should be reflected in land values.

The type of affordable housing to be provided will be determined by the Housing and Property service. Developers should contact Housing and Property as early as possible. Housing and Property will decide whether a commuted payment or affordable units will be required on a site by site basis. Housing and Property will provide developers with an affordable housing mix, detailing the size and type of housing required based on HNDA/LHS requirements.

The Council will consider the following categories of affordable housing within the context of the needs identified in the HNDA/ LHS;

- Social rented accommodation- housing provided by an affordable rent managed by a Registered Social Landlord such as a housing association or another body regulated by the Scottish Housing Regulator, including Moray Council.
- Mid-market rent accommodation- housing with rents set at a level higher than purely social rent, but lower than market rent levels and affordable by households in housing need. Mid-market rent housing can be provided by the private and social housing sectors.
- Shared equity housing- sales to low income households, administered through a Scottish Government scheme e.g. Low-cost initiative for First Time Buyers (LIFT).

Any proposals to provide affordable housing in a form other than those listed above, must demonstrate that the cost to the householder is "affordable" in the Moray context and that the property will remain "affordable" in perpetuity.

Affordable housing requirement figures will be rounded up.

The Strategic Housing Investment Plan (SHIP) is produced annually by the Council and identifies details of the proposed delivery of affordable housing.

Accessible housing

Scottish Planning Policy states (para 28) that "the aim is to achieve the right development in the right place; it is not to allow development at any cost" and "that policies and decisions should be.....supporting delivery of accessible housing."

Policy DP2 aims to;

- Assist the Council, the NHS and the Health and Social Care Moray to meet the challenges presented by our ageing population and the shared aim of helping people to live well at home or in a homely setting. The HNDA 2017 demonstrates that Moray's population is ageing and there is a trend towards older and smaller households.
- Provide increased choice of tenure to people with physical disabilities or mobility impairments, by increasing the supply of accessible housing in the private sector. There is currently a mismatch between the size and type of housing required and the size and type of housing available across all tenures. This mismatch, along with increasing housing needs associated with physical disability, are the likely drivers of owner occupiers seeking public sector accessible housing to meet medical needs.

Accessible/ adapted housing can promote independence and wellbeing for older or disabled people, can facilitate self- care, informal care and unpaid care, potentially prevent falls and hospital admissions and can delay entry into residential care.

Policy DP2 requires that housing proposals of 10 or more units incorporating affordable housing must provide 10% of the private sector units to wheelchair accessible standard where all the rooms are accessible to a wheelchair user.

This applies to new build and conversion/ redevelopment projects. Flexibility may apply where there is extremely challenging topography or where the site is in a remote location. For the purposes of Policy DP2, "remote" locations are defined as being rural areas outside settlement and Rural Grouping boundaries as defined in the Local Development Plan.

Accessible units should be in a location which provides convenient access, in terms of distance, gradient and available public transport, to reach the facilities needed for independent living. Small, low maintenance gardens are generally regarded as a positive feature by this customer group.

New wheelchair accessible housing in any tenure must comply with Housing for Varying Needs Standards (HfVNs), including the standards specific to dwellings for wheelchair users. HfVNs is available at http://webarchive.nationalarchives.gov.uk/20131205115152uo_/http://www.archive2.official-documents.co.uk/document/deps/cs/HousingOutput/start.htm

The specific design specification required to meet the terms of this policy are;

External requirements

- location(s) convenient for amenities and facilities e.g. public transport, local shops etc
- car parking space as close as possible to the entrance door and at a maximum distance of 15m (HfVNs para 7.13.4 refers).
- Step free paths within curtilage, ramp gradients preferably of 1:20 but no steeper than 1:12 (HfVNs para 7.7.1 refers)

Internal requirements

- Hallways- minimum 1200mm wide (HfVNs para 10.2.3 refers)
- Door frames- minimum 926mm wide door leaf, giving a clear width of 870mm (HfVNs para 10.5.7 refers)
- Bathrooms/ wet rooms- 1500mm wheelchair turning circle required (HfVNs para 14.9.2 refers)

Accessible housing requirement figures will be rounded down.

All proposals for new build or converted housing should set out details of how they will comply with this policy in their planning application.

DP3 LONG TERM LAND RESERVES

LONG term designations are identified to set out the direction of growth and to assist in the forward planning of infrastructure and landscape enhancement/mitigation. These sites are embargoed from development during the period of the Local Development Plan. The need for release of these designations will be reviewed through the next local development plan and annually through the housing and employment land audits. Early release of these areas, or sites within them, will only be considered where:

A shortfall in the 5 year effective housing and/ or employment land supply or shortfall in projected delivery of housing/employment units/land is identified in the annual housing and employment land audits, which cannot be met by:

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

Or

3. Where the release of LONG term land is required to deliver key objectives of the Council and its Community Planning partners set out in the Local Outcome Improvement Plan, or to meet significant increased demand for housing arising from personnel deployed at RAF Lossiemouth or Kinloss Barracks.

Or

4. Where the release of LONG term land is required to provide land for an inward investment opportunity and no alternative sites identified in the employment land audit meet the requirement.

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

- This can be achieved without compromising delivery of a master-planned approach and where appropriate access, infrastructure and landscaping setting can be secured.
- The site is demonstrated to be effective within the next 5 years.
- Any site specific triggers are fully complied with.

EP2 BIODIVERSITY

All development proposals must, where possible, retain, protect and enhance features of biological interest and provide for their appropriate management. Development must safeguard and where physically possible extend or enhance wildlife corridors and 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 where required by Policy PP1 which incorporates a Biodiversity Plan, that they have included biodiversity features in the design of the development. Habitat creation 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 would result in loss of natural habitats of ecological amenity value, compensatory habitat creation will be required where deemed appropriate.

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 designations in rural groupings to anything other than 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.
- 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.

The temporary use of unused or underused land as green infrastructure is encouraged, this will not prevent any future development potential which has been

identified from being realised. 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.

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

All new development proposals will be assessed and must achieve a very good quality score of no less than 75%. Quality will be assessed by planning officers at the planning application stage against the five criteria below using the bullet point prompts. Each criterion will be scored on a scale of 0 (poor) to 5 (very good) with an overall score for the whole development expressed as a percentage.

Accessible and well connected

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

Attractive and Appealing Places

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

Biodiverse supporting ecological networks (see Policy EP2 Biodiversity)

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

Promotes activity, health and well being

- Provides multifunctional open space for a range of outdoor physical activities reflecting user needs and location.

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

Safe, Welcoming and contributing to Character and Identity

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

b 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.

EP6 SETTLEMENT BOUNDARIES

Settlement boundaries are drawn around each of the towns, villages and rural groupings representing the limit to which these settlements can expand during the Local Development Plan period.

Development proposals immediately outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term development site which is being released under the terms of Policy DP3.

EP7 FORESTRY, WOODLANDS AND TREES

a) Moray Forestry and Woodland Strategy

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 other relevant Local Development Plan policies. The council will consult Scottish Forestry on proposals which are considered to adversely affect forests and woodland. Development proposals must give consideration to the relationship with existing woodland and trees including shading, leaf/needle cast, branch cast, wind blow, water table impacts and commercial forestry operations.

b) Tree Retention and Survey

Proposals must retain healthy trees and incorporate them within the proposal unless it is technically unfeasible to retain these. Where trees exist on or bordering a development site, a tree survey, tree protection plan and mitigation plan must be provided with the planning application if the trees or trees bordering the site (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. A landscaped buffer may be required where the council considers that this is required to maintain an appropriate long term relationship between proposed development and existing trees and woodland.

Where it is technically unfeasible to retain trees, compensatory planting on a one for one basis must be provided in accordance with (e) below.

c) Control of Woodland Removal

In support of the Scottish Government's Control of Woodland Removal Policy, Woodland removal within native woodlands identified as a feature of sites protected under Policy EP1 or woodland identified as Ancient Woodland will not be supported.

In all other woodlands development which involves permanent woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits (excluding housing) 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 it is proposed to remove woodland, compensatory planting at least equal to the area to be felled must be provided in accordance with e) below.

d) Tree Preservation Orders and Conservation Areas

The council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as 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.

e) Compensatory Planting

Where trees or woodland are 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.

GUIDANCE TREES AND DEVELOPMENT

Trees are an important part of Moray's towns and villages and surrounding countryside, adding colour and interest to the townscape and a sense of nature in our built environment. They contribute to the diversity of the countryside, in terms of landscape, wildlife habitat and shelterbelts. Trees also have a key role to play in terms of climate change by helping to absorb carbon dioxide which is one of the main greenhouse gases that cause global warming.

The cumulative loss of woodlands to development can result in significant loss of woodland cover. In compliance with the Scottish Government Control of Woodland Removal policy, woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance. Where woodland is to be removed then the Council will require compensatory planting to be provided on site, on another site in Moray within the applicant's control or through a commuted payment to the Council towards woodland and greenspace creation and enhancement. Developers proposing compensatory planting are asked to follow the guidance for site assessment and woodland design as laid out in Scottish Forestry's "Woodland Creation, Application Guidance" and its subsequent updates, when preparing their proposal.

The Council requires a Tree Survey and Tree Protection Plan to be submitted by the applicant with any planning application for detailed permission on designated or windfall sites which have trees on them. The survey should include a schedule of trees and/or groups of trees and a plan showing their location, along with the following details;

- Reference number for each tree or group of trees.
- Scientific and common names.
- Height and canopy spread in metres (including consideration of full height and spread).
- Root protection area.
- Crown clearance in metres.
- Trunk diameters in metres (measures at 1.5m above adjacent ground level for single stem trees or immediately above the root flare for multi stemmed trees).
- Age and life expectancy.
- Condition (physiological and structural).
- Management works required.

- Category rating for all trees within the site (U, A, B or C *). This arboricultural assessment will be used to identify which trees are suitable for retention within the proposed development.

*BS5837 provides a cascading quality assessment process for categorisation of trees which tree surveys must follow. An appropriately scaled tree survey plan needs to accompany the schedule. The plan should be annotated with the details of the tree survey, showing the location, both within and adjacent to the site, of existing trees, shrubs and hedgerows. Each numbered tree or groups of trees should show the root protection area and its category U, A, B, C.

Based on the guidance in BS5837, only category U trees are discounted from the Tree Survey and Tree Protection Plan process. Trees in category A and B must be retained, with category C trees retained as far as practicable and appropriate. Trees proposed for removal should be replaced with appropriate planting in a landscape plan which should accompany the application. Trees to be retained will likely be set out in planning conditions, if not already covered by a Tree Preservation Order.

If a tree with habitat value is removed, then measures for habitat reinstatement must be included in the landscape plan. It is noted that in line with part b) of policy EP7 where woodland is removed compensatory planting must be provided regardless of tree categorisation."

A Tree Protection Plan (TPP) must also be submitted with planning applications, comprising a plan and schedule showing;

- Proposed design/ layout of final development, including accesses and services.
- Trees to be retained- with those requiring remedial work indicated.
- Trees to be removed.
- Location (and specification) of protective fencing around those trees to be retained based on the Root Protection Area.

The TPP should show how the tree survey information has informed the design/ layout explaining the reasoning for any removal of trees.

Landscape Scheme

Where appropriate a landscape scheme must be submitted with planning applications, clearly setting out details of what species of trees, shrubs and grass are proposed, where, what standard and when planting will take place. Landscape schemes must aim to deliver multiple benefits in terms of biodiversity, amenity, drainage and recreation as set out in policy.

The scheme should also set out the maintenance plan. Applicants/ developers will be required to replace any trees, shrubs or hedges on the site which die, or are dying, severely damaged or diseased which will be specified in planning conditions.

Tree species native to Scotland are recommended for planting in new development - Alder, Aspen, Birch, Bird Cherry, Blackthorn, Crab Apple, Elm, Gean, Hawthorn, Hazel, Holly, Juniper, Sessile Oak, Rowan, Scots Pine, Whitebeam, Willow.

EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT

a) Flooding

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

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

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

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

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

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

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

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

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

- Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
- Employment related accommodation e.g. caretakers or operational staff.

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

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

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

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

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

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

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

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

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

c) Water Environment

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

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

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

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

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

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

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.