

# IMPLEMENTATION



## Introduction

- 9.1 The benefits of the Structure Plan will only be achieved if its policies are translated into action. The Local Plan will add detail to the strategic guidance and provide guidance for developers. The Plan will be implemented through the production of development briefs and the development control powers of the Council and this will include the need for sensitive design, achieved through mechanisms such as environmental, traffic and retail assessments and Sustainable Urban Drainage Systems for urban drainage. At the same time there will be a requirement for other agencies and organisations to devise their programmes against the Plan background.
- 9.2 The Plan will require to be constantly monitored to ensure that it is meeting its objectives. Where necessary, the Plan should be updated or reviewed.

Therefore the Structure Plan aims for implementation policies are:

- to achieve sensitive development through the development control process.
- to encourage partnerships with other organisations.
- to monitor and review the Plan regularly.

## DEVELOPMENT CONTROL

**Aim: To achieve sensitive development through the Development Control process.**

- 9.3 There is an emphasis throughout the Structure Plan on the improvement of the natural and built environment through the implementation of sensitive policies which pay due regard to design, integration, energy efficiency, infrastructure provision, community facility requirements, and location. This will be assisted by the provision of development briefs and responding to planning proposals in a manner which incorporates design matters and output from mechanisms such as environmental, energy, traffic and retail impact assessments, and implementing sustainable urban drainage systems.

*Dr Grays Hospital, Elgin by MRT Architects, Aberdeen*

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# IMPLEMENTATION

**Policy S/IMP1:  
Development Siting,  
Layout and Design**

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New development will require to be sensitively sited, designed and serviced. It should meet the following criteria

- i) its, scale, density and character is appropriate to the surrounding area
- ii) it can be successfully integrated into the surrounding landscape
- iii) it meets wider transportation and local site energy efficiency objectives
- iv) adequate infrastructure is available or could be made available in conjunction with the development
- v) consideration is given to the provision of infrastructure which meets sustainable urban drainage principles using appropriate Sustainable Urban Drainage Systems
- vi) adequate social and community facilities are available or could be provided in conjunction with the development
- vii) it does not adversely affect nature, urban or historic conservation resources
- viii) it seeks to manage flood related issues
- ix) pollution is avoided, including pollution of ground water.

Where new development is proposed, whatever character, amenity or design features as exist in the locality should not be harmed by that development. The policies below provide guidance on these matters, however, development proposals will require to be fully assessed in terms of the full compliment of Development Plan policy.

**Development in Built-up Areas**

In areas covered by this policy, (i.e. all land within settlement boundaries and rural communities), the Council will, in considering applications for planning permission, try to ensure that proposals for development do not harm the general character of the surrounding area. Applications will therefore take account of the main uses of land and buildings in the vicinity, the mix of such uses and the architectural quality of the area. The main concern of the Council is to ensure that development proposals should neither conflict with nor detract from the character, amenity and design of an area. This policy will not preclude appropriate new development and is not intended solely to maintain the status quo.

In interpreting and clarifying this policy, the Council will take into account the guidelines on Character, Amenity and Design.

**Development in Rural Areas**

The Council will seek to ensure that all proposals for development in the rural area (i.e. all areas in Moray outwith town settlement and rural community boundaries) are compatible in terms of character, amenity and design, integrate sensitively into the environment and, where possible, located within easy walking range of public transport (this latter requirement will particularly apply to large scale developments). The Council will, therefore, pay special regard to matters such as traffic and landscape impact, accessibility, loss of productive or biodiverse land, siting, scale, colour and energy conservation. The Council will consult relevant organisations such as Scottish Natural Heritage, the Scottish

**Policy L/IMP1:  
Development  
in Built-up Areas**

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**Policy L/IMP2:  
Development  
in Rural Areas**

**Environmental Protection Agency etc. on significant development proposals and 'The Moray Landscape Character Assessment' report as prepared by Scottish Natural Heritage will be utilised to inform decisions on siting and locating within the landscape.**

## Guidelines on Character, Amenity and Design

### a. Character

The character of an area is assessed by the;

- (i) main uses;
- (ii) appropriateness of a diversity of uses; and
- (iii) desirability of introducing a development which may detrimentally alter the existing balance of usage
- (iv) architectural style of the area.

### b. Amenity

The amenity of an area is assessed in terms of both the people who will occupy the development site, and the adjoining occupiers. In short, new developments should be "good neighbours". Where there is an inherent incompatibility of neighbouring developments, or where remedial action cannot be made effective, applications are likely to be refused.

The important aspects of amenity which the Council considers are worth protecting are:-

- (i) Privacy - for both the occupants of a proposed development and surrounding neighbours. Loss of privacy can be minimised by re-orientation, reducing the densities of development reducing the size of buildings, and attention to building levels or by design modifications, for example, window proportion and size.
- (ii) Traffic - the introduction of increased traffic movement and resulting noise, can significantly detract from the amenities of an area.
- (iii) General Disturbance - protection from activities which create unreasonable levels of noise, smells and other discomforts including wheeled bin locations.
- (iv) Sunlight/Daylight - adequate levels of sunlight and daylight, and to a lesser extent, outlook, should be safeguarded for surrounding properties and afforded to new developments.

### c. Design

Design of new development should not only relate to the type of development in the immediate vicinity but also to the wider issues of context and setting. This need not be restrictive to new or innovative architectural expression.

Applicants should, therefore, avoid design proposals which compromise the appearance of design characteristics of the surrounding area.

In considering the appropriateness of a design the Council will have regard to:

- (i) The scale of adjoining development.
- (ii) The materials, finishes and colours used in nearby development.
- (iii) Any features on or near the site worthy of reproduction, protection



*House extension at Croy Farmhouse  
by LDN Architects, Forres*



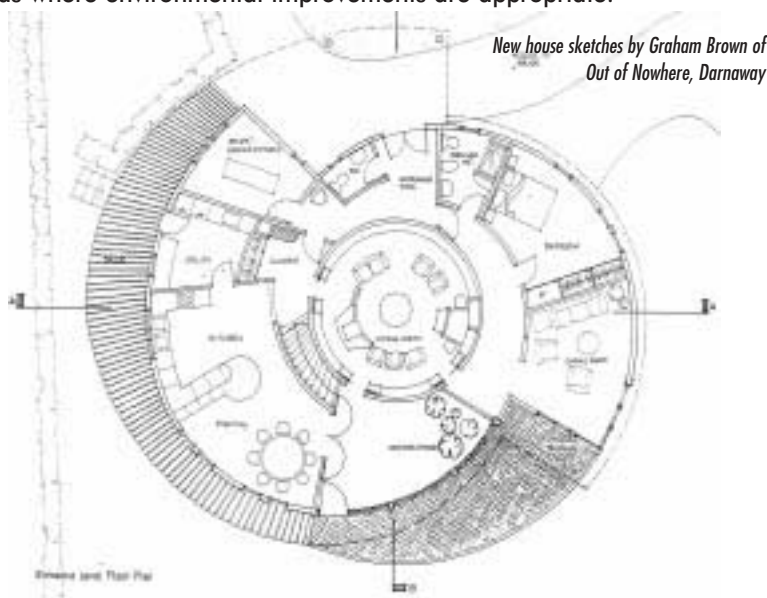
in Scotland, the Scottish Civic Trust, Historic Scotland and the Association for the Protection of Rural Scotland, to assist with the assessment of the design impact.

On sites considered to be high profile, the Council will encourage applicants and landowners to sponsor design competitions prior to the submission of a planning application under the rules and procedures as advised by the RIAS Competitions Unit.

**(iv) Materials**

The Council will particularly encourage the use of materials which are sustainable. The use of salvaged or recycled material is encouraged in most circumstances subject to local situation and there is a strong expectation that traditional materials will be used on heritage structures. The Council will discourage the over use of high energy materials (i.e. those which require high energy levels to make and dispose) where alternatives can be used and is also concerned about the potential long term affects of using Tropical Hardwoods, from non-managed sources.

Town and village plans will identify sites of local importance and specify areas where environmental improvements are appropriate.



**Maintenance of Landscaped and Amenity Areas**

In recent years a number of developers have ceased to follow the practice of requesting that the areas of open space which they provide in new developments be adopted for maintenance by the Council on payment of a commuted sum. Instead, responsibility for maintenance of the open space areas has on occasions been passed to the individual owners. Experience has shown that under this system open space areas are generally not well-maintained and this Council and the previous District Council have come under pressure to take remedial action. However, both Enforcement Action or adoption by the Council are often difficult because of the large numbers of owners involved or because of the revenue implications for the Council's ground maintenance division. In addition, the costs of such action and any future maintenance following adoption would fall on the Council which is an unnecessary burden and unfair on those developers and occupiers who do pay for maintenance of open space.



*Grania Oi, Findhorn by Edge Architecture and Design. Framing of roof and central rooflight.*

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### Environmental Impact Assessment

Environmental Impact Assessments are required where development is judged to give rise to significant environmental effects (this will be updated with Directive 97/11/EC which comes into effect in March 1999) see also the Environmental Impact Assessment (Scotland) Regulations 1999. Environmental Impact Assessment is a method for drawing together quantitative analysis and qualitative appraisal of a project's environmental effects. It enables the predicted effects, and the scope for modifying or mitigating them, to be properly evaluated and considered before a decision is made

**The Council will require an Environmental Impact Assessment to be prepared for developments proposed within or adjacent to national and international designations of natural heritage (see L/ENV1), and for other major proposals identified by the Regulations (or by the revised Directive) which are likely to adversely affect the environment.**

### Transport Impact

New proposals require to demonstrate that they can integrate with the local transport system (parking, access, cycling etc). Transport impact assessments allow the impact of proposals on the traffic system and pedestrians and cyclists to be set down in a rigorous manner. They are essential in assessing when a proposal is appropriate or where appropriate mitigations are required.

**Developers shall provide transport impact assessments for developments which may have a significant impact on traffic flows, pedestrians and cyclists and contributions shall be sought towards any mitigating transport measures shown to be necessary. All proposals must meet the requirements of policies L/T4 (Access), L/T7 (Parking), L/T9 (Mitigation) and L/T10 (Cycling) in Chapter 4 if relevant.**

### Drainage Impact

The Council requires the careful management and treatment of foul and surface water drainage throughout Moray. The disposal of surface water is of particular concern in areas at risk from flooding.

**New development must connect to a public sewer for the disposal of foul drainage if one is available within a Town, Village or Rural Community. If it is not available alternative forms of treatment may be considered and must meet with the approval of NOSWA and SEPA. The Council will promote the employment of Sustainable Urban Drainage Systems (Sustainable Urban Drainage Systems) in the disposal of surface water run-off, and unless otherwise advised by SEPA, will operate a presumption against the disposal of surface water directly to a watercourse. Proposals must meet the requirements of policies L/ENV21 (Private Waste Water Treatment and Drainage), L/ENV22 (Pollution Conditions), L/ENV23 (Private Water Supplies), L/ENV24 (Surface Water Drainage) and L/ENV26 (Control of Development in Flood Risk Areas) in Chapter 2, if relevant.**

#### Policy L/IMP5: Environmental Impact Assessment

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#### Policy L/IMP6: Transport Impact

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#### Policy L/IMP7: Drainage Impact

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**Proposal S/IMP3:  
Partnerships**

**RELATED PLANS AND PARTNERSHIPS**

**Aims: To encourage partnerships with other organisations.**

- 9.6 The Council is responsible for the preparation of both the Structure and Local Plan for Moray. The Council has prepared the two plans as far as possible in tandem with each other with a view to making any consultation with the public and other organisations as meaningful as possible.
- 9.7 It is important that the Council’s economic development, planning, transportation, education, social work and other responsibilities are consistent and co-ordinated. Therefore, there requires to be mutual recognition between the Structure Plan and other strategies including capital plans.
- 9.8 There are plans prepared by other organisations and agencies such as Scottish Homes Housing Plans, Local Enterprise Company Business Plans, and Community Care Plans. There is a need for these various plans to take complementary views of the long term future of Moray. To achieve this it will be essential for a process of partnership to be developed between the Council and the various agencies involved in Moray. Partnerships are a powerful means of co-ordinating action and focusing resources to tackle problems or grasp opportunities.

**The Moray Council will work with public agencies and the private and voluntary sectors to secure the effective implementation of the Structure Plan.**

**Management Partnerships**

- 9.9 In recent years, the Council has moved towards greater partnership in the management of sensitive environmental areas. These are comprehensive approaches to the control of new development requiring planning permission, although land use practices in farming, forestry, estate management and recreational pursuits are largely exempt from local authority jurisdiction. Such partnerships are also able to promote changes and encourage investment, and the Council has, to date, given its support to four important management partnerships:
  - i) The Moray Firth Partnership was established in June 1996 to "promote the integrated management of the natural, economic, recreational and cultural resources of the Moray Firth area in order to retain and enhance a high quality of life for all its residents and visitors". The Partnership produced a set of Management Guidelines for use by the organisations to achieve a common goal.
  - ii) The Cairngorms is one of the most important nature conservation and landscape areas in Scotland. It has been recognised at international and national level by the designation of parts of the area as a National Scenic Area, National Nature Reserve and Special Protection Area. While one of the country’s most popular areas for outdoor recreation, it is home to a rural population and economy. It is acknowledged that the area requires a comprehensive management framework. The Cairngorms

Partnership Board was established by the Secretary of State in 1995. A draft Management Strategy was produced at the end of 1996 for consultation purposes. The Strategy is based on the voluntary principle and relies upon the commitment of all organisations to implement its recommendations. Current budget restrictions make this a difficult task. The recent announcement by the Scottish Office regarding the creation of National Parks in Scotland may affect the Cairngorms area. This will be influenced by the Scottish Natural Heritage assessment of areas suitable for National Park designation. The extent of the Cairngorm area is identified in the Local Plan.

### Update

The Scottish Executive published a consultative document on the Cairngorms National Park in December 2000.

- iii) The Grampian Forest Forum was established in 1996. It encourages farmers and landowners in the north-east of Scotland to establish well-designed forests, to diversify rural land use, and to provide wood supplies for industry. A Challenge Fund was successfully started in 1997 and will run for three years.

Afforestation in the eastern part of Moray is likely to increase significantly as a result of the Grampian Forest project. The project aims to create an additional 1500 hectares of well designed, productive forests before the year 2000.

### Update

The Challenge Fund for the Grampian Forest Forum was extended to 2002.

- iv) Findhorn Bay is an estuary containing a wide range of internationally important habitats and species. The Bay is also used extensively by the local population and visitors for sailing, water sports, wildfouling, angling and birdwatching. The Council has designated the Bay as a Local Nature Reserve. It will be managed by the Findhorn Bay Local Nature Reserve Management Committee which was set up in 1995. Designation as a Local Nature Reserve promotes the conservation of flora and fauna alongside agreed legitimate uses of the Bay using minimum controls within the management of the local community, under a comprehensive management plan.

### Update

A Consultation document on a draft management plan for the River Spey Catchment Area is scheduled to be published in the Spring of 2001.

**Proposal S/IMP4:  
Monitoring Report**

**MONITORING**

**Aim: To monitor and review the plan regularly.**

- 9.10 There is a legal duty for the Moray Council to monitor and review the Development Plan. The Council must keep all matters which affect development and the planning of development under regular review. Monitoring is an essential part of this process.
- 9.11 There is a requirement therefore to identify the extent to which the Plan is being implemented and the effectiveness of its policies and proposals particularly in relation to sustainability. In addition, the assumptions and forecasts which underpin the Plan will require continued assessment to detect any fundamental changes which impact upon the policies within the Plan. Therefore, the Council proposes to prepare a monitoring report every two years.
- 9.12 The Development Plan may require to be updated as a result of changing assumptions, forecasts or policy objectives. This will be informed by the monitoring process described above. Any review or update will be made when appropriate. However, the Council would intend to undertake a full review within five years in line with national guidance.

**The Council will prepare a regular Development Plan Monitoring Report, and will update or review the Plan within five years.**

**Monitoring and Community Participation**

Public confidence in the development planning system relies heavily on the involvement of community participation in the preparation of development proposals and policies. It is essential that the Council continues to engage local communities in discussion on major planning issues, promoting open access to information and enabling communities to have a structural input to decision taking on significant proposals which depart from the provisions of the plan.

**Departures from the local plan will be managed in accordance with advice as laid down in Planning Advice Note 41: Development Plan Departures (The Scottish Executive). Proposals which involve substantive or significant policy changes or which are judged to involve major social, environmental or economic impacts, will be the subject of formal alteration procedures to amend the local plan. Such procedures will allow for a structural community participation input and may include a Public Local Enquiry.**

**Policy L/IMP8:  
Departures  
From The Local Plan**