



*Elgin pedestrianisation*

## Introduction

- 3.1 The Moray Structure Plan recognises that the built and natural environment of Moray is one of its most important resources. It has quality in terms of townscape, landscape, nature conservation, recreation and tourism, and this also creates benefits for the local economy. The Structure Plan needs to balance the protection and conservation of the environment with the need to support the economy and provide recreational opportunities.

## National Context

- 3.2 The Government's planning policy for the environment is presented as the key backdrop to its approach to sustainable development and is given emphasis within all of its National Planning Policy Guidelines. National Planning Policy Guideline 14 on Natural Heritage seeks to conserve, safeguard and where possible enhance;
- native species, habitats and ecosystems
  - geological and physiographical features
  - the natural beauty and amenity of the countryside
  - the opportunities for recreation and enjoyment
- 3.3 This has supplemented previous guidance relating to Archaeology (NPPG5), Flooding (NPPG7) and Waste Management (NPPG10).
- 3.4 The Council recognises the need for a positive approach towards sustainable development and in 1996 adopted a new environmental charter setting out the principles to be used in carrying out its duties. The Charter is supported by Action Plans to help in the overall move towards sustainability.
- 3.5 Therefore the Structure Plan aims for the Environment are;
- to protect the natural environment of nature conservation areas, landscapes, and special areas of the countryside
  - to conserve the built environment of heritage sites and regenerate special areas within towns and villages
  - to provide a framework for the management of waste and the control of pollution
  - to provide a framework for reduction of the risk of flooding

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# ENVIRONMENT



- 3.8 Sites of Special Scientific Interest (SSSI) are sites of key nature conservation and wildlife importance. At the national level there are 41 SSSIs in Moray and a part of the Cairngorms National Nature Reserve. New development should not impair these designations.
- 3.9 In addition to sites which enjoy national statutory protection, there are local sites important to nature conservation. These include the non-statutory Spey Bay Nature Reserve, the Local Nature Reserve at Findhorn Bay, Sites of Interest to Natural Science and Biodiversity Action Plan areas. Development proposals within these areas should only be permitted where a specific locational need is identified and where measures are taken to ensure that there is a minimal environmental impact.

**Nature Conservation sites will be protected from inappropriate development and, where appropriate, enhanced according to their importance as international, national or local designations.**

### International and National Nature Conservation Designations

The Natura 2000 international sites in Moray (the SPAs and SACs) are shown on the LP Proposals Map, along with the area of the Cairngorm National Nature Reserve, the SSSIs and EC designated Ramsar Sites.

The permitted development status for certain activities covered by the General Permitted Development Order will be withdrawn once SPA's and SAC's are classified and will be required to seek planning permission.

**Development proposals which may adversely affect a designated or proposed Special Area of Conservation, Special Protection Area or Ramsar site should be assessed in terms of its implications for the site's conservation properties and will only be permitted where it will not adversely affect the integrity of the site or there is no alternative solution and there are imperative reasons of over-riding public interest for the development. Where a priority habitat or species would be affected, prior consultation with the European Commission is required unless the development is necessary for public health or safety reasons.**

#### National Designations

**Development proposals which may adversely affect SSSI's or NNR's will only be permitted where:-**

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

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*Roe deer, a common sight in the Moray woodlands and moorlands.*

**Policy S/ENV2:  
Nature  
Conservation Designations**

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**Policy L/ENV1:  
Statutory Nature  
Conservation Sites  
International Designations**



*Ragworms: an abundant source of food for some birds on the beaches of the Moray Firth.*



**The Council will consider pursuing Management Agreements with landowners of woodlands:**

- i) at the entrance to towns and villages, or
- ii) which enhance the setting of the built up area,

**if such woodlands are threatened by, or vulnerable to, development.**

**The Council will serve Tree Preservation Orders (TPO) on potentially vulnerable trees which are of significant amenity value to the community as a whole.**

**Within Conservation Areas the Council will not normally agree to the felling or removal of trees and advice will be sought to determine when there is a need to serve a TPO.**

**The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced. An applicant may be required to survey and identify those trees to be protected within the development site.**

**When imposing planting or landscaping conditions on certain developments especially in rural areas, the Council will specify the use of native species of trees and will prioritise the re-establishment and extension of hedgerows and/or shelter belts.**

The low-lying coastal strip of Moray can be liable to windblow and topsoil erosion. To combat this problem landowners can apply for grants through the Forestry Commission's Woodland Grant Scheme. The Council will also prepare guidance and seek funding to establish a grant assistance scheme to promote hedgerow and shelter belt planting to reduce windblow.

**The Council will not normally agree to the removal of hedgerows and shelterbelts within areas susceptible to windblow, when development proposals are being considered. In order to counter the erosion of topsoil and to prevent the blockage of roads by sand drift, the Council may consider the use of Tree Preservation Orders (TPO's) to prevent the removal of hedgerows and shelter belts in certain areas.**

## Landscape

3.10 The range of landscape character in Moray forms a distinctive environment for people to live and work in and an incentive for people to visit. While all landscapes in the area have value for many people, certain areas have been designated as being of particular scenic quality. Scottish Natural Heritage (SNH) have been asked by the Government to review National Scenic Areas and to put forward options for National Parks which may include the Cairngorms.

### Update

Draft proposals for a Cairngorms National Park were published for consultation in December 2000, with a view to establishing a Cairngorms National Park in 2003.

**Policy L/ENV3:  
Woodland  
Management Agreements**

**Policy L/ENV4:  
Tree Preservation Orders  
and Controls on Trees**



**Policy L/ENV5:  
Windblow  
and Shelterbelts**

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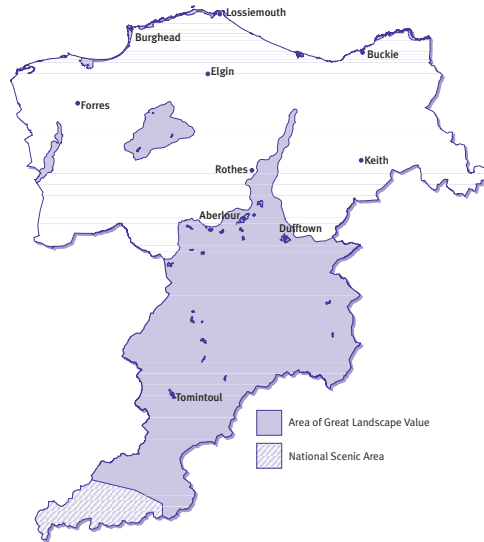
STRUCTURE PLAN



Culbin Sands

3.11 While sound location, design and siting principle must be followed in all areas to ensure acceptable integration of development into the landscape, Moray contains part of the Cairngorms National Scenic Area (NSA) and Areas of Great Landscape Value (AGLVs). Within these designations, priority must be given to scenic quality and any development proposals will require to incorporate best principles of siting and design.

Figure 6: Landscape Designations in Moray



**Policy S/ENV3:  
Scenic Designations**

**Areas of scenic quality will be protected from inappropriate development and, where appropriate, enhanced according to their importance as national or local designations.**

**Policy L/ENV6:  
Cairngorms National Scenic  
Area (NSA)**

The Cairngorm Mountain National Scenic Area is one of about 40 in Scotland which are nationally important areas of outstanding natural beauty and the Cairngorms represents one of Scotland's best examples of mountains and lochs landscapes. Additional planning controls apply within this area and Scottish Natural Heritage (SNH) require to be notified on certain types of proposed developments.

**Within National Scenic Areas only developments which can demonstrate that there will be no unacceptable damaging impacts on the landscape character or that any adverse impact is significantly outweighed by the national benefits resulting from the development will be allowed. Development proposals should incorporate the highest standards of design and landscaping. All development proposals will be referred to SNH and the Cairngorms Partnership.**

The Council has designated seven "Areas of Great Landscape Value" (AGLV) in Moray to protect them from inappropriate development. AGLV designations exclude built up areas within settlement or rural community boundaries and have been designated for the Straths of Avon, Spey, Fiddich, Findhorn, Pluscarden and the upper Lossie; and the coastal stretches from Culbin to Lossiemouth and from Portessie to Cullen.

In 1996 Scottish Natural Heritage commissioned a Landscape Character Assessment for Moray and Nairn. It describes the range of landscapes in Moray and suggests guidelines for accommodating various types of development in the landscape to ensure that landscape character is conserved, enhanced or restored as appropriate. The Council intends to review the AGLVs and prepare a Landscape Strategy to guide the future management and conservation of these areas.

**Development proposals within AGLV's will only be permitted where they incorporate high standards of siting and design for rural areas and where they will not have a significant adverse effect on the landscape character of the area (see policies L/IMP2 and L/IMP3 in chapter 8). The Council will require detailed proposals covering site layout, landscaping, boundary treatment, building design and material finishes to be provided with planning applications.**

**The Council will seek a Direction from the Scottish Ministers to restrict the formation of vehicle tracks above the 150 m level within AGLV's.**

**Where developments incorporate exterior lighting within rural communities and the countryside, the Council will require designs which minimise light spillage through use of low pressure sodium lights, full cut-off lanterns and other measures as appropriate.**

### Undeveloped Coastline

3.12 The coast is a valuable resource in Moray in terms of its landscape, nature conservation, recreation and tourism benefits. It is also a fragile resource that faces a range of development pressures. National Guidance (NPPG13 'Coastal Planning') requires general protection policies to be set out within Structure Plans on isolated, undeveloped and developed areas of the coastline. Within Moray there are no areas which fit the definition of isolated coastline. Therefore, the coastal area is safeguarded from inappropriate development through the categorising of areas of developed and undeveloped coastline identified in the key diagram.

**Development proposals within coastal areas outwith defined settlements will be restricted in order to protect their special character and will only be acceptable where social and economic benefits outweigh potential detrimental impact on the coastal environment as set out in the Local Plan.**

The undeveloped coastline is safeguarded through the identification of a Coastal Protection Zone (see proposals map) in which only certain types of development will be allowed recognising that even these must be sensitively designed and located to ensure there is no damage to this unique environment.

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**Policy L/ENV7:  
Areas of Great Landscape  
Value (AGLV)**

**Policy L/ENV8:  
Light Pollution**



**Policy S/ENV4:  
Development on Coast**

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There is a presumption against development within the CAT areas identified around Elgin, Forres, Buckie, Keith and Lossiemouth, unless it involves the rehabilitation, conversion, limited extension or change of use of existing buildings.

New business enterprises, unless directly related to low intensity recreational uses or specifically allowed under the terms of other Local Plan policies within these areas (e.g. for mineral extraction), will not normally be appropriate.

## THE BUILT ENVIRONMENT

**Aim: To conserve the built environment of heritage sites and regenerate special areas within towns and villages.**

### The Built Heritage

3.14 Moray has a rich and varied history of human habitation. The area's built heritage includes archaeological sites, scheduled monuments, listed buildings, conservation areas, gardens, townscapes and vernacular (or local) buildings. Collectively, this heritage contributes greatly to the Moray character and provides a sense of place and contact with the past. The educational, tourist and recreational value of this heritage is undoubted and the quality of life in Moray is greatly enhanced by it.

**The Council will seek to conserve and promote Moray's built heritage as a valuable, but finite, resource and shall encourage enhancement, active use and access to building heritage wherever possible. In particular, the Council will aim to safeguard listed buildings, ancient monuments, archaeology and designed landscapes and will also seek to retain buildings, townscapes and artefacts which are deemed to be part of Moray's character and identity.**

The Council wish to conserve and enhance all archaeological sites of interest and their settings. There are 79 scheduled ancient monuments in Moray and 562 Archaeological Sites of Regional Significance. Moray Council has a Service Level Agreement with Aberdeenshire Council's Regional Archaeologist to offer and administer the 2,211 sites contained in the Archaeologist's Sites and Monuments Record for Moray. The Council will consult the Regional Archaeologist to determine a sites' significance in terms of national, regional and local terms when determining planning applications on or near archaeological sites.

**The Council shall seek to protect and preserve, and where appropriate, enhance all important sites of Archaeological interest and their settings. The Council will not permit development which will adversely effect significant Archaeological Sites and when determining applications on or near such sites, the Regional Archaeologist, and other relevant bodies (e.g. The Moray Society) will be consulted to establish a site's significance in national, regional and local terms. Where, in exceptional circumstances, the preservation of Archaeological features does not prove feasible, the Council shall require the excavation and the recording of a site where the primary aim of preservation has not been achieved.**

**Policy L/ENV11:  
Countryside Around Towns  
(CAT)**



**Policy S/ENV5:  
Built Heritage**

**Policy L/ENV12:  
Archaeological Sites**

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## Policy L/ENV15: Conservation Areas



*Elgin High Street*

### (i) New Developments

Applications for new developments which affect conservation areas will require to be submitted in detail and will be advertised as necessary. New developments must preserve and enhance the Conservation Area.

### (ii) Existing Buildings/Demolition

All buildings which contribute to the character of the area will be retained as far as possible. Demolition within a Conservation Area (which normally requires Conservation Area Consent) will not normally be permitted unless an immediate replacement has been approved. Evidence may be required that a contract for redevelopment has been set before conservation area consent is granted. New development should pay special regard to scale, bulk, height, materials, colour and detailed design.

Derelict and run down properties in Conservation Areas may be placed on the National Buildings at Risk Register and remedial works to a building in disrepair may be enforced. The Council may require that items of architectural salvage from demolition from development or redevelopment are stored and may, where appropriate, reuse salvage material or make items of salvage for use in new development in conservation areas.

### (iii) Rear and Side Elevations

The rear and side elevations of buildings must be treated with the same care as front elevations where, as in many conservation areas, the rear and/or side elevation forms an important element in lanes side streets and views of towns from approach roads.

### (iv) Boundary Enclosures

Boundary walls, fences and ground surfaces must also be carefully considered to relate both to the individual building and the established amenity of the Conservation Area. Unless the character of the area suggests otherwise, boundary walls and fences will not be permitted over the height of 1 metre in the interests of existing character, amenity and community safety.

### (v) Shop Fronts and Security Devices

Shops in Conservation Areas should retain original signs where possible. Where archive drawings and/or photography exists, the Council will encourage the reinstatement of the original shop fronts which have been lost. New shop fronts must be designed in relation to the whole elevation of a building so that the new shop front relates to established fenestration, floor height and vertical alignment of buildings. Shop fronts in conservation areas should be constructed in materials appropriate to the original building and will normally be wooden. Security devices in the form of removable and/or are fold away grilles are preferred although perforated roller shutters will be permitted provided that box devices do not project beyond the building line.



## Historic Gardens and Design Landscapes

Historic gardens and designed landscapes are integral parts of the Moray culture and heritage identified as meriting protection. There are seven sites currently recorded as being of national importance (Cullen House, Brodie Castle, Darnaway Castle, Gordon Castle, Gordonstoun, Innes House, Pluscarden Abbey), although the present list is being updated.

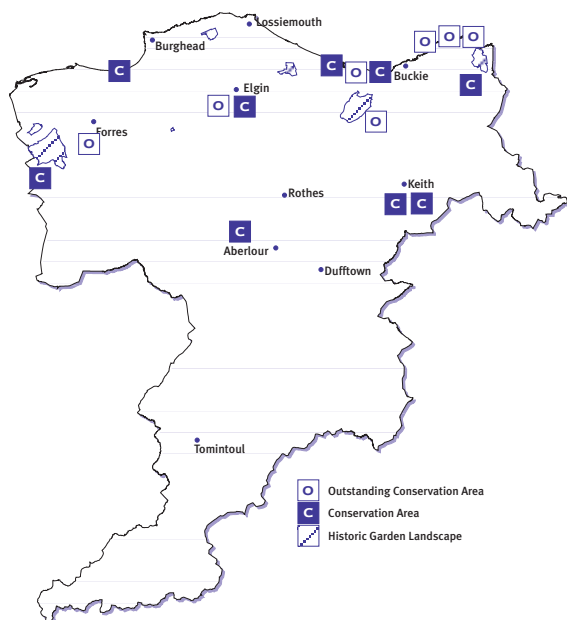
**The Council will consult with the Secretary of State (through Historic Scotland) and with Scottish Natural Heritage on any proposal which may affect the sites in the Inventory of Historic Gardens and Design Landscapes.**

**Policy L/ENV17:  
Historic Gardens and Design  
Landscapes**

## Built Environment

3.15 Moray's built environment is generally of a high quality, bringing considerable social and economic benefit to its residents. The area's towns and villages not only provide a significant range of local services, but also display a richly varied and distinct character. This character has been derived over centuries and is therefore complex and difficult to define, but it makes Moray different from other areas in Scotland and the rest of the United Kingdom. The current trend locally, as elsewhere, is a drift towards a standardisation that threatens Moray's unique identity. It is the strategy of this Plan to focus development on the towns and villages, and therefore it is important to ensure that new building, and work to existing fabric, respects both the character and heritage of the built environment.

Figure 7: Conservation Areas and Historic Garden Landscapes



3.16 Sensitive development is especially important within town centres, while entrances and edges of towns, their main thoroughfares, and the periphery around them, all require special treatment. Similarly, highly visible situations, sites known to attract tourists, and buildings recognised as having an important landscape setting require to be dealt with in a sensitive manner.



*Elgin pedestrianisation*

**Policy S/ENV6:  
Urban Renewal**



*Burghead Harbour improvements*

**Policy L/ENV18:  
Public Amenity  
and Open Spaces**

3.17 The Policy for siting, layout and design of new buildings is set out in S/IMP1 maximising the care, repair and reuse of existing buildings is inherently sustainable.

3.18 The Council is continually seeking to improve the built environment, with management of public areas, town centres, village squares etc. All residential areas should enjoy good access and amenity, and avoid unseen alleys and other public areas shut off from view. Industrial Estates should have extensive areas of soft landscape requiring low maintenance; car parks should have good signage, lighting and landscaping.

**Update**

Frontage improvement schemes have been taken forward in Elgin and Keith.

**The Council will aim to maintain a rolling programme of improvement schemes in partnership with other funding bodies to tackle the worst areas in Moray’s built environment which are subject to dereliction, vandalism or contamination. These schemes should give particular attention to community regeneration and safety objectives and the Council will involve the communities concerned in the design and implementation process. Lighting, street furniture provision, road and pavement design, recreation provision, signage, art, nature conservation, inclusion of water facilities, and long term maintenance will be addressed.**

**This policy should be read in conjunction with L/IMP4 and L/CF1.**

**Development in Built-up Areas**

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 for introducing new development into built-up areas, and the design criteria for new building works, are set out in the Implementation Section, (Chapter 8) under policies L/IMP1 and L/IMP3.

**Public Spaces**

Open spaces in the built environment provide opportunities for social contact and recreation, and it is therefore important they be safe, secure, accessible and clean. Well designed and well maintained public spaces can not only reduce crime, but improve environmental quality. Well designed spaces are durable, manageable and suited to long term maintenance.

**The Council will protect existing 'green' space within its towns and villages which are deemed to contribute to the amenity and environment of built up areas. Within these areas there will be a general presumption against development which threatens to diminish the amenity value of individual locations.**

**This policy should be read in conjunction with S/ENV6 and L/IMP4.**

## WASTE MANAGEMENT

**Aim: To provide a framework for the management of waste and the control of pollution.**

### Waste Management

3.19 The Scottish Office published NPPG 10 on "Planning and Waste Management" in March 1996. The guidance states that all Structure Plans should include land use policies for waste management within a strategic planning framework while safeguarding the natural and built up environment. The Environmental Protection Act 1990 established three separate waste management functions - waste collection, waste disposal and waste regulation. Under the provisions of the Environment Act 1995 the Scottish Environment Protection Agency was vested with the preparation of a national Waste Strategy for Scotland. A draft strategy was published in March 1997. Until a National Waste Strategy is finalised, the existing local authority waste disposal plans remain in force. The collection and disposal of waste remain the responsibility of the Council.

3.20 The Government's White Paper on the Environment, "This Common Inheritance" set out a commitment to waste minimisation, recycling and reuse, the effective treatment of waste and guidelines on landfilling and incineration. The White Paper set a target of recycling 50% of recyclable household waste. At present the Council recycle 7%, and to achieve the government's target will be difficult within current budgets however, a great deal can be achieved through educational initiatives and by raising the profile of recycling.

### Update

The National Waste Strategy was published in December 1999. The strategy requires that 11 Waste Strategy Area Plans are produced for Scotland. One of these will cover Aberdeenshire, Moray and Aberdeen Council areas.

### Landfill and Waste Treatment

3.21 Currently about 90% of waste in Scotland is landfilled, therefore demand for landfill capacity will continue to increase until either recycling and waste minimisation schemes are more effective or alternatives to landfill are developed or existing alternatives become preferred or statutory restrictions on landfill are introduced. It is therefore important to have a framework against which to assess proposals for new landfill sites should they arise. The Council currently operate landfill sites at Kirkhill, and at Dallachy. New landfill sites and sites for other waste management facilities (including civic amenity sites) should be identified through the Council's Waste Strategy to be prepared under policy S/ENV7.

### Waste Water Treatment and Disposal

3.22 The responsibility for treatment of waste water now rests with NOSWA and they are required to implement the EC Directive on Urban Waste Water Treatment. The Council supports measures to reduce the level of polluted water discharged into water courses and into the sea, and remains concerned at the nature conservation implications for water bodies of nutrient enrichment arising from treated sewage. The Council acknowledges that new waste water treatment works will be required to achieve these



**The applicant must satisfy the Council in consultation with, SEPA and NOSWA that proposals for private sewage treatment can be implemented without adverse impacts on groundwater, and watercourses and provide for the efficient treatment of effluent.**

**Consideration will be given to advanced biological systems and new technology solutions as well as the more traditional septic tank and soakaway system. Disposal must satisfy testing procedures as required by the Council in consultation with SEPA and NOSWA and as outlined in appendix 3.**

**Where there is a risk of pollution from a proposed development, which is the subject of a planning application, the council will apply conditions to a consent, or enter into an agreement with a developer, to ensure a specified reduction or removal of the pollution element and will require subsequent independent monitoring of pollution levels.**

The Council is the regulating authority for the drinking water quality of private supplies. Where a developer proposes to obtain a water supply from a private source problems can arise, e.g. the abstraction of further water can reduce the quantity to other buildings; the supply may be inadequate; or could be contaminated by neighbouring sources of pollution, usually septic tanks. These matters require careful assessment before permission is given for a new development.

**The Council will require all applicants who propose to use a private water supply, to mark the supply and all works associated with the supply to the site e.g. the well, holding tank, supply pipe accurately on the application plan to enable the appropriate authorities to advise on adequacy, wholesomeness and pollution risks. This will require the applicant to provide specific information regarding the proposed water supply prior to determination of the planning application.**

### Surface Water Disposal

3.23 In order to better manage the effect of development on the aquatic environment, the Council is keen to encourage the use of sustainable urban drainage systems (SUDS) at appropriate developments by the incorporation of Sustainable Urban Drainage Systems (SUDs) for dealing with surface water run-off. The employment of SUDs will be of particular importance for developments within or affecting areas of flood risk.

**The Council will promote the policy of Sustainable Urban Drainage (SUD), in consultation with SEPA and NOSWA by the incorporation of Sustainable Urban Drainage Systems (SUDs) acceptable to the Council and the regulating authorities.**

**Policy L/ENV21:  
Private Waste Water  
Treatment and Drainage**

**Policy L/ENV22:  
Pollution Conditions**

**Policy L/ENV23:  
Private Water Supplies**

**Policy S/ENV8:  
Sustainable Urban Drainage**

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## FLOODING

**Aim: To provide a framework for reduction of the risk of flooding.**

### Flood Management

- 3.24 Parts of Moray suffered extensive flood damage when the River Lossie and the Mosset Burn burst their banks in July 1997. Damage to land and buildings and surrounding farmland was estimated in the region of £100m. There is a recorded history of flooding dating as far back as 1829.
- 3.25 Flooding is a natural event that can be aggravated by a number of natural and man-made factors. These include rapid snow melt, climatic change, high winds and spring tides, lack of maintenance of drains and watercourses and inappropriate developments within the flood plain which increase the rate of run off. Historic records point to the occurrence of major flood events during summer months in Moray, which suggests that the dominant natural cause of flooding is related to climatic conditions peculiar to this part of Scotland. Recent rainfall trends in Scotland are upward and current rainfall totals are the highest in the historical record but within a context of the apparent instability of climatic patterns. This makes flooding events increasingly difficult to predict and reinforces the need for a precautionary approach.
- 3.26 The powers under the Flood Prevention (Scotland) Act 1961 were extended in May and July 1997 by new duties contained within the Flood Prevention and Land Drainage (Scotland) Act 1997. In summary, the Act places a duty on local authorities to inspect water courses and assess the likelihood of flooding of non agricultural land. The Act also places a duty on local authorities to publish the results of the investigations and specify the measures considered necessary to mitigate it. National Planning Policy Guidance 7 'Planning and Flooding' requires that flood risk is taken properly into account in planning for new development and that Structure Plan preparation should follow a staged approach to the issue of flooding. Stage 1 is to determine whether flooding is a strategic issue and where it is, as in Moray. Stage 2 then requires policies to avoid or manage the threat, to minimise land allocations at risk of flooding and to identify locations where Local Plans should give detailed attention to flood risk. Strategic policies should therefore safeguard floodplains and other low lying land from inappropriate development, so that they can flood naturally where possible, and seek the enhancement of existing flood defence schemes and identify proposals for new protection schemes. Under the 1995 Environment Act, the Scottish Environmental Protection Agency (SEPA) now has the responsibility of assessing as far as it considers appropriate flood risk based upon the information available. If requested by a planning authority to do so, SEPA shall, on the basis of such information as it holds with respect to the risk of flooding in any part of the authority's area, provide the authority with advice as to such risk.
- 3.27 The Council is committed to the preparation of new flood prevention schemes for its main settlements which will require future extensive research and hydrological study. Until its completion the Council will adopt a cautious posture in its



*The Moray floods of 1997*

Road infrastructure damage 1997



**Policy S/ENV9:  
Flood Management**

planning policy based on managing the threat from flooding and requiring thorough flood assessments for development proposals in risk areas. The Council will also seek to avoid the location of development considered to place public safety at risk, which may give rise to pollution or contamination, or which would be likely to require high levels of public expenditure on flood protection works.

### Update

The Council appointed consultants (Posford Duvivier) to initiate the preparation of the Moray Flood Prevention Project in December 2000.

3.28 Notwithstanding the above, the Council accepts that there must be an element of risk tolerance in its management of flooding, particularly in its major settlements of Elgin and Forres. Such is the nature and extent of the flood threat, (stemming from natural climatic conditions more so than man made factors), that the complete elimination of flood risk is considered technically and economically unachievable. Under these circumstances the Council accepts the nature of the risk in any given circumstance must be weighed against competing economic, employment, social, environmental or recreational benefits that might accrue. There may be instances therefore, where the planning benefits of placing buildings or services in vulnerable locations may outweigh the risks from flooding.

3.29 NPPG7 sees a wider strategic role for planning authorities, in co-ordinating a multi agency response to flooding issues. As a unitary authority with combined responsibilities for flood prevention, planning, building control and emergency planning this role is considered essential in order to develop a more widely based and integrated policy approach engaging agencies neighbouring authorities and interest groups beyond those in the public sector and with a direct influence on flooding matters. The 'Flood Appraisal Group' is seen as the main mechanism for achieving this wider co-ordination, and this will help in the identification of flood protection schemes, risk areas and up-to-date practices including best management and soft engineering. It can also provide the Council with practical guidance and information on flood risk and its implications for development, which can then be used by the planning authority in its development control and development planning functions. The Council sees as a priority task for the Group, advice on where flooding is a strategic issue in Moray and whether an alteration to the Structure Plan may be warranted.

**The Council will work closely with the Scottish Environmental Protection Agency and North of Scotland Water Authority in the appraisal of areas liable to coastal or river flooding and will be guided by the precautionary principle. The Local Plan will:-**

- i) direct development considered of high risk to public safety away from vulnerable locations**
- ii) specify the criteria against which new development will be managed within areas of risk**
- iii) safeguard floodplains and low lying land in settlement plans from inappropriate development and ensure, where possible, that they can flood naturally**

- iv) identify proposals for new flood protection schemes
- v) embrace a preference for the use of soft engineering solutions to flood prevention where appropriate
- vi) encourage the use of Sustainable Urban Drainage Systems in the management of run off water in all new development
- (vii) promote an integrated management approach to flood risk throughout the Moray area.

### Control of Flood Risk

National Planning Policy Guideline 7 'Planning and Flooding' advises Planning Authorities to be guided by the precautionary principle in their assessment of proposals which are likely to be affected by or cause flood damage. The precautionary principle is defined in the NPPG as

"taking action now to avoid possible environmental damage when the scientific evidence for acting is inconclusive but the potential damage could be great."

The Council will pursue the following policy in order to reduce flood damage.

#### (i) High Risk Exclusions

The Council (advised by SEPA, NOSWA and the Council's Roads Service) will direct developments considered of 'high risk' away from areas, known to be at risk from flooding and will presume to refuse applications for such proposals that fall within such areas. Proposals will be considered a high risk if they fall within areas considered by the Council to be liable to flooding and;

- a) represent an unacceptable threat to public safety, or
- b) are likely to cause unacceptable levels of pollution or contamination of flood waters if inundated, or
- c) may give rise to high levels of public expenditure on flood protection works.

Examples of developments considered as 'high risk' would include; hospital, medical and the emergency services; special care residential developments for the physically impaired or elderly; commercial developments that involve polluting or contaminating processes such as sawmills, furniture restoration, unsecured chemical or fuel storage and distribution etc.

#### (ii) Managed Risk Proposals

The Council will seek to manage the threat from flooding for developments not considered as 'high risk'. Within this approach there is an acceptance of risk on the basis that developments must adopt appropriate mitigation measures and have the potential to make a contribution to the improvement of flood water management within the area at risk. Applications will only be approved where they can demonstrate that the development;

- a) has been designed to minimise risk of inundation and will not contribute to or increase the risk of flooding elsewhere.
- b) has adopted all reasonable measures to improve the

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*The 1997 floods caused damage in excess of £100 million.*

### Policy L/ENV26: Control of Development in Flood Risk Areas

