

MORAY LOCAL PLAN 2000

FOREWORD

The Moray Council is a unitary planning authority and solely responsible for the preparation and implementation of the Structure and Local Plan for its area. These two plans comprise what is known as 'The Moray Development Plan'.

The Council submitted the Moray Structure Plan to the Secretary of State for approval in December 1998. Once approved the Structure Plan will provide the basis for the adoption of the Moray Local Plan.

Both plans are the culmination of a full and innovative process of public consultation.

- **The Council has prepared the Structure and Local Plan in tandem so that interested parties have been able to comment on and influence the Plans as they affect one another.**
- **The formal consultation process was wide-ranging and, by common consent, successful. The Plans were the first in Scotland to be published in full on the internet, including OS based plans. In addition, the use of public workshops engendered a positive response from consultees.**

Therefore, the Council has sought to fulfil, in a practical manner, the principles set down within Local Agenda 21, which seeks community based solutions to achieving sustainable development into the next century.

The process of public involvement has not yet come to an end as formal objections to the Local Plan can be considered if submitted to the Council within six weeks of the date of advertisement. The Council will then consider if objections can be resolved by modifying the plan or if unresolved issues should be referred to a Public Local Inquiry.

Finally, I would like to thank all those who have taken the trouble to contribute to the plan making process. I hope that together we have succeeded in producing a shared vision on the future development of Moray.



Convener, Councillor Gordon McDonald,
Chairman of the Economic Development Planning Committee

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Moray Local Plan 2000

INTRODUCTION

The new Moray Local Plan 2000 will replace the present Moray District Local Plan, approved in June 1993, adopted in November 1997, and due for replacement in 1998. The new Local Plan will remain in force for five years from the date of its approval, and then will be reviewed.

The Moray Local Plan 2000 interprets the strategic direction given by the Moray Structure Plan into detailed policies for the determination of planning applications. Following a parallel consultation exercise, the Moray Structure Plan was submitted to the Secretary of State for Scotland for approval on 23rd December 1998.

As well as setting out the policies by which the Council takes decisions on planning applications, the **Local Plan** contains proposals by which it promotes development, relating to the use of land, and premises. The Council quite separately has policy statements which include Housing (the Housing Plan); Economic Development (the Economic Strategy); and it is committed to an Environmental Charter. The Local Plan however carries a statutory requirement to consult the public before policies and proposals can be adopted.

The Plan also attempts to be more specific about the Council's objectives by stating the Development Plan aims for each Town or Village. It attempts to be realistic about what can be achieved, and does not address issues which cannot be achieved.

The draft version of this Local Plan which was published on 30th January 1998 was the subject of discussion, debate, community meetings/workshops and exhibitions. At the end of the consultation period the Council studied all the representations received, reconsidered the content of the plan and has now published this final version.

Persons may now only object to statements in this Local Plan. The Council will then consider if the plan should be modified or if unresolved objections be referred to a Public Local Inquiry.

Objections

Objections to the Moray Local Plan 2000 must be submitted in writing, **on forms available from the ED&P Department**, stating clearly the name and address of the objector, the policy/proposal subject of the objection and the planning reasons for the objection. The deadline for the receipt of objections at the Councils ED&P Department is **5pm Friday 26th March 1999**.

Objection forms can be obtained by contacting Hazel Lyons, Senior Clerical Assistant, Development Services, on 01343 563302, (e-mail: hazel.lyons@edp.moray.gov.uk). Should you wish to discuss any aspect of the plan which may give rise to an objection, please contact Paul McTernan, Principal Planning Officer, Development Services Section on 01343 563288 (e-mail: paul.mcternan@edp.moray.gov.uk).

Moray Local Plan 2000

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Chapter One

ECONOMIC DEVELOPMENT

Economic Development

EMPLOYMENT LAND AND PREMISES

Aim: To provide an adequate supply of land and premises for development related to existing communities

The Structure plan requires that, for strategic reasons sufficient land is available for industrial development, specifically in Elgin, but also in other towns to meet realistic demand.

Ten towns have industrial estates, where investment by public authorities has enabled businesses to set up, relocate or expand. There is a continuing demand for serviced industrial land, and for speculative or custom-built premises, and the Local Plan therefore seeks to make provision for at least this level of demand, and to maintain a distribution of such facilities throughout the Moray area.

L/ED1: Supply of Serviced Industrial Land

In accordance with the Structure Plan Policy S/ED2, the Local Plan provides for minimum quotas of industrial land for industrial and business use, in Elgin, Forres, Buckie and Keith and at other locations including Lossiemouth, Mosstodloch, Lhanbryde, Aberlour, Rothes, and Dufftown. Site identification and conditions of development relating to these industrial sites are contained in Town and Village Statements.

Given the concentration of manufacturing industry in the Rothes/Aberlour/Dufftown area (primarily whisky and bakery products) and the resultant transport requirements, there may be a need for a site to accommodate the warehousing/distribution activity generated. The Council in association with other economic agencies will undertake a site search for such a facility to provide an initial area of up to 5 hectares to meet the "strategic" needs of Speyside. By implication, this may have to be outwith identified settlement boundaries.

Business Uses on Formal Industrial Estates

Industrial estates are intended essentially to enable development to set up or expand quickly, but they also segregate potentially "bad neighbour development" from other less suitable areas of towns and villages. They provide space, types of buildings, and access roads suited to industrial and commercial operations. Whilst most business activities are readily accommodated, certain noxious industries are best excluded. Industrial estates are not considered appropriate locations for shops or outright retail activities because of the desirable mix of pedestrian and car borne traffic with industrial and commercial traffic. The limited availability of land in some locations may require a stricter interpretation of suitable uses, in order to retain sites for the most employment - effective proposals.

L/ED2: Business Uses on Industrial Estates

The designated industrial estates are primarily reserved for uses defined by classes 4 (Business); 5 (General Industrial); and 6 (Storage and Distribution) of the Use Classes Order 1997. Activities which do not fall within a specific use class will be considered in relation to their suitability to the industrial estate concerned, including the available supply of land.

Some activities within Class 5 may be considered inappropriate for industrial estate locations and certain noxious industries, may also be excluded, for environmental reasons (e.g. noise, vibration, smell, fumes, smoke, soot, ash, dust etc.).

Shops and outright retail activities will be excluded from industrial estates. However retailing which can be demonstrated as being ancillary to an industrial or commercial business on an estate may be acceptable. (For the purposes of this policy, ancillary is taken as comprising 10% of floorspace or 10% of turnover) - see also policy L/R8 - Ancillary Retailing.

Car showrooms have to date been regarded as appropriate businesses on industrial estates. Under present legislation provided the floor area is below 235 sq. m these can be utilised for other forms of retailing without requiring planning permission. It is the Council's intention to apply to the Secretary of State for a "direction" to require that planning permission is sought for such a change (see also L/R9). The availability of space on an industrial estate may dictate whether a car showroom is in fact an appropriate use of a scarce resource which should be retained for a greater job creating proposal.

Standards for New Estates

New industrial estates, and new developments on estates require to meet certain acceptable standards for provision of roads, drainage, accesses and parking, and to achieve a suitable degree of amenity with landscaping.

L/ED3: Servicing and Landscaping on Industrial Estates

(i) Access

Principal access roads within industrial estates should be laid out to Moray Council standards and provision made for off-site and on-site car parking (also to Council Standards: see policies L/T4 and L/T7 in Chapter 4). In particular circumstances, roads standards may be relaxed to permit hammerheads instead of turning circles. This will primarily be on smaller sized sites where the land taken up by a turning circle would make the development unviable.

(ii) Drainage

Drainage arrangements should incorporate appropriate Best Management Practices when infrastructure requirements are designed. (See Policy L/ENV22 in Chapter 2: Environment). Policy L/ENV23 shall apply in locations at risk from flooding.

(iii) Landscaping

Landscaping proposals must address the issues of screening; sound barriers; treatment of boundaries; and the visual impact of the estate. Details of maintenance arrangements will be required in respect of landscaped areas: (See policy in Chapter 8).

(iv) Transport

Layout proposals should provide for public transport, pedestrian and cycle links. (See policies L/T9 (Traffic Impact) and L/T10 (Cycling) in Chapter 4).

(v) Briefs

Detailed development briefs will be prepared by the Council for each new industrial estate designated. These will contain the criteria for the design, layout and development of the estates.

(vi) Design

Many industrial sites occupy prime frontage locations where the design impact of new buildings will be significant. Policy L/IMP3 in Chapter 8 (New Building Design) will apply.

Established Business Areas

In almost all towns there are long established business premises which have developed along with the surrounding built up area. The predominant land use is clearly industrial, examples being Distilleries in Rothes; Maltings in Burghead; Textile Mills in Keith; Fish Processing around Buckie Harbour. These are clearly not industrial estates but are identified as single user business/industrial complexes. The Plan objective is to retain the business/industrial character of these areas.

L/ED4: Established Business Areas

Within 'Established Business/Industrial Areas' as identified in the Town Maps the Council will presume in favour of business redevelopment and expansion (subject to environmental considerations). Proposals which may conflict, such as residential or retail uses, will normally be resisted.

Mixed Use Areas

Certain areas in towns and villages, have developed over a period of time, as a mix of different uses - commercial businesses, housing, storage areas, etc. Some business uses may constitute "bad neighbours" to others, by the nature of their operation, cause noise, or smells, or late night disturbance, or road congestion for example. In such cases, a segregation of the uses is appropriate and although the Council cannot readily effect such changes, it can identify, through the Local Plan, what it considers to be the most appropriate overall land use, or uses, within these areas, or what it considers the most appropriate use for a single site; and thereby indicate an "opportunity" for redevelopment.

L/ED5: Mixed Use Areas

In areas defined under this policy on Town or Village Maps, the Statement will define the character of the area and its predominant business uses. Redevelopment of “other uses” to the “business use” will normally be permitted. Only if a substantial geographical part of the defined area is proposed for a comprehensive alternative use (e.g. residential or leisure) will the proposal be favourably considered. In such instances landscape and design features will be sought to provide separation between the proposed development and neighbouring business uses.

Opportunity Sites

There are often sites and premises within towns and villages which are derelict, vacant or underused business operations, or which would lend themselves to a change of use or to an alternative use. These are also referred to as “brownfield sites”; they can be utilised to provide new business, or more often, opportunities for housing or leisure developments.

L/ED6: Opportunity Sites

On certain specific sites, the Town or Village Statement will identify (by an OPP reference) the opportunity for appropriate alternative development in the event of a proposal to redevelop. Such opportunities should be viewed as illustrative examples only, and not taken as a definitive list of acceptable activities.

Economic Development **BUSINESS PARKS**

Aim: To provide land for high amenity business development which attracts inward investment.

The Forres Business Park was granted consent and got under construction in 1998. Significant infrastructure investment is required in order to service the Dallachy site and make it readily available. This is unlikely to happen in advance of confirmed demand, and the likely cost of these works will dictate that development proposals are of a significant scale in order to justify this level of expenditure.

The Moray Council, in association with the Local Enterprise Company and Crown Estate (owners of the site) will prepare a development brief containing details of the types of road works; drainage; power supplies; that will be required to be put in place before the site can be occupied.

L/ED7: Tarras and Dallachy Strategic Sites

(a) Tarras, West of Forres: A site extending to 40 hectares which is to be developed as a strategic business park intended to serve the wider Highland area and promoted as a site for inward investment. Planning consent has now been granted with the emphasis on providing a high quality landscaped countryside setting for businesses. The site is primarily intended for large developments in the information technology/high amenity category, and uses which are considered inappropriate due to environmental considerations (noise; dust; fumes; etc) will not be acceptable. There will be a strong presumption against activities more appropriate to conventional industrial estates.

(a) Dallachy Airfield: This site (100 hectares) has been identified in previous Local Plans as a large scale industrial reserve. This designation will be continued, and the site will be retained to accommodate large scale developments (over 4 hectares) with specific locational requirements, away from main population centres. To provide an alternative to the Tarras site, a wider range of activities and uses will be considered, for Dallachy, subject to their compliance with environmental safeguarding policies. Notwithstanding any improvements which may be carried out to the B9014 Fochabers-Spey Bay Road, access to the site must be taken from Tynet on the A98, which will require significant road improvements to be carried out.

Economic Development

TELEMATICS AND RENEWABLE ENERGY

Aim: To promote sustainable developments and the use of telematics and renewable energy.

Telematics and Renewable Energy

The availability of high tech communications networks, allowing cellular telephone links and other similar means of contact are becoming another significant element in modern industry. The infrastructure for this often requires the installation of masts; towers; dishes etc. which are often conspicuous and to be completely effective, often require to be sited in exposed positions and in environmentally sensitive locations. With the Government's policy being to encourage competition and thereby widen the availability of advanced telecommunications services, requests to site such infrastructural elements are increasing. It will be important to ensure that the advantages these high tech links offer are realised while at the same time environmental safeguards are respected.

Certain structures and installations enjoy 'permitted development rights' which mean they are exempt from planning control.

Policy L/ED8: Telematics and Homeworking

Business proposals in the field of information technology and data processing will generally be encouraged throughout Moray, subject to environmental policies as contained elsewhere in the Plan. The promotion of telematics will form an important element of the Economic Strategy for Moray in terms of inward investment and new job creation.

This supportive principle will extend to proposals related to 'homeworking' which may involve change of use applications.

Policy: L/ED9 Telecommunications

Proposals for telecommunications related equipment (masts; antennae' dishes etc). which require to obtain planning consent, will be permitted where they are considered to meet the requirements of the Environment policies of this Plan. Measures to mitigate impact or disguise or camouflage installations will be sought wherever possible.

Policy L/ED10: Renewable Energy Proposals

Proposals for renewable energy will be considered favourably where they meet the following criteria;

- i) They are compatible with policies to safeguard and enhance the built and natural environment (see chapter two). High design and siting standards will be sought in all new developments.
- ii) They do not lead to the permanent loss of, or damage to, prime agricultural land.
- iii) They are compatible with tourism/recreational facilities.
- iv) They do not interfere with aircraft activity.
- v) They do not result in an excessive impact in terms of visual intrusion, noise, interference, pollution, traffic generation and damage to the local ecology.

Proposals may be required to provide 'decommissioning arrangements' to illustrate how the site will be re-instated if and when the plant ceases to operate - this may be enforced by condition of consent through the use of section 75 agreement.

Economic Development

INDIGENOUS INDUSTRIES

Aim: To provide a framework for enhancing indigenous industries

Minerals

The Structure Plan requires that development unrelated to mineral extraction shall not compromise areas of significant workable reserves in order to safeguard valuable natural resources. New mineral working can make a positive contribution to the local economy by creating additional job opportunities. However, the extraction process can present significant challenges to both the natural and built environment. The consideration of mineral applications will focus upon aspects of landscape setting, as well as the location of the proposed site in relation to built-up areas and watercourses, and proposals for land restoration, after-care and after-use.

Due to the scale and long term nature of the mineral extraction process, the Council will monitor quarry operations on in order to ensure compliance with planning conditions and details of consent.

Mineral extraction can, in some cases, result in the permanent scarring of the landscape and the creation of areas of dereliction and contamination. In order to guard against these negative impacts, operators will be required to submit with their planning application, details of proposals for the phased restoration and intended after-care and after-use of the site. Restoration can include the re-instatement of natural vegetation, and in some cases might include seeking development potential for another use which requires planning permission. Financial agreements will be considered for the re-instatement of land, where appropriate.

The minerals policy establishes a four-tier system of constraint as a basis for assessing applications. Detailed maps have been prepared identifying the extent of international, national and local designations within Tiers 1, 2 & 3 and are available for inspection at the offices of the Economic Development and Planning Department. The fourth Tier highlights the location of Preferred Areas for mineral working.

Policy L/ED11: Mineral Extraction

A four-tier constraint policy will be applied to the consideration of planning applications for mineral extraction. The designations included within each Tier are outlined below:

Tier 1: International Designations

Mineral extraction in Tier 1 areas will only be permitted in the most exceptional circumstances, where it can be demonstrated that the existing habitats and species will be safeguarded from the proposed development, or where there is an outstanding national requirement for the extraction of material to take place, and no reasonable alternative exists. Tier 1 designations relate to Special Protected Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites.

Tier 2: National Designations

In Tier 2 areas, consideration will be given to the extraction of minerals only where the quality of the designated area as a whole will remain unaffected and where the negative impact of the extraction process is outweighed by the national benefits of additional mineral production. Designations

categorised under Tier 2 are National Nature Reserves, National Scenic Areas, Sites of Special Scientific Interest (Excluding SPAs and SACs), Environmentally Sensitive Areas, Natural Heritage Areas, Scheduled Ancient Monuments and their settings, Historic and Designed Landscapes, Listed Buildings and their settings, prime agricultural land Classes 1, 2 and 3.1).

Tier 3: Local Designations

Mineral extraction in Tier 3 areas must not compromise the integrity of the local environment. Tier 3 designations include the Coastal Protection Zone, Archaeological Sites on the Regional Sites and Monuments Record, Sites of Interest to Natural Science, Areas of Great Landscape Value, built-up areas, buffer zones 400m from settlement boundaries, operational land at RAF Lossiemouth and RAF Kinloss, Milltown and Dallachy airfield sites, Forres strategic industrial site and the landfill site at Dallachy.

Tier 4: Preferred Areas

Applications for mineral extraction in preferred areas will be considered on their merits, with environmental implications forming a significant part of their overall assessment. Extensions to mineral working will generally be considered under this category unless there are significant environmental constraints.

The assessment of applications will take into account the location of existing mineral operations in relation to built-up areas and watercourses.

All applications for mineral extraction will require to be submitted in detail and include proposals for phased land restoration, after-care and after-use. Section 75 Agreements and Royalty Bonds may be used in certain instances.

Where a proposal is considered to create a significant environmental impact in terms of its nature, size or location the applicant will be required to submit an Environmental Assessment as part of the planning application.

Proposals for mining operations which involve blasting, and are located within a distance of 10km of the operational land boundary of RAF Lossiemouth and RAF Kinloss, will require formal consultation with the respective RAF base as part of the consideration of the planning application.

General development proposals in Tier 4 Areas will, where possible, be redirected to alternative locations in order to safeguard future access to workable mineral reserves.

The constraint maps are held within the Economic Development and Planning Department and are available for public reference. The extent and location of Scheduled Ancient Monuments, Listed Buildings and Archaeological sites on the Regional Sites and Monuments Record, although not identified on the minerals maps, is currently available in mapped form, and will be specifically referred to in the assessment of minerals applications. The Council will prepare a revised Minerals Guidance Note for use by developers.

Agricultural Land

In recent years, developments involving agricultural buildings and farming activities have become subject to planning control, having previously been permitted development. Some proposals (such as slurry stores and intensive livestock units) are regarded as bad neighbour developments, and the visual impact of large farm buildings and structures has also become an important consideration, all of which necessitates some level of control to be exercised.

Policy L/ED12: Developments on Agricultural Land

In line with National Planning advice (SDD Circular 18/87) and Structure Plan Policy S/ED5 there will be a presumption against "irreversible" development on prime agricultural land (Classes 1, 2 and 3.1). Proposals involving over 10 hectares of prime land, or 20 hectares of non prime land will require to be notified to the Scottish Office Environment, Agriculture and Fisheries Department.

In light of the current surpluses in agricultural output, the Council will support the principle of farm diversification and generally look favourably on business proposals which provide additional income/employment on farms (this will not include housing sites).

The Council will ensure that in common with other agricultural activities, agricultural developments are assessed against visual impact and amenity concerns, and will be subject to the environmental policies as contained elsewhere in the Plan.

Forestry

Timber production is an economically productive use of the land which should be protected from unrelated development which could prejudice its commercial operation or threaten its viability. Clear felling should take place with a view to replanting.

Policy L/ED13: Development in Woodlands

For development proposals within or adjacent to woodlands, the commercial resource of forestry is to remain the primary consideration, and development which is considered to prejudice the commercial management of the forest, is likely to be refused. However, non native woodlands may be suitable for certain developments such as holiday chalets, and, in appropriate circumstances, the location of individual house plots. In order to ensure that the new use neither conflicts with, nor poses a danger (e.g. through fire risk) to remaining trees, the Forestry Authority will be consulted in such cases.

All new planting proposals are guided by the locational criteria set out in the Grampian Indicative Forestry Strategy.

Policy L/ED14: Forestry Consultations

The Council will submit observations based upon the following:-

- i) the relationship to the Grampian Indicative Forestry Strategy
- ii) A landscape assessment of the visual impact of the planting scheme, taking particular account of contouring, edges and species mix
- iii) the effect on water quality and water quantity.
- iv) the likelihood of hillside tracks being formed and the implications of, ultimately, felling for road access
- v) the effect on natural vegetation and bird-life (if identified as a SINS) and areas of significant biodiversity importance.
- vi) opportunities for recreational use
- vii) access to agreed forestry extraction routes

Rural Business Development

The potential conflict between business development in the countryside and environmental protection can be resolved by application of sound principles governing siting, design and servicing arrangements for all proposals. For major proposals with significant implications particularly regarding visual impact; emissions; traffic movements, a detailed assessment of the employment and environmental factors may be necessary in order to assist the Council in making its decision (see policy S/IMP2 of the Structure Plan and policies L/IMP5, L/IMP6 in the Local Plan).

Business proposals which fall within Areas of Great Landscape Value, the Coastal Protection Zone or the Countryside Around Town Areas (CATS) are subject to specific environmental controls as detailed in policies L/ENV7, L/ENV8 and L/ENV9 in Chapter two.

Policy L/ED15: Rural Business Operations

Recognising their role as traditional, established land uses in rural areas, proposals related to indigenous industries (e.g. agriculture, forestry, distilling, fishing and food processing), will generally be supported in principle.

New business developments in all sectors will be subject to:-

- i) strict control over siting, design, visual impact and emissions. In view of the rural location, industrial estate/urban design may not always be appropriate; Full details on the relevant criteria are contained in Chapter 8(Development Control)
- ii) a possible locational justification for the site concerned if serviced industrial land is available nearby;
- iii) the capacity of the local infrastructure (Roads, drainage, water supply etc).
- iv) environmental considerations including the impact upon natural heritage.

Where regulations require, an Environmental Impact Assessment will be carried out in order that full account is taken of the potential impact of major developments. When the criteria requiring a formal EIA are not reached the Council may still request some supporting economic justification be submitted in support of any adverse environmental impact.

Proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business premises will be encouraged, provided access and parking arrangements are acceptable. Where noise, emissions or any other aspect are considered to present "bad neighbour" circumstances, there will be a presumption to refuse development proposals.

Economic Development

TOURISM

Aim: To promote tourism development.

It is important to have a sufficient range of tourist accommodation and facilities to ensure that visitors can be attracted and retained within the area. In the early 1990's a number of planning applications were received for caravan and chalet type developments. Careful consideration will continue to be required over such proposals, but this type of accommodation is essentially compatible with Moray's image as an "outdoor" tourist area. The increase in 'resident population' created by holiday visitors and tourists can have an impact upon drainage capacities in some locations and must be taken account of.

L/ED16: Tourist Facilities and Accommodation

- (i) Proposals for holiday accommodation and tourist visitor attractions (hotels, visitor centres, guest houses, caravans/chalet/lodge/ timeshare developments) will in principle be supported, given their function as part of the tourism infrastructure.
- (ii) Applications for holiday accommodation will be subject to the same guidance and advice as applies to housing in the countryside for siting and location. The Council generally accepts the integration of holiday chalet development within woodland settings, although conservation and natural heritage implications will be taken into account for proposals which involve native woodlands and natural habitat.
- (iii) In countryside locations, visual impact and access arrangements will be important considerations. Proposals must demonstrate what landscaping measures will be taken to assist with the integration of the site into its rural setting, in addition to providing for on site amenity. Rigid formal layouts should be avoided, with stances/units separated to provide discrete locations/surroundings.
- (iv) Developments built as holiday accommodation should be retained for that purpose, and not permitted to become permanent residences. Conditions will be applied to planning consents in order to control this aspect.
- (v) Implementation policies in Chapter 8 will apply where relevant.

Roadside Signs for Tourist Related Proposals

Signage is an important part of the service to visitors, directing them to places of interest and assisting them to make their way around the area. This is particularly the case with so many of the visitors to Moray are dependent on the car, and that so many of the popular sites and facilities are distributed throughout the area. Many tourist related business require signage so that they can be identified by visitors (B & B; craft workshops). The Council's policy for roadside servicing and facilities can be found under L/T3 policy in chapter 4.

To date, Moray's roadsides have on the whole, been preserved from random signs and this is an objective worth retaining. If however more signs are needed to aid tourists and tourist businesses, then at the very least, some standards should be introduced with signs kept to a reasonable size and an overall design.

A more relaxed approach to roadside signs, encouraging the advertisement of commercial premises to be incorporated within standardised directional signs, was introduced by Scottish Office Development Department circular 27/1995. This has been incorporated into a joint policy formulated by Local Authorities and Tourist Board representatives within Grampian. The aim of this new policy is to promote the establishment of standardised tourist information signs within the highway boundary (which will not require planning permission).

L/ED17: Roadside Signs (Tourism)

There will continue to be a presumption against granting planning permission for roadside signs and advertisements.

Instead, proposals will be encouraged to follow the approved policy as agreed with The Moray Council and the Tourist Board. In such instances advertisement consent is not required.

To qualify under the terms of this policy a number of criteria have to be observed.

- i) establishment must be current members of the Aberdeen and Grampian Tourist Board, and a Scottish Tourist Board Quality Assurance Scheme;
- ii) attractions and facilities will be signposted from the nearest main tourist route, or from an adjacent themed trail. Where further turns onto other roads are required additional, confirmatory signs will be permitted;
- iii) signs will be worded with the commercial name of the destination or a generic title (e.g. B & B). No other wording will be permitted;
- iv) The Moray Council as Roads Authority will determine such matters as exact dimensions, design, materials used and exact location of signs;
- v) the costs of design, manufacture, erection, relocation, maintenance, removal, etc of signs will be borne in full by the establishment(s) concerned.

Full details of the Policy can be obtained from the Moray Council Roads Service or the Aberdeen and Grampian Tourist Board.

Chapter Two

ENVIRONMENT

Environment

THE NATURAL ENVIRONMENT

Aim: To protect the natural environment of nature conservation areas, landscape and special areas of the countryside.

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 .

Policy L/ENV1: Statutory Nature Conservation Sites

International Designations

Development proposals within or adjacent to Special Areas of Conservation and Special Protection Areas will only be permitted where there are imperative reasons of overriding public interest.

National Designations

Development proposals within or adjacent to SSSIs or the Cairngorms NNR 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.

Local Nature Conservation Designations

The Local Nature Reserves are shown on the Proposals Map. The former Grampian Regional Council identified 42 Sites of Interest to Natural Science (SINS) within Moray.

A map showing the location of all SINS is available at the Council HQ along with a schedule describing the scientific interest of each site.

The Council wish to conserve and enhance the biodiversity of Moray and is a member of the North East of Scotland Local Biodiversity Action Plan Steering Group. A number of Action Plans are being prepared for important species and habitats within Moray, including the Moray Moorlands and the Moray Coast, and their objectives will be used in considering any relevant development proposals. The Council is also supporting a joint study of the Moray Moorlands involving the Forestry Authority, Scottish Natural Heritage, RSPB and the Scottish Landowners Federation in the interests of promoting better management and biodiversity.

Policy L/ENV2: Non Statutory Nature Conservation Sites

Local Designations

Development proposals which are likely to have an adverse effect on Local Nature Reserves, or SINS, or conflict with the objectives of Local Biodiversity Action Plans, will be required to demonstrate a specific locational needs. They will only be permitted if they incorporate measures to minimise impact and conserve the site's ecological interest.

Trees, Shelterbelts and Hedgerows

Moray is a heavily afforested area with approximately 27% of land covered in woodland. Most is commercial timber ,however trees and woodlands can have significant amenity value as an attractive feature and provide valued natural habitats. The Council considers some trees as worth protecting from development and may prevent their removal by serving Tree Preservation Orders, refusing or imposing conditions on planning consents, or securing Legal Agreements with owners.

Areas of woodland within and adjacent to towns and villages may be promoted as community woodlands.

Policy L/ENV3: Woodland Management Agreements

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.

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

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 Aberdeenshire and East Moray Conservation Project which offers grants for planting hedgerows and shelterbelts or the Forestry Commission's Woodland Grant Scheme.

Policy L/ENV5: Windblow and Shelterbelts

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

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.

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

Within the Cairngorms National Scenic Area there will be a presumption against development unless it can be demonstrated that there will be no damaging impact on the landscape or that any adverse environmental impact is significantly outweighed by the national benefits resulting from the development. All development proposals will be referred to SNH and the Cairngorms Partnership for consultation.

The Council has designated "Areas of Great Landscape Value" (AGLV) in Moray to protect them from inappropriate development and these are identified on the Proposals Map.

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.

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

Within Areas of Great Landscape Value (AGLV's), only developments which incorporate the highest possible standards of location siting and design in rural areas will be acceptable. 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 Secretary of State to restrict the formation of vehicle tracks above the 150m level within AGLV's.

The Coastline

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.

Policy L/ENV8: Coastal Protection Zone (CPZ)

The Council has designated a Coastal Protection Zone (CPZ) within which development will not be permitted except:-

- i) where there is an existing use, an extension or change of use of existing buildings which does not prejudice the objective of the CPZ, or
- ii) for low intensity recreational or tourist use, (i.e. golf courses, driving ranges, sports field etc.) which does not adversely effect the ecological or landscape importance of the area, or
- iii) for uses directly related to agriculture, forestry and fishing and where proposals do not significantly affect the ecological, geomorphological or landscape significance of the area.

Settlement Boundaries

Settlement Boundaries are defined on the Proposals Maps for the purpose of guiding development to the towns and villages preventing ribbon development and maintaining a clear distinction between the built up area and the countryside.

Policy L/ENV9: Settlement Boundaries

Settlement boundaries are drawn around each of the towns, villages and rural communities representing the limit to which these settlements can expand during the Local Plan period. Development proposals immediately outwith the boundaries of these settlements will not normally be acceptable.

Countryside Around Towns (CATs)

To preserve the distinction between built up areas in Moray and the surrounding countryside, CATs have been identified for Elgin, Forres, Buckie, Lossiemouth and Keith. These areas are shown on the Proposals Maps.

Policy L/ENV10: Countryside Around Towns (CATS)

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 within these areas will not normally be appropriate and extensions to existing business premises will only be permitted in exceptional circumstances where the principle of the CAT is not compromised.

Environment **THE BUILT ENVIRONMENT**

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

Policy L/ENV11: 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. 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.

Where new development is proposed which will effect national or regional important archaeological sites, developers will be required to carry out an Archaeological assessment prior to commencement of works and fund subsequent intervention.

Policy L/ENV12: Scheduled Ancient Monuments

The Council will seek to protect, preserve and where appropriate enhance the site and setting of Ancient Monuments. In doing so, the Council will consult with Historic Scotland (which has responsibility for Ancient Monuments) over development proposals which may affect these structures.

Policy L/ENV13: Listed Buildings

The Council will adhere to the guidelines laid out in Historic Scotland's Memorandum of Guidance of Listed Buildings with regard to listed buildings consent applications.

- i) Applications for development which affect a listed building will require to be submitted in detailed and will be advertised.
- ii) Demolition of Listed Building will not normally be permitted unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it.
- iii) Development on a site adjacent to a Listed Building will not be permitted to prejudice the character and setting of the Listed Building.
- iv) Traditional building material will be specified for any alterations or extension of a Listed Building and utilised sensitively to ensure that existing quality is not compromised.
- v) Buildings which are allowed to fall into a state of disrepair may be placed on the Buildings at Risk Register and remedial work to buildings in disrepair may be enforced in the public interest.

Grants towards the repair of listed buildings may be available from Historic Scotland. Since the demand for grant aid is high, grants are only normally awarded to buildings of the highest quality with greatest need.

The Council is investigating alternative funding arrangements for enhancement schemes or town schemes in Conservation Areas, aiming to engage external bodies such as Preservation Trusts, Historic Scotland and the local Enterprise Company in partnership, and seeking to secure funds from available sources such as the Heritage Lottery Fund, European Funds, and private initiatives. The Council also aims to raise awareness and promote conservation areas as a cultural and tourist resource.

The existing design guides for some conservation areas will be replaced with design guides for individual elements applicable to all Conservation Areas such as shop fronts, new building in conservation area, replacement windows, materials and finishes etc.

Policy L/ENV14: Conservation Areas

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 material 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.

vi Satellite Disks and other Fittings

The Council will approve external fixtures to important buildings which are deemed to be essential to the use of that building e.g. satellite equipment, TV aerials, telecommunication cables, security boxes, provided that they do not seriously compromise the character or fabric of the building and are sited away from prominent locations (e.g. public thoroughfares) where possible.

vii Advertisements.

Advertising within the commercial centres of conservation areas will not be discouraged, although sensitivity to the historic nature of the area is essential. In this regard, advertising which is hand painted (and lit by a projected light source) can enhance conservation areas and individual buildings as well as promote business. Projecting internal illuminated signs will not be permitted and removal of such existing signs will be sought on a change of ownership. Internal illuminated plastic fascias will not be permitted unless no other alternative can be found.

viii Article 4 Directions

The Council will apply to the Secretary of State for Article 4 Directions for its conservation areas i thus permitting the Council to require planning applications for matters otherwise classified as permitted development.

Vernacular Buildings

Vernacular buildings are those which epitomise local character but are offered no statutory protection. They are generally simple structures, often employing interesting construction techniques, and are to be found in town and country. Collectively they form a great contribution to Moray but individually they may seem insignificant e.g. farm steadings, barns, cottages, mills, town houses, schools, churches etc. Grant schemes, such as the national Countryside Premium Scheme, may be available for repair in certain circumstances.

Policy L/ENV15: Local Buildings (not protected by statute)

The Council will generally seek the retention and reuse of vernacular buildings in preference to their demolition and re-development. In its assessment of the merits of retaining such buildings the Council will have regard to:-

- i) the condition and suitability of the building for re-use; and
- ii) the contribution of the building to its existing setting i.e. the value of the building to the character of its location.

The Council may request evidence in support of an application to demolish such a building and may also request as a condition of demolition that building materials are recycled and a measured and/or photographic survey be taken prior to demolition. The Council may refuse a subsequent application if demolition is carried out without prior consultation.

Historic Gardens and Design Landscapes

Historic gardens and designed landscapes are integral parts of the Moray culture and heritage. 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.

Policy L/ENV16: Historic Gardens and Design Landscapes

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 current Inventory of Historic Gardens and Design Landscapes.

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, 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.

Policy L/ENV17: Public Amenity and Open Spaces

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 L/ED4, S/ENV6 and L/IMP4.

Environment

WASTE MANAGEMENT

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

Waste Management

A new sewage treatment works has been approved on appeal at Oakenhead, near Lossiemouth and a further site needs to be identified for Buckie. In many inland communities the present works are inadequate and limits for development may have to be imposed until such times as improvements are carried out.

Policy L/ENV18: Waste Water Treatment Works Sites

The Council will assist NOSWA in its search for a site for a new waste water treatment plant in Buckie and agree priorities in relation to both development and environmental criteria. In dealing with any proposals for waste water treatment works, a distance of 100 metres between new sewage treatment works for more than 10,000 population equivalent capacity and existing housing, will be retained and the Council will prohibit new housing within 100 metres of existing works. Restrictions will be imposed on future development in an area where there is pollution risk due to inadequate sewage treatment.

Policy L/ENV19: Private Waste Water Treatment and Drainage

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.

Policy L/ENV20: Pollution Conditions

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.

Policy L/ENV21: Private Water Supplies

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.

In line with the Structure Plan policy for Sustainable Urban Drainage, the Council will pursue the following policy in relation to surface water.

Policy L/ENV22: Surface Water Drainage: Best Management Practice

In consultation with SEPA, NOSWA and the Council's Road Service, Best Management Practices (BMP's) will be sought on all development sites as identified in the settlement plans and in all 'windfall' sites (i.e. redevelopments and undesignated sites) accommodating in excess of 10 residential units or measuring in excess of 2,000 sq. m of non-residential development land.

Settlement statements and development briefs shall identify sites where an explicit surface water management plan requires to be submitted and approved as part of the planning application.

Where BMPs are proposed applicants must specify provisions for long term maintenance to the satisfaction of the Council and the regulating authorities.

Environment FLOODING

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

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.

L/ENV23 Control of Development in Flood Risk Areas

(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 management of flood waters on and adjacent to the site and to assist the protection of properties within the vicinity of the site
- c) does not impede the flow of flood water or the ability of the floodplain to store water and to flood naturally
- d) incorporates building design measures and materials to assist evacuation and minimise damage from inundation.
- e) employs, where possible, the use of best management practices in the disposal of surface water run-off to the satisfaction of SEPA and the Council, and provides for their maintenance
- f) can provide for the maintenance of any approved privately funded flood defence measures, to the satisfaction of the Council

The Council will be advised on the acceptability of risk/mitigation measures by its Planning, Roads and Building Control Services together with SEPA and NOSWA on the basis of the precautionary principle as defined in NPPG7.

Applicants may be required to submit hydrological survey and assessment information in support of their proposals and may be required to make a contribution to flood defences under the terms of policy L/F1.

Chapter Three

HOUSING

Housing

HOUSING LAND SUPPLY

Aim: To provide house building opportunities across Moray

Housing Land Supply By Settlement

The Structure Plan sets an allowance for a further 1,350 houses to be added to the supply of housing land currently (at 1998) identified by planning permissions and zonings. Table 1 'Housing Land Supply' shows:

- **Column 1:** The total supply of housing land comprising sites with planning permission and sites previously designated in the Moray District Local Plan.
- **Column 2:** Those sites defined as 'constrained' by reason of servicing constraints or ownership issues.
- **Column 3:** The 'effective' housing land supply which is made up of the total supply (column 1) less the 'constrained' supply (column 2).
- **Column 4:** The Structure Plan housing allowances seek to meet future anticipated demand and therefore most new housing is proposed for Elgin, Forres, Buckie and Keith where development rates are historically high and therefore there is a need to augment the housing land supply. In Lossiemouth, the redevelopment opportunities at Hythehill and Manson Terrace provided by the resettlement of RAF personnel mean that no major new greenfield housing land additions are necessary. Of the total allowance of 1,350, **Elgin is anticipated to need 700 sites, Forres 300, Buckie 100 and Keith 75, with the remaining 175 being distributed to meet likely demand in other locations.**
- **Column 5:** Provides an 'indication' of the requirement for future housing sites based upon the housebuilding rates from 1991-1997 inclusive .
- **Column 6:** Shows the housing allocations identified for each settlement which will be brought forward in the Town and Village Statements. In those cases where the existing supply of housing land is adequate for a settlement's needs, no new Local Plan designations are proposed. In other cases, especially the smaller communities, the overall plan objective is to limit new housebuilding. Therefore, the eight villages at the bottom of the column are not considered suitable for housing expansion beyond the occasional gap site or redevelopment opportunity. This is for reasons related to past development rates, infrastructure and the amenity/character of the area.

Policy L/H1: Housing Land Allocations

The housing allocations for development within each settlement, are as shown in Table 1, Column 6. The sites are identified in the Town and Village plans.

Policy L/H2: Strategic Reserves of Housing Land

Sites are identified in Elgin, and at Alves, to provide a reserve for potential additional future requirements. They will be embargoed from development during the period of the Local Plan unless the Local Authority is convinced that their release is justified. In considering an advanced release the Council will have regard to development rates, levels of demand and supply relative to non-constrained sites, and the availability of or requirements for infrastructure links. These sites are identified in the respective settlement statements as strategic reserves.

Table 1: Housing Land Supply

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Settlement	Established Supply from Jan 98 Audit	Constrained Supply	Effective Supply	Structure Plan Allowance to 2005	Indicative Demand 1998 - 2005 (8 years)	Local Plan New Proposals
Elgin	523	172*	351	700	1104	700
Forres	291	20	271	250	424	300
Buckie	297	80	217	100	168	100
Lossiemouth	218	119*	99	**	160	15
Lkeith	95	0	95	75	112	75
subtotal	1424	391	1033	1125	1968	1190
Rest of Moray						
Aberlour	46	0	46		88	37
Cullen	57	0	57		32	0
Dufftown	83	0	83		4	6
Rothies	43	0	43		16	28
Archiestown	1	0	1		4	5
Burghead	146	0	146		64	0
Craigellachie	35	0	35		2	0
Findhorn	72	0	72		32	0
Findochty	54	20	34		24	35
Fochabers	106	0	106		48	0
Garmouth	22	0	22		0	0
Hopeman	84	0	84		48	0
Kinloss	29	0	29		32	0
Lhanbryde	53	0	53		24	0
Mosstodloch	22	0	22		24	20
Newmill	0	0	0			6
Portgordon	30	0	30		8	8
Portknockie	45	35	10		8	0
Rothiemay	0	0	0		8	16
Tomintoul	14	0	14		0	0
Alves	0	0	0		16	0
Cunningston	1	0	1		2	0
Dallas	16	0	16		0	0
Duffus	0	0	0		8	0
Dyke	0	0	0		16	0
Kingston	0	0	0		0	0
Rafford	0	0	0		8	0
Urquhart	3	0	3		56	0
Elsewhere	101	0	101	175	80	0
Sub Total	1063	55	1008	175	652	161
Total Moray	2487	446	2041	1300	2620	1351

Housing

NEW HOUSING IN BUILT UP AREAS

Aim: To set standards for new housing in built-up areas and promote “brownfield” development

New Housing Layouts

Large, dense and uniform housing development in standard estate format, and with little or no relation to the vernacular of Moray, continue to be an issue. Therefore, proposals for large residential developments should be broken down into discrete zones and provide for a living environment which respects the needs of people, buildings, cars, cycles and pedestrians.

Residential developments will generally require to provide open space and recreational and play facilities for children. Layout and design should take energy

saving, traffic calming and cycle and pedestrian access fully into account. Building design will be assessed under the terms of policy L/IMP3 in Chapter 8.

Good house design incorporates energy conservation measures, and individual housebuilders are encouraged to submit planning applications which meet standards above the minimum. In order to raise the overall quality of sustainability in house construction, the Council will assess submissions for sizeable new house developments and may require increased input to energy conservation.

Policy L/H3: Servicing and Layout of new Housing Developments

(i) Layout

New residential areas must be designed to accommodate provision for cycling and walkways. Road layouts should reflect considerations of road safety, avoiding long straight stretches, adopting curves and bends with unobstructed sightlines and where appropriate (i.e. adjacent to play areas, schools and public halls) raised surfaces should be introduced to reduce traffic speed. Emergency vehicle access must be provided, and if public transport is to service the site, roads must be designed accordingly. In general, houses in new housing developments which require to be served by new or improved made-up public roads should not be occupied until the road is completed to a standard which satisfies the Council. Proposals must also comply with policies L/T4 (Road Access), L/T7 (Parking Standards), L/T9 (Mitigation) and L/T10 (Cycling) in Chapter 4.

(ii) Drainage

New housing developments must comply with the requirements of NOSWA and SEPA for connection to the public sewerage systems and the standards of disposal of waste water (see policy L/ENV22 Surface Water Drainage: Best Management Practice in Chapter 2).

(iii) Landscaping

New housing developments must provide landscaping in accordance with the site description to provide screening, enclosure, shelter, and acoustic barriers and to enhance the overall visual/environmental impact of the development. Details of maintenance arrangements will be required - see policy L/IMP4 'Maintenance of Landscaped and Amenity Areas' in Chapter 8.

(iv) Recreational Space and Community Provision

Housing developments which impact upon the capacities of existing community facilities such as children's play areas, recreational space, or other community services provided by the authority may be subject to Policies L/F1 (Developer Contributions) or L/F2 (Commuted Payments). Recreational space (with equipped children's play areas if necessary) will be required to serve new developments of family sized houses. Guidelines for the provision of recreational space for all types of housing will be prepared by the Council.

(v) Energy Conservation

Planning applications and development briefs for developments of 10 or more houses must include a statement on the energy conservation techniques to be incorporated in the layout and design of houses.

Infill Housing

Where the Structure Plan establishes a general presumption in favour of redevelopment or the filling of gap sites, the Local Plan seeks to ensure that such new brownfield development attains reasonable standards applied to itself and to its impact on immediate surroundings. Amenity can be adversely affected when development impinges on character, privacy, outlook and any other matters that may affect the enjoyment of surrounding land.

The policy for proposals for new houses to be built in existing built up areas is the same as that for any form of new development, and is stated in Policy L/IMP1 'Development in Built-up Areas.' Essentially applications will be assessed on whether they constitute 'good' or 'bad neighbour'

Policy L/H4: Infill and 'Brownfield' Housing

Approval will normally be granted (subject to policies L/ED5 in mixed use areas and L/ED6 on opportunity sites) for the change of use or redevelopment of vacant property for residential use provided that the location can provide a satisfactory living environment.

Subdivision

The practice of sub-dividing house plots has had a significant impact on the character of certain parts of the towns and villages. It is essential to ensure that such forms of development do not impair the amenities of neighbouring properties and do not lead to over development in certain areas. Greatest problems arise with backland development where proposed sites have no road frontage and tend to be surrounded by garden boundaries.

Policy L/H5: House Plot Sub-division

A new house should be a suitable distance away from the nearest dwelling, to allow it to fit comfortably with the character of the area. House plots must not be subdivided by more than 50% and must provide for a site of, at minimum, 400 sq. m, excluding access. (In certain circumstances such as for example, a proposal to extend a terrace or where an existing house is to be subdivided internally, this may be relaxed). The built-up area of the application site should not exceed one third of the total area of the plot and, to avoid overlooking and to maintain privacy, main windows (i.e. kitchen, living room, bedroom) must be at least 4m from the boundary they face, unless that boundary fronts onto a road or public pavement or follows an established building line. The house style must complement both the character of the area, and the scale and architecture of the parent house.

The Council will not normally approve applications for backland sites (e.g. those in back gardens which do not have a road frontage) on the grounds of character and amenity.

Design

The design criteria for new housing (as with all new building) are set out in L/IMP3. In respect of house alterations and extensions, in order to safeguard the character and amenity of established residential areas, policies to discourage badly designed extensions and alterations must be adopted.

Policy L/H6: House Alterations and Extensions

House alterations and extensions will normally be approved provided that the appearance of the house and surrounding area is not adversely affected. Approval is, however, unlikely to be granted where the siting and scale of the extension significantly affects the amenity enjoyed by the occupants of adjoining property (and that will include considerations of sunlight, daylight and privacy) as specified in the Implementation Chapter. Pitched roofs will be preferred to flat roofs, pitched dormers to box dormers. Existing stone walls should, as far as possible, be retained. Guidelines on house extensions are to be produced separately. Special guidance is available for replacement windows in flats, and domestic satellite antennae.

Housing

AFFORDABLE AND SPECIAL NEEDS HOUSING

Aim: To promote the provision of affordable and special needs housing

Affordable Housing

Developers should expect to provide an element of affordable housing on any sizeable site designated in the Local Plan for housing, and on any sizeable 'brownfield' or opportunity redevelopment. Town and Village Plans may have identified appropriate sites, but developers should consult with the Community Services Department of the Council to establish local needs. **To provide an indication of demand for rented and special needs housing, by housing area, and extract from the Council's database for applications for local authority housing is contained in Appendix 4.**

Policy L/H7: Affordable Housing Provision

Proposals submitted for housing (on designated or undesignated sites) which are above the threshold for the consideration of developer contributions, will be assessed for an 'affordable housing' element. The proportion of a site which the Council will expect to be used to satisfy local affordable housing needs will be commensurate with the site size and the specific extent and nature of the local needs for affordable housing.

The Council will require any affordable housing to be provided in perpetuity so that the benefits are passed on to serve the community in future years. The range of mechanisms under which this will be achieved are:-

- i) that part of the site or development proposed for affordable housing use being transferred to the Council, Scottish Homes or a similar management body;
- ii) through the use of planning agreements and conditions; and
- iii) a partnership, joint venture and or other innovative arrangement between developers and the Housing Authority.

The Council's, Community Services Department, is to produce detailed guidance on the implementation of these mechanisms.

Special Needs Housing

In accordance with the objectives of securing housing for special sectors of the population, as outlined in the strategies of the Structure Plan, the Housing Plan and the Community Care Plan, appropriate locations for mixed and specialist housing uses are specifically designated in Town and Village Maps.

Policy L/H8: Special Needs Housing

Sites which are particularly convenient to appropriate community facilities, will be promoted for special needs housing. Permission for general needs housing will only be granted on such sites following assessment for specialist needs by Community Services and Scottish Homes. Elsewhere specialist housing uses (for the disabled, elderly, single persons etc.) will generally be acceptable on designated sites, where a mix of tenure will often be encouraged.

Residential Homes

Following the introduction of 'Care in the Community' there has been an increase in development activity related to the provision of nursing homes for the elderly. The policy context also applies to homes for people with learning or physical disabilities, or mental illness. These types of homes are covered by Class 13 of the Use Classes Order. The purpose of this policy is to set standards and to provide guidance for applicants. The main issues lie with location, residential amenity and environmental impact, primarily aimed at allowing active participation in community life for those residents who are able, and providing a quality internal environment for those who are not.

Policy L/H9: Residential and Nursing Homes for the Elderly and Disabled

Residential and Nursing Homes for the Elderly and Disabled will be acceptable in existing residential areas (or designated housing sites) in the towns and villages where services and good community accessibility is available. In exceptional circumstances in response to local demand, nursing homes can take advantage of rural locations if there is satisfactory access to emergency services and public transport. Planning permission will not normally be granted for residential or nursing homes in the following circumstances:-

- in or adjacent to 'unneighbourly' uses
- where there is a loss of existing open space or woodland essential to the residential amenity of the area
- where topography or access are unacceptable for elderly or disabled people.

A detailed planning policy guidance note covering the above issues in addition to design and siting matters has been prepared in consultation with Grampian Health Board and is contained in Appendix 2.

Housing **RESIDENTIAL CARAVANS**

Aim: To reduce dependency on caravans as permanent homes

In attempting to achieve the Structure Plan aim of reducing the area's dependency on residential caravan accommodation the Council will aim to encourage the conversion of the five main residential caravan sites at Mundole, Seapark, Findhorn, Sheriffmill and Ashgrove for either holiday accommodation or redevelopment for permanent dwellings.

The Housing Plan makes provision for progressive replacement of residential caravans over a 5 year period. While this should remain an objective, it is also caravans, or caravan sites. The Plans for Kinloss, Findhorn and Elgin identify the sites.

Policy L/H10: Residential Caravans and Sites

No new residential caravan sites (except for a new caravan on the basis of temporary necessity) nor any extension to an existing site, nor any permanent extension to an existing residential caravan, will be permitted. Applications to redevelop the sites at Mundole, Kinloss, Findhorn and Sheriffmill for holiday accommodation will be favourably considered; the sites at Kinloss, Sheriffmill and Ashgrove will also be favourably considered for permanent dwellings on the basis of at maximum a one-for-one replacement. The Council will seek the assistance of Scottish Homes for any schemes involving the total replacement of any of the above five residential sites, in order to offer suitable re-housing opportunities.

Housing

HOUSING IN THE COUNTRYSIDE

Aim: To Accommodate Sensitive Development in the Countryside

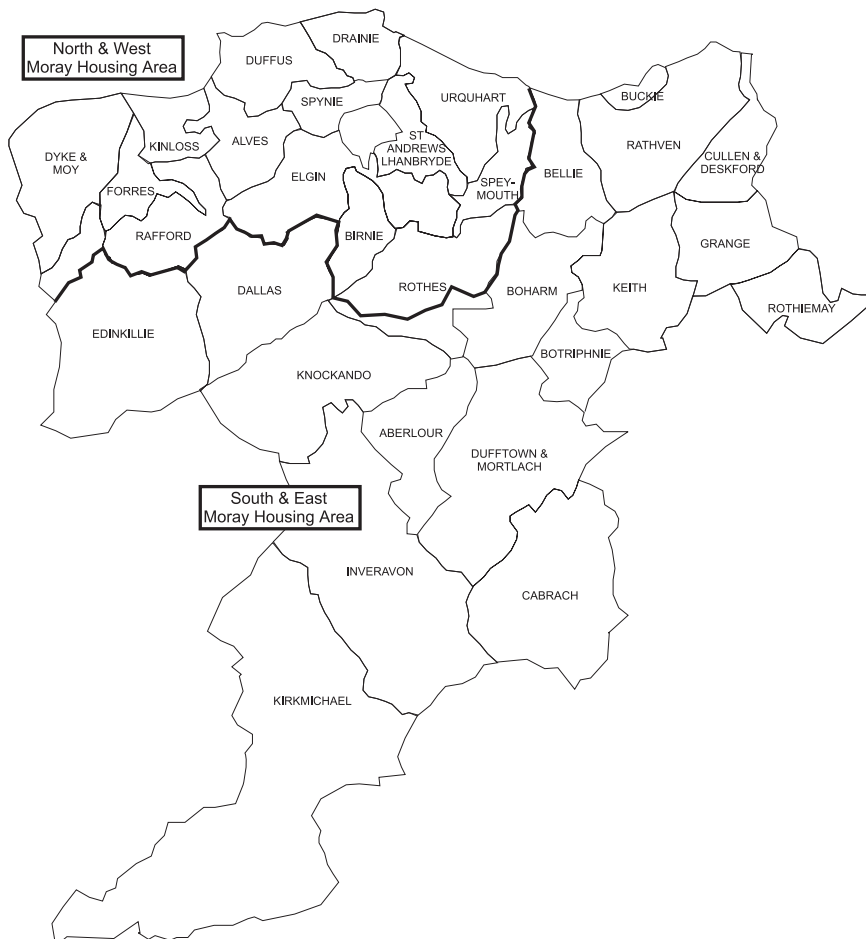
The Strategy

Structure Plan policy S/H4 operates a presumption in favour of housing opportunities within identified rural communities and involving the re-use, conversion or replacement of existing buildings. The policy also allows for the construction of individual new houses but this opportunity is more restricted in the north and west of Moray by more stringent siting and location policies.

The boundaries of these areas are indicated on Plan 2, however the area defined as South and East Moray refers to the majority of Edinkillie parish (to the line of the River Findhorn) and all of the parishes of Dallas, Knockando, Aberlour, part of Rothes, Inveravon, Kirkmichael, Cabrach, Dufftown and Mortlach, Boharm, Botriphnie, Keith, Grange, Rothiemay, Bellie, Rathven, Cullen and Deskford. The area defined as North and West Moray relates to the balance of the parishes of Edinkillie and Rothes (following the line of the Rothes Burn to the Spey), Speymouth, Elgin, Birnie, St. Andrews, Lhanbryde, Urquhart, Drainie, Duffus, Spynie, Alves, Kinloss, Rafford and Dyke and Moy.

Detailed planning policy guidance covering siting, design, landscape impact and locational advice is published separately. Applicants are advised to consult this guidance before submitting an application.

Scottish Natural Heritage have also prepared a Moray Landscape Character Assessment which provides further guidance on locational impact.



The following Local Plan policies are designed to implement S/H4 policy and are set out under the following headings:

- Rural Communities (Option one)**
- Re-use/Replacement (Option two)**
- Open Countryside (Option three)**

All proposals are subject to design policy L/HC5 and the Implementation policies in Chapter 8 - most notably L/IMP2.

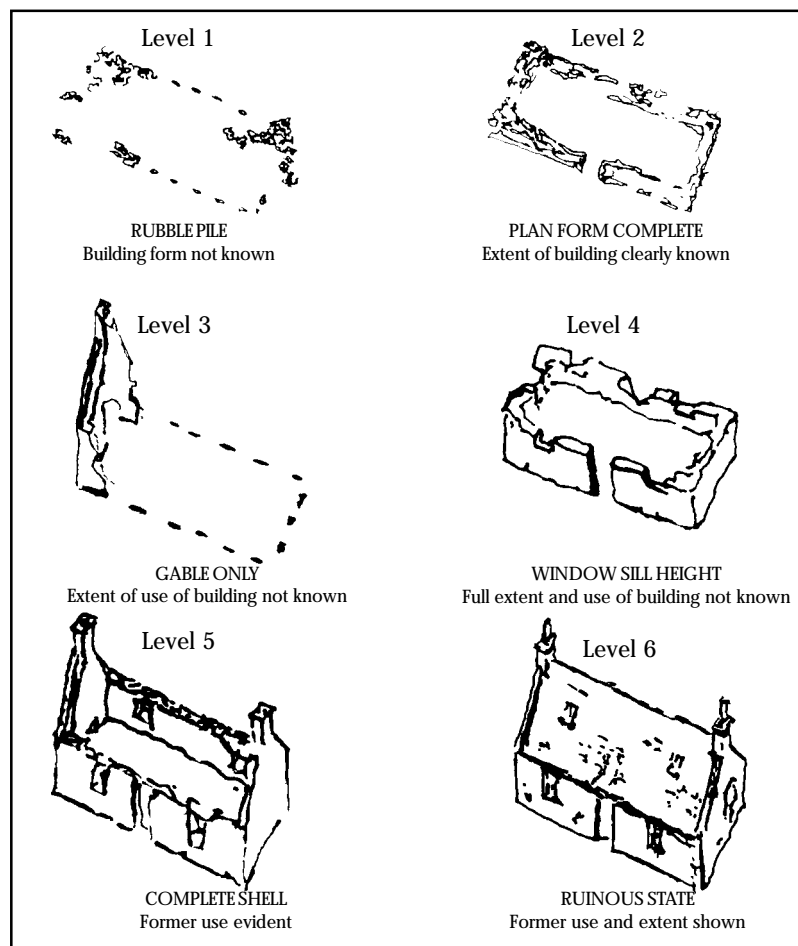
Option One Rural Communities

The Rural Community maps are contained in Appendix 1.

L/HC1: Development Within Rural Communities

The Council will presume to approve housing applications within rural communities subject to servicing capability of the site; design of the house and character of the rural community. All land within rural communities will be covered by the principles for the control of new housing within built-up areas (policies L/IMP1 and L/IMP3 in Chapter 2). This means that proposals must not detract from the essentially "rural" nature of the community. The character of each community is defined in the text accompanying the rural community maps in appendix 3 and in the planning policy guidance in Appendix 4. Developments located just within the community boundary will be required to provide appropriate landscaping.

For the purpose of Policy L/HC2 The Moray Council will require evidence of the previous building to reach the stage of level 4 as indicated as before.



Option Two Reuse/Replacement

L/HC2: Re-Use of Derelict Sites and Existing Buildings

The Council will presume to approve applications for residential development involving the re-use of existing buildings, including existing dwellings, farm steadings, mills, etc. where the renovation of the original building is sensitively designed and is to form the core of the new development. In general, most stone buildings in the countryside will be acceptable for re-use but some buildings, such as cattle sheds, temporary buildings or hill bothies may not be appropriate for re-use or replacement because of visual and environmental impact especially in certain sensitive locations. For the purposes of this policy, "existing buildings" are defined by the accompanying diagram.

In line with the Council's policy on vernacular buildings (policy L/ENV15) the Council will normally seek restoration of an existing building in preference to demolition and re-development. Where a building is considered to be of some architectural merit locally (e.g. a substantial stone built farm building), and is considered structurally sound for residential use, the Council will resist proposals to replace it, and may insist on renovation and re-development. The Council may refuse a subsequent application if demolition is carried out without prior consultation.

The Council will only accept the principle of replacement of an existing building where there is visible evidence of the structure of the existing building to the equivalent of "level 4" as indicated in Diagram 1 i.e. window sill height - with the full extent and use of the building reasonably established.

Level 4 is defined as a structure which exists at any of the following stages:-

1. The four walls are complete to at least window sill height - if window sill height cannot be determined, minimum height of all walls should be 700 mm above floor level; or
2. any two of the four walls are complete to wall head height; or
3. both gables are intact to a minimum height of 2 m above floor level.

Archaeological evidence, excavation, or the production of old maps will not be acceptable as evidence of a derelict site, for the purposes of this policy.

The siting of a new dwelling on a derelict site should be similar to that of the previous building in terms of orientation and distance from the road. Applicants should not presume that approval will be granted for a new dwelling sited at a significant distance from the original building, unless individual site conditions suggest potential improvement. The design of a new house will be subject to Policy L/HC5.

Although this Policy presumes to approve rehabilitation and replacements, there may be locations where re-establishment of a house is not appropriate because circumstances have changed e.g. at main roadsides, in environmentally protected areas or on land now given over to prime farmland.

Where a proposal does not qualify as re-use or replacement it will be considered as a new house in the open countryside and judged accordingly.

Option Three Open Countryside

L/HC3 New Houses in the Open Countryside

The Council will require applications to respect the traditional pattern of settlement in the countryside. The settlement pattern is defined as: the disposition, function, and visual appearance of land and buildings in the general locality of the proposed development. The Council shall make an assessment of each individual application and a new house shall be judged to respect the traditional settlement pattern if:-

- i) It is positioned sensitively along with a group of buildings such as a farm steading, or;
- ii) it adopts the spacing of a dispersed pattern of settlement and has integrated sensitively with the existing land forms so as to blend unobtrusively with its surroundings, and;
- iii) it avoids contributing to a build-up of residential development in any particular locality so as to cause a change in the character of that area from one of an existing rural cluster to one of a suburban style grouping of buildings, or a ribbon development clearly unrelated to the traditional pattern of settlement in that area.

Some locations will not be appropriate for new houses because of their prominent impact on the landscape and the inability to achieve appropriate landscaping. The Council will not normally approve houses which are located in the centre of a field, on a prominent hillside overlooking a main road or tourist route (i.e. the main A class and Trunk Roads and recognised tourist trails) or occupying skyline, top of slope/ridge locations.

For a new house to be acceptable in the open countryside, it must use existing trees, buildings, slopes or other natural features to provide a back drop.

In North and West Moray, all proposed boundaries must be long established features on the ground (e.g. such as an old fence line, dry stone dyke, a roadway, a hedgerow at minimum height of one metre, watercourse, a mature woodland or group of mature trees or neighbouring buildings), and it must enclose an area not exceeding 1400m² (i.e. a third of an acre). Recently created fencelines will not normally be accepted as established boundaries. The proposed site must also have a minimum 25% of its area retained in an existing tree, shrub or hedgerow cover.

In South and East Moray, only 50% of the site boundaries must be established on the ground, so long as the site is capable of establishing additional boundaries which separate the site naturally from the surrounding ground. The remaining boundaries of the site can be formed by natural stone dykes, planting of indigenous hedgerows or groups of trees, by careful mounding of site material to enclose the site. New boundaries should follow the natural form of the land and be designed so as to integrate the proposal within its rural setting (straight lines may not always be appropriate for new boundaries).

Multiple House Sites

Although the Council wishes to enable housing opportunities in the open countryside it is anxious to avoid speculative development of multiple house sites unrelated to local needs and services. The Council will therefore direct this form of development to the identified Rural Communities where community services and facilities may be available and benefit more directly from the arrival of new households.

L/HC4: Multiple House Applications in the Countryside

The Council will not normally approve multiple house applications (i.e. more than two houses) in the open countryside unless they form part of a development which involves the re-use or replacement of existing buildings.

Multiple house applications will be encouraged in the Rural Communities.

Design

New dwellings should be designed to compliment and enhance the local tradition of the countryside and the architectural character of rural communities. **'New Building Design' policy L/IMP3** will apply to all developments.

The Council has produced a detailed planning policy guidance booklet which should be read in conjunction with this and other housing in the countryside policies.

L/HC5: Gable/Roof Pitch Parameters

For purposes of clarification the Council has adopted the following parameters as definitive guidance on the shape and proportions of gables and roof pitches on conventional new houses to be approved under policy L/IMP2 for the countryside and rural communities. **The design of new houses will be assessed under the terms of policy L/IMP3 'New Building Design' in Chapter 8.**

1. The overall width of the gable should not be less than the height of wall from ground to eaves level.
2. The overall width of a gable shall not be more than 2.5 times the height of wall from ground to eaves level.
3. The pitch of a roof shall be no less than 40° and no greater than 55°.

Definitions:

Ground - "A fixed external point measured 100 mm below the finished floor level of a house with a solid ground floor or 300 mm below the finished floor level of a house with a suspended ground floor."

Eaves - "The point at which the front face of the external wall and the uppermost point of the roofline intersect."

Exceptions to the above will only be considered where designs as assessed under L/IMP3

- i) Clearly exhibit architectural innovation (such as those illustrated in the planning policy guidance book),
- ii) do not adopt the conventional gable form (e.g. those designs based on circular or curved forms), or;
- iii) adopt advanced design elements, which maximise energy efficiency.

This policy applies only to new dwellings. It does not apply to other buildings and may not be applicable in Rural Communities where the dominant character is identified as Group 'C' buildings (see Guidance).

The Department retains a book of house designs which have been approved under the terms of the above guidelines. This covers a wide range of house types and sizes. It is available for consultation at the Economic Development and Planning Department Offices in Elgin during normal office hours.

Chapter Four TRANSPORTATION

Transportation ROAD LINKS

Aim: To enhance accessibility by improving road links

The proposals within the Structure Plan to upgrade the main routes (A96, A98, A941, A95) require to be taken into account within the Local Plan.

On the A96 the future potential to dual the route and the lines for by-passes at Keith, Fochabers/Mosstodloch and Elgin require reservation. On the other main routes the potential for realignment, straightening and widening should not be prejudiced by other development.

Policy L/T1: A96

By-pass lines will be reserved for Keith, Fochabers/Mosstodloch and Elgin; development to the south of Alves and Brodie will be restricted. Development on new sites will not be permitted within 70m of the present carriageway of the road, outwith the settlement boundaries, and no additional vehicular access points formed.

Policy L/T2: A95/A941 and A98

Outwith the Settlement and Rural Community boundaries, there will be a presumption against new accesses and against development on new sites within 50m of these roads, in order to allow for extensive straightening and widening opportunities

The Scottish Office has issued NPPG9: Provision of Roadside Facilities on Motorways and other Trunk Roads in Scotland. Although the Structure Plan sets an aim of promoting development accessible to transport links, it is important to maximise the use of facilities within communities on or adjacent to the trunk roads and main roads within Moray. Therefore, services should normally either be within settlements or be extensions to existing facilities. New facilities outwith settlements may be acceptable in exceptional circumstances if they are justified by likely demand, do not adversely impact on existing community facilities and meet safety and environmental criteria, and are designed to achieve an appropriate fit into the landscape.

Policy L/T3: Roadside Service Stations

Roadside service stations related to existing facilities or in settlements will normally be acceptable subject to meeting the following criteria:

- i) **Impact on the surrounding built or natural environment:** there should be no adverse impact on designations relating to the built or natural environment, or prime agricultural land. In otherwise acceptable cases sensitive design and landscaping will be sought which reflects and, where necessary, upgrades the nature of the surrounding environment.
- ii) **Safety provisions:** proposals will require to meet the appropriate access and parking standards related to the development. Proposals which may have a substantial impact on the road network will be required to provide Traffic Impact Assessment as part of the planning application.

New facilities outwith existing settlements will require to meet criteria i) and ii) above and demonstrate a specific locational need related to unmet demand.

Policy L/T4: Provision of Road Access

The Council will require that a suitable and safe access from the public highway is provided.

(i) Design of Road Access

Since the formation of a new access by unmade track or surfaced private road (particularly in rural areas) can often result in a scar on the landscape (e.g. if it dissects an agricultural field, involves extensive tree felling or traverses a hillside), then unless a proposed new access is carefully designed within the landscape the proposal will be unacceptable.

(ii) Road Access Standards

Where access to the site is by unmade/ private track the Council may require it to be surfaced to a specified standard. If the access is of significant length and may serve more than one development site, some widening and the provision of passing places may additionally be imposed as a condition of any consent.

(iii) Unmade Private Tracks

Where a site takes access from an existing unmade private track which is outwith the ownership of the applicant and is considered to be of such a poor standard as to be unsuitable for additional vehicular traffic, the Council may consider the proposal unacceptable, unless the applicant can either:-

- (a) secure ownership of the track to allow for improvements to be made to the satisfaction of the Council, or
- (b) demonstrate that an appropriate agreement has been concluded with the existing owner to allow for improvements to be made to the satisfaction of the Council.

(iv) Phasing of Road Improvements

Where a new access roadway is to be provided the Council may require the road to be made up to a specified standard before work on the new property commences.

Transportation SEA AND RAIL

Aim: To enhance accessibility by promoting freight movement by sea and rail.

Operational Railway Land

With the discontinuation of the branch lines to Roseisle and Burghead from Alves; and to Dufftown from Keith, there is now only the main line through the stations at Keith, Elgin and Forres. At each of these towns there are operational yards and sidings. The principal priority is to safeguard such land as is required to develop rail freight and passenger services in line with Structure Plan policies S/T3 and S/T4, and to permit redevelopment, or alternative uses only on areas identified by Railtrack and the Office for Passenger Rail Franchising (OPRAF) as surplus.

Policy L/T5: Railway Land

Areas are identified in the Town Maps of Keith, Elgin and Forres as 'operational railway land' where passenger and freight handling will be the priority use. If land is surplus to rail transport needs, it may provide opportunities for redevelopment.

Harbours

Of the eight harbours along the Moray coastline, five have only limited commercial use for either cargo or inshore fishing and now tend to be used for recreational purposes. Buckie has important facilities for the local fishing fleet and functions as a primarily commercial harbour. Lossiemouth and Burghead retain commercial facilities but have increasingly attracted leisure related developments.

Non-commercial harbours are best developed for leisure and tourism, and in any cases their picturesque setting should be protected from unsightly, or disruptive, business operations.

Policy L/T6: Harbours

Areas are identified in the Town Maps for 'harbour related uses' where the primary commercial function of the harbour area will be promoted; in Buckie for cargo handling, fish trading functions and the development of other industry; in Lossiemouth and Burghead commercial and leisure facilities can be accommodated; whilst in the other five harbours (Hopeman, Portgordon, Findochty, Portknockie and Cullen), the emphasis will be for leisure and tourist developments.

Other development proposals not directly related to the harbour use will be considered against the following criteria:-

- i. the operational needs of the harbour
- ii. the economic benefit of the proposal
- iii. the infrastructure needs of the proposal

Transportation

PARKING

Aim: To enhance accessibility by securing adequate parking in towns

The Council will monitor and update its car parking standards and policies for commuted payment for parking in relation to development. They will be applied through the development control process.

Where a development (including housing) within the defined town centre cannot reasonably supply parking on site (or where it is appropriate not to include parking) the developer will require to comply with the Councils system for 'commuted payments for parking'. Housing development in Town Centres which need not provide residential parking on site, must make provision for vehicular access for deliveries and emergencies.

In Housing developments of over 30 houses, provision must be made for communal off-street parking, in addition to in-curtilage in order to permit the parking of large commercial vehicles away from road frontages.

Policy L/T7: Parking Standards

Proposals for different forms of development must comply with the Council's 'Car Parking Standards' (available from the Council's Roads Service).

Transportation

PUBLIC TRANSPORT

Aim: To advance sustainable transport by enhancing public transport

In order to promote bus and train services, strategic operational land should be safeguarded.

L/T8: Public Transport Operations

Development that could prejudice the operation of bus and rail services, and associated facilities, will not generally be permitted. Bus terminals and railway stations are protected by designations (TSP) in the relevant Town Statements.

Transportation **TRAFFIC MANAGEMENT**

Aim: To advance sustainable transport by managing traffic and traffic impact

Traffic Impact Assessment

Traffic impact assessments will be provided by developers where their proposals are likely to generate traffic which has a significant impact (see Policy S/IMP2). These will often require to be provided in association with retail impact assessments or environmental assessments.

L/T9: Traffic Impact Mitigation

Where a traffic assessment identifies necessary off-site improvements for the development to be able to proceed the developer will be expected to find them by entering into a formal agreement with the Council. In addition to normal developments this will also apply to situations such as the need to upgrade off-site infrastructure related to forestry planting or harvesting.

Transportion **CYCLING AND WALKING ROUTES**

Aim: To advance sustainable transport by promoting cycling and walking routes.

Cycling and Walking

The Cycling Strategy referred to in the Structure Plan (S/T9), promotes a comprehensive and integrated cycle network that meets the needs of local communities. New development should accommodate provision for cycling as an effective means of transport within built-up areas.

Considerable improvements are still required to improve safety for cyclists, particularly within the main towns.

Policy L/T10: Cycle Tracks and Footpaths

As part of the implementation of the Cycling Strategy and the Aberdeen to Inverness National Cycle Route, new development on designated and windfall sites will require to provide cycle tracks and footpath connection to the existing network; these may be required as part of a developer contribution (Policy L/F1) if outwith an application site.

Chapter Five

COMMUNITY FACILITIES, SPORT AND RECREATION

Community Facilities, Sport and Recreation

CO-ORDINATED COMMUNITY FACILITY, SPORT AND RECREATION

Aim: To seek adequate provision of community facilities and to develop partnership with agencies which have a common interest.

The range of facilities in any community are a measure of its vitality and standing. Many facilities occupy potentially prime locations for alternative uses such as housing. In some cases community provision may be outdated, or under used, as when a replacement has been provided in another location. In these circumstances, it may be appropriate to consider alternative development, but, in general, existing facilities should be retained.

As well as identifying suitable locations for new community facilities in the Local Plan, guidelines will be required to set out expectations in terms of design, and layout of new or modified facilities, and, where appropriate, these will be incorporated into the Local Plan.

Policy L/CF1: Designation of Community Facilities

Town and Village Statements will identify where local facilities are under provided, or in need of upgrading to meet the demands of that community. Sites designated for community facilities in Proposals Maps will be presumed to be protected from redevelopment unless replacement is included in the development proposal

Policy L/CF2: Replacement of Community Facilities

The Council will presume against development which removes an existing community facility unless it is in need of replacement, or an alternative provision is being made as part of the development proposal.

Community Facilities, Sport and Recreation

MANAGING RECREATION ACCESS

Aim: To manage the recreational use of open space in built up areas, and of environmentally sensitive areas of the countryside.

Urban Recreation

Standards for the provision of sports fields and parks set by the Scottish Sports Council will be applied, and the release of any facility will only be acceptable where there is over provision or where it is adequately replaced.

Policy L/CF3: Recreation in Built-up Areas

Scottish Sports Council (SSC) standards for sports fields and parks will be applied to local provision, and only where there is an identified over-provision or adequate replacement of any particular sports facility, will development be permitted to encroach on these sites.

Recreation in the Countryside

The development of outdoor recreation and activities has clear benefits to Moray's tourism economy.

Access

The 'freedom to roam' concept is unique in Scotland and it is limited to wild land and open countryside where public access can conflict with the management of private estates. Access to farmland (around settlements in particular) and, to private forests (i.e. not owned by the Forestry Authority), is also usually restricted. Access to many rivers and lochs, that would otherwise be suitable for a wide range of recreational activities, is actively discouraged.

Progress to date focuses on the Council's partnership in the Aberdeen to Inverness National Cycle route, and the objective of local cycle networks assisted by 'developer contributions.' (See Policy L/T10). The 'Paths for All' organisation have approached the Council with a view to consolidation and improvement of the footpaths network around towns. The Council is also developing a Tourist Cycle Rides initiative, part funded from the Cycle Challenge Fund.

An extension of both ends of the Speyside Way is being pursued to achieve 'Long Distance Footpath Status.' Forest Enterprise and Glenlivet Estates have an extensive network of tracks and trails for walkers and mountain bikes with further expansions being considered. Scope also exists for development of cross country ski routes.

While the Speyside Way provides free access to extensive areas of attractive countryside, and the proposed Aberdeen to Inverness National Cycle Route, once developed, should provide a 'spine' from which a local network can grow, what is required is a co-ordinated approach to access. The Council is presently pursuing a Moray Access Network/Initiative to provide for integrated access management, which is sensitive to the needs of landowners and communities as well as environmental quality.

While there is a duty to ensure that unacceptable damage to the environment does not result, the Council can also ensure that random development does not prejudice their promotion.

Policy L/CF4: Countryside Recreation: Access and Trails

Development proposals will not be permitted to prejudice established routes for walking, cycling, trails and cross-country skiing for which access arrangements have been agreed.

Skiing

The Council supports the improvement and expansion of the Lecht as a downhill Skiing Centre but within current boundaries in accordance with National Skiing Guidelines.

The Council is a signatory to a Development and Management Plan along with Aberdeenshire Council, Scottish Natural Heritage (SNH) and the Lecht Ski Company which regulates the development of a defined area for skiing, and the proper management of the ski slopes.

The expansion of the ski centre is somewhat precluded by the Ladder Hills SSSI which surrounds

the centre and any encroachments within this area will be subject to the approval of SNH, who currently oppose such expansion. The Development and Management Plan includes details of agreed boundaries, annual monitoring of environmental damage, annual programme of rehabilitation work and operating conditions for protecting vegetation.

It is anticipated that any future upgrading of the ski facility together with recent road improvements will increase the potential for 'package holidays' in the area with resultant benefits to the local tourist industry.

Policy L/CF5: Lecht Skiing Centre

New development should take place within the existing centre leading to the intensification of its use rather than expansion. There is a presumption against expansion of development outwith the boundaries of the existing centre but should, in the future, such expansion be sought then the agreement of SNH will have to be sought to establish a new Development and Management Plan. Any development proposal will be required to demonstrate that it does not significantly prejudice:

- (i) areas classified or proposed for classification under the European Community directive on the Conservation of Wild birds or under the prospective European Community directive on flora, fauna and habitats;
- (ii) World Heritage sites, National Nature Reserves and Sites of Special Scientific Interest; or
- (iii) National Scenic Areas and landscape areas designated in the Moray Structure and Local Plan.

Such development must also conform with all other Development Plan policies, including those which protect the environment.

Golf

Golf is another sporting activity which attracts visitors. Moray is well provided with golf courses (14) and golf packages/multi-course tickets are promoted by the Tourist Board. Recent developments have seen a new 9 hole course open at Kinloss; a fun "par-3" course developed at Covesea, Lossiemouth; the development of driving ranges at Spey Bay and Elgin. A major development involving a golf course, hotel and houses at Malverston, by Urquhart received planning consent.

While such facilities are generally regarded as suitable activities for countryside and edge of town locations, difficulties can occur when proposals involve environmentally sensitive sites, and the loss of natural habitat areas. Similarly buildings (such as clubhouses) can conflict with principles for buildings in the countryside.

Policy L/CF6: Golf Courses and Driving Ranges

Proposals for golf courses and driving ranges should avoid nature conservation sites and natural habitat areas, unless it can be demonstrated that no detrimental impacts will occur. Consideration requires also to be given to water courses and their potential pollution from fertilisers and chemicals, especially during course formation. Associated buildings will require to comply with policies for buildings in the countryside in terms of siting and design, although the connection with the facility will be taken into account. There will be a presumption against proposals which involve other uses (for instance housing developments) in order to make the facility financially viable.

Community Facilities, Sport and Recreation **CONTRIBUTIONS TOWARDS FACILITIES**

Aim: To seek contributions to new or upgraded community facilities in the Council's capital plan, by developers whose proposals impact upon their usage.

Commitment to Council expenditure on community facilities should be stated in the Capital Plan, and acknowledged in the Local Plan proposals for each town or village. In addition, the Implementation Chapter provides guidance on the implementation of developer contributions.

Chapter Six

RETAILING

Retailing

RETAILING IN TOWN CENTRES

Aim: To encourage retail development within town centres and to promote their improvement.

The Structure Plan sets a presumption in favour of retail development within town centres. The Town Maps identify the town centre areas within the four main commercial towns of Elgin, Forres, Buckie and Keith. Within the defined town centres and in other shopping centres retail development will require to be acceptable in terms of the surrounding area and meet servicing and infrastructure specifications

Policy L/R1: Retailing in Town Centres

There will be a presumption to approve retailing development within designated town centres subject to

- a) **Impact on the surrounding built environment:** Sensitive design solutions will be sought on sites within or adjacent to designated conservation areas in Elgin, Forres and Keith. Key landmark locations may also be subject to design policy L/IMP3(iii). (This may specifically be applied to sites to the north of Alexandra Road in Elgin). Design solutions must also address pedestrian links and circulation around the site and access for the disabled.
- b) **Infrastructure and access provision:** Major development proposals may require to submit Traffic Impact Assessments as part of the planning application. Proposals may also be required to address flood risk issues particularly in Elgin and Forres (see Policy L/ENV23).
- c) **Parking Provision and public transport arrangements:** Developments which entail major additions to retail floorspace in the town centres, may be required to provide, or contribute towards the provision of extra parking spaces in the town. Moray Council standards for car parking for retail developments will be applied to all retail proposals. Applications will also be required to demonstrate links with local public transport provision.

The Local Plan operates a number of policies designed to protect and foster the vitality of the existing town centre retail structures.

In the town centres, frontages should be retained for shops and customer services, and should not be lost to uses such as private offices, or be closed to public access.

Lanes and closes which provide interest, as well as important access, should be kept, and parking and servicing provision must keep pace with retail requirements.

Where pedestrian priority schemes are being considered (Policy S/T8) in town centres, they should include an assessment of the shopping environment and the implications of associated town centre management.

Policy L/R2: Non-Retail Exclusions

Approval is unlikely to be granted for non-retail uses at frontage ground floor level in defined "core areas" in Elgin High Street, Forres High Street and Keith Mid Street. Financial, professional and other services (as defined by Classes 2 and 3 of the Use Classes Order) which are demonstrated to provide principally for visiting members of the public, may be acceptable if proven to need a shop front.

Policy L/R3: Pedestrianisation

The Council supports the principle of pedestrianisation as a means of improving a shopping environment and as a means of implementing town centre management plans.

Policy L/R4: Lanes and Closes

In order to allow for the possibility of pedestrianisation schemes, developments which propose the removal, or closure, of lanes or closes off the main shopping streets, within the defined town centres, will not

Policy L/R5: Rear Service Access

Approval is not likely to be granted for development in the defined town centres which diminishes the availability of rear service access to shops.

Retailing

RETAILING OUTWITH TOWN CENTRES

Aim: To allow out of centre development only in exceptional circumstances

Established shopping areas, even in small towns, need protection from retail developments which can reasonably occur within the centre, and therefore guidelines must be set for such proposals as neighbourhood shops and retailing from industrial estates or commercial premises.

Only in exceptional circumstances, will proposals outwith the defined town centre be considered. Proposals for retail development outwith town centres will require to consider the physical, economic and environmental implications of development for the nearby town centre, and to meet the requirements of the 'sequential test'.

The defined town centres are identified on the basis of those areas which provide combined retail, commercial and social and recreational functions to the wider population. This will also allow the focusing of significant traffic generators so that national and local transport policy can best meet integration objectives.

Elgin has previously been the subject of an approach which allowed non-food bulky shopping to locate in the Edgar Road area as an addition to the traditional town centre. The implication of the revised policy within this plan is that, in the first instance, all new shopping proposals should be directed to the town centre. To accommodate this an extended Elgin town centre will be identified.

Policy L/R6 Retailing Outwith Defined Town Centres

Consideration will only be given to retailing proposals at locations outwith defined town centres, where it can be demonstrated that there is no reasonable development opportunity within or closer to the defined shopping area, and where such development would not be to the detriment of existing retailing viability and vitality. Developers will be required to give special consideration to the following:

- (i) The demand for additional retail provision and the likely impact upon the existing standard of retailing in the nearby town centre. The Council will seek a formal Retail Impact Assessment in circumstances where there is a potential adverse impact.
- (ii) The potential scale of net employment opportunities associated with the proposed development.
- (iii) The environmental consequences of development - including the potential loss of natural and amenity land, and the ability of the identified site to absorb the proposed scale and design of building. Significant retail development proposals will be expected to contribute positively in design terms to the surrounding environment.
- (iv) The feasibility of linking development to the existing infrastructure network including road access, sewerage links, water run-off and best management practices.
- (v) The accessibility of the site and its ability to be linked with the principal transport routes and public transport services. The development should contribute positively towards access for pedestrians, cyclists and the disabled.

L/R7: Neighbourhood Shops

New shops, up to 300m² of net retail floorspace or extensions of less than 50% to an existing shop, which are intended primarily to serve a neighbourhood need within the town, will generally be acceptable outwith the central area.

L/R8: Ancillary Retailing

Industrial and commercial businesses outwith the town centres may only retail goods from their premises when such retailing operations are ancillary to the business as a whole. (For the purposes of this policy, ancillary is defined as 10% of total retail floorspace or 10% of turnover). See Policy L/ED2 Business Uses Unsited to Industrial Estates.

L/R9: Car Showrooms

The Council will apply for an Article 4 Direction from the Secretary of State to withdraw the permitted development rights for the change of use of car showrooms to shops outwith the defined town centres.

Retailing **RURAL SHOPPING**

Aim: To promote the retention of rural shop facilities

In addition to providing support to rural shops, the Council proposes to set guidelines for "farm shops" in order to ensure that they do not undermine the objective of fostering the existing rural shop structure. It is however accepted that the use of farm buildings for shops, or selling directly from farms, can be an acceptable supplement to a farm business, but must be subject to controls which ensure that the stated objective to support rural shops is not prejudiced.

L/R10: Farm Buildings

Farm buildings which are no longer required for agriculture can in certain circumstances, be acceptable locations for small specialist retail outlets particularly when associated with recreational or tourism development. Any proposals for such a development will require to be sensitive to the original character and design of the building.

L/R11: Sale of Farm Produce

Produce grown on a farm may be retailed from the farm, provided such retailing is ancillary to agricultural operations.

Chapter Seven

FUNDING

Funding

DEVELOPER CONTRIBUTIONS

Aim: To seek developer contributions from development

The Scottish Office provided guidance on the use of Planning Agreements in Circular 12/1996. The guidance sets down the criteria that the Scottish Office requires to be met when negotiating planning agreements related to development. The criteria that any planning agreement should

- **serve a planning purpose,**
- **demonstrate a relationship to the proposed development,**
- **be related in scale and kind to the development**
- **and be reasonable.**

The guidance also clarifies a number of issues. Agreements can relate to land, roads and buildings outwith the proposed site providing there is a direct relationship with the proposal. They can include appropriate community facilities and public transport provision. In addition, the guidance clearly states that contributions may reasonably be required to make good existing deficiencies in community facility or infrastructure provision. On greenfield sites, developer contributions will be stipulated as minimum requirements, however in the interests of promoting sustainable development, investment in 'brownfield' sites, and encouraging; developer contributions for proposals on brownfield sites will take account of the potential environmental upgrading created, and the Council may seek a lesser contribution than would be applied to an equivalent 'greenfield' site.

The Local Plan will operate a strategy of partnership between the community and developer, in relation to the determination of planning applications, through the following policies.

Policy L/F1: Developer Contributions

Where a development proposal is considered to have a measurable impact on the community facilities or amenities in the neighbourhood of that development, the Council will seek the agreement with the developer that he redress the adverse elements of impact by funding the provision of, or contributing towards mitigating works, before a consent is granted.

Policy L/F2: Commuted Payments

Where the Council has planned proposals to provide facilities in the neighbourhood of a proposed development contributions by a developer may be made in the form of a commuted payment to a Bond set up for that purpose.

Policy L/F3: Local Plan Designations

Where feasible, the Council will alert developers to the likelihood and scale, of developer contributions in the development designations contained in the Local Plan Proposals Maps.

Chapter Eight IMPLEMENTATION

Implementation DEVELOPMENT CONTROL

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

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

Policy L/IMP1: 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

Policy L/IMP2 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 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 as 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 or enhancement, e.g. trees, hedges views and other features of public importance.
- (iv) Principles of site sensitive design e.g. that pitched roofs are preferred to flat roofs, pitched dormers to box dormers, vertical windows to horizontal picture windows etc. where these features predominate in an area.

Design

Policy L/IMP3 New Building Design

i) Design Principles

All building development must be designed to respond adequately to the locality. Applications must meet the following requirements:-

- a) appropriate location in landscape or townscape
- b) careful placement on a site, particularly in relation to character, amenity and energy conservation
- c) appropriate size and form in relation to existing buildings, sky line and landform
- d) appropriate density, layout and orientation in relation to character, amenity, privacy of neighbouring properties and energy conservation
- e) sensitive use of materials and colours in relation to existing setting and environmental impact

Standardised solutions to building design are not encouraged and will not be acceptable unless existing context (the design and character of the existing surroundings) suggests otherwise. Design solutions which seriously compromise the amenity and character of the area will not be permitted.

Highly innovative, experimental solutions will be encouraged but may not be suitable in every situation. In certain circumstances, the Council may request written design statements explaining various aspects of design solution e.g. explaining why a particular approach has been taken, and expect applications to show new buildings in their wider relationship with surrounding properties and the site (plans and elevations/ perspective/ photomontages showing adjacent buildings, trees, landform etc).

ii) Design Briefs

For sites where development may have significant local impact, the Council will produce detailed Design Briefs which will provide an analysis of context and existing character and state important design principles, major factors affecting the Development and other material considerations.

iii) High Profile/Landmark Sites

Where a building is either high profile or will have high impact within the townscape or open countryside, i.e. along the A class road network and high street frontages, within defined town centres, and at major visitor attractions and prominent rural locations, The Council will expect high quality solutions and may consult with The Royal Fine Arts Commission to assist with the assessment of competing designs.

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.

The Scottish Greenbelt Company Ltd is a unique non-profit making body set up in 1992 by Scottish Enterprise, Scottish Natural Heritage and Strathclyde Regional Council. It now operates throughout Scotland. On payment of a sum by a developer the company will take over ownership of open space areas, carry out any necessary works and maintain them thereafter in perpetuity. The sum paid by the developer is deposited in a Land Management Fund which can only be used for this purpose. The Council has studied agreements with the Scottish Greenbelt Company in other local authorities' areas, has examined the constitution of the company and its ruling charity, and is satisfied that it provides a suitable alternative to the often cumbersome process of concluding a Section 75 Agreement with a bond, or adoption by the Council itself.

Policy L/IMP4: Maintenance of Landscaped and Amenity Areas

Applicants must demonstrate that satisfactory arrangements have been made to secure the maintenance of all landscaped and amenity space in perpetuity. Such arrangements must be put in place prior to any planning consent being issued. These arrangements shall be to the satisfaction of the Council and limited to:-

1. A Section 75 Agreement (under the terms of the Town & Country Planning (Scotland) Act 1997) with a Bond in perpetuity, or
2. An Agreement leading to adoption by the Council (normally involving a capital sum equal to 1 year's maintenance x 20 with transfer of title), or
3. An Agreement to transfer title and responsibility for the provision and maintenance of the amenity and landscaped spaces to a maintenance company such as the Scottish Greenbelt Company or such other similar company constituted to secure maintenance in perpetuity, as is acceptable to the Council.

Environmental Assessment

Environmental 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). Environmental 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

Policy L/IMP5: Environmental Assessment

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.

Policy L/IMP6: Transport Impact

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.

Policy L/IMP7: Drainage Impact

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 Best Management Practices (SUDS) 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/ENV19 (Private Sewage Treatment), L/ENV20 (Pollution Conditions), L/ENV21 (Private Water Supplies), L/ENV22 (Surface Water Drainage) and L/ENV23 (Control of Development in Flood Risk Areas) in Chapter 2, if relevant.

Chapter Nine

TOWN AND VILLAGE STATEMENTS

There are 33 town and village plans, in the alphabetical order shown on the “contents” page.

Each has a settlement boundary (policy L/ENV9) while only the five main towns (Elgin, Forres, Buckie, Keith and Lossiemouth) have a policy to specifically protect the countryside surrounding them (the “countryside around towns” policy L/ENV10, formerly known as “green belts”).

Some have an overall objective to be retained at the size they have now achieved, for the sake of their village character; or in order to consolidate a recent population increase; or because of servicing, especially drainage, constraints. These are all seen as valid planning objectives, given the overall forecast of only modest growth rates throughout Moray.

All proposals subject to a designation, are cross-referenced to the text. All areas not subject of a specific designation are subject to the policy for “Development in Built-up Areas” (L/IMP1) and its associated policies in Chapter 8.

The maps have been kept small in order to be bound into the book. For detailed interpretation, larger scale maps are available in The Moray Council, Economic Development and Planning Department in Elgin.

