



Environmental Resources

Introduction

The Local Development Plan provides policies to ensure the sustainable use of the natural resources of the area including prime agricultural land, woodlands, mineral reserves and to consider opportunities for renewable energy generation. The policies also aim to support the aims of Primary Policy 2 Climate Change through the reduction of carbon emissions in new development.

Context

In terms of environmental resources, Scottish Planning Policy (SPP) encourages Local Development Plan policies to;

- Protect and enhance areas of woodland which are of high nature conservation and/or landscape character value.
- Reflect the Scottish Government's control of woodland removal policy which includes a presumption in favour of protecting woodland resources.
- Support the development of a diverse range of renewable energy technologies and support all scales of development associated with the generation of energy and heat
- Have regard to the availability, quality, accessibility and requirement for mineral resources.
- Consider the impact of settlement strategy options on prime agriculture land and minimise its loss.
- Require the siting, design and layout of all new development to limit likely greenhouse gas emissions, particularly by limiting resource and energy requirements.

Policy ER1 Renewable Energy Proposals

All Renewable Energy Proposals

All renewable energy proposals 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
- ii) They do not result in the permanent loss or damage of agricultural land
- iii) They avoid or address any unacceptable significant adverse impacts including:
 - Landscape and visual impacts
 - Noise impacts
 - Electromagnetic disturbance
 - Impact on watercourse engineering
 - Impact on peat land hydrology
 - Electromagnetic disturbance
 - Impact on watercourse engineering
 - Traffic Impact
 - Ecological Impact
 - Impact on tourism and recreational interests

Justification

Renewable energy proposals can be in a variety of forms, including wind, hydro, solar, geothermics and biomass and bring a new technology approach to provision. Moray offers the potential for renewable energy proposals and this policy provides a range of criteria to consider applications against. Proposals for heat and power generation need to be carefully considered to avoid adverse impacts upon the environment.

In terms of wind energy proposals, this policy should be read in conjunction with The Moray Onshore Wind Energy Policy Guidance 2013 and Moray Wind Energy Landscape Capacity Study 2012.

Onshore wind turbines

In addition to the assessment of impact outlined above the following considerations will apply:

- a) The Spatial Framework

Areas of Significant Protection*: where the council will apply significant protection and proposals will only be appropriate in circumstances where any significant effects on the qualities of these areas can be substantially overcome by siting, design and other mitigation.

Areas with Potential: where the council is likely to support proposals subject to detailed consideration.

- * This protection will also apply to areas with carbon rich soils, deep peat and priority peatland habitat. This constraint is not currently included on the spatial strategy mapping but will be addressed through Supplementary Guidance once the relevant data becomes available.

- b) Detailed Consideration

The proposal will be determined through assessment of the details of the proposal, including its benefits, and the extent to which it avoids or mitigates any unacceptable significant adverse impact. Detailed assessment** of impact will include consideration of the extent to which:

Landscape and visual impact:

- The proposal addresses the Guidance set out in the Moray Windfarm Landscape Capacity Study
- The landscape is capable of accommodating the development without significant detrimental impact on landscape character or visual amenity
- The proposal is appropriate to the scale and character of its setting, respects the main features of the site and the wider environment and addresses the potential for mitigation.

Cumulative Impact

- Any detrimental impact from two or more wind energy developments and the potential for mitigation is addressed.

Impact on local communities

- The proposal addresses any detrimental impact on communities and local amenity including the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation.

Other

- The proposal addresses any impacts arising from location within an area subject to potential aviation and defence constraints including flight paths and aircraft radar.
- The proposal avoids or adequately resolves other impacts including on the natural and historic environment, cultural heritage, biodiversity; forest and woodlands; and tourism and recreational interests- core paths, visitor centres, tourist trails and key scenic routes.
- The proposal addresses any physical site constraints and appropriate provision for decommissioning and restoration.

** Further detail on the above assessment process will be addressed through supplementary guidance to include:

- Peat mapping once this becomes available
- Detailed mapping of constraints
- Guidance on areas with greatest potential for small/medium and large scale wind farms.

Biomass

Proposals for the development of commercial biomass facilities will be supported if the following criteria are met.

- Proposals should confirm which form of biomass will fuel the plant and if a mixture of biomass is proposed then what percentage split will be attributed to each fuel source.
- Proposals can demonstrate that they have taken account of the amount of supply fuel over the life of the project.
- When considering woody biomass proposals the scale and location of new development is appropriate to the volume of local woodfuel available.
- The location must have suitable safe access arrangements and be capable of accommodating the potential transport impacts within the surrounding roads network.
- A design statement should be submitted, which should include photomontages from viewpoints agreed by the Council.
- There should be a locational justification for proposals outwith general employment land designations. The proposed energy use, local heat users and connectivity of both heat users and electricity networks should be detailed. Proposals which involve potential or future heat users will not be supported unless these users can be brought online in conjunction with the operation of the plant.
- Details of the predicted energy input and output from the plant demonstrating the plant efficiency and utilisation of heat should be provided.
- Where necessary appropriate structural landscaping must be provided to assist the development to integrate sensitively.
- The criteria set out in relation to other renewables should also be met.

The Council will consult with the Forestry Commission Scotland (FCS) to help predict potential woodfuel supply projections in the area.

Policy ER2 Development in Woodlands

All woodlands

Development which involves the loss of woodlands will be refused where the development would result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the forest. Woodland removal will only be supported where it can be demonstrated that the impact on the woodland is clearly outweighed by social or economic benefits of national, regional and local importance, and if a programme of proportionate compensatory planting has been agreed with the Planning Authority.

Protected Woodlands

Woodland removal within native woodlands, ancient semi natural and woodlands within sites protected under the terms of policies E1 and E2 will not be supported.

Tree surveys and new planting

Development proposals must take account of the Council's Trees and Development supplementary guidance. The Council will require the provision of compensatory planting to mitigate the effects of woodland removal.

Where appropriate the Council will seek opportunities to create new woodland and plant native trees in new development proposals. If a development would result in the severing or impairment of connectivity between important woodland habitats, mitigation measures should be identified and implemented to support the wider green network.

Justification:

Woodland removal for the terms of this policy is defined as the permanent removal of woodland for the purposes of conversion to another land use. Woodlands provide a valuable resource in terms of climate change as well as landscape and recreational benefits. Semi natural woodland is an irreplaceable resource and should be protected from development. This policy aims to avoid clear felling of woodlands for development unless the terms of the policy are met.

The Council encourages new woodland planting within development proposals and the connection of woodlands to form a wider green network.

The Forestry Commission Scotland will be consulted on issues arising from proposals in relation to the management of the woodland. Scottish Natural Heritage will be consulted on the biodiversity value of the woodland. The Moray Access Manager and Forestry Commission Scotland will be consulted on the recreational value of the woodland. Scottish Environment Protection Agency will be consulted on issues in relation to potential impacts on water quality under the Water Framework Directive.

Policy ER3 Safeguarding Mineral Reserves

The Council will safeguard all existing workable mineral reserves/operations from incompatible development which is likely to prejudice it unless;

- There are no alternative sites for development, and
- The extraction of mineral resources will be completed before development commences.

Justification

This policy aims to ensure that minerals reserves are safeguarded from development that may sterilise them. The availability of construction materials provides jobs and supports the local economy.

The demand for and scarcity of consented reserves for building stone means that reserves should be safeguarded as they are important for the repair of existing buildings and as a new building material.

Policy ER4 Minerals

The Council will support, in principle, mineral extraction in the following circumstances;

- Extension to existing operations/sites,
- Reopening of a dormant quarry,
- A reserve underlying a proposed development where it would be beneficial to extract prior to development.

New minerals sites will only be permitted where it has been demonstrated that existing reserves have been exhausted or are no longer viable and for construction aggregates it has been evidenced that there is less than the minimum 10 year supply available.

Borrow pits will be supported to allow the extraction of minerals near to or on the site of associated development (e.g. wind farm and roads construction, forestry and agriculture) provided it can be demonstrated that the operational, community and environmental benefits of the proposal can be evidenced. These consents will be time limited, tied to the proposal and must be accompanied by full restoration proposals and aftercare.

Taking into account PAN 50 Controlling the Environmental Effects of Surface Minerals Workings sufficient information should be provided to enable a full assessment of the likely effects of the mineral development together with proposals for appropriate control, mitigation and monitoring.

Minerals developments should avoid or satisfactorily mitigate impacts, in determining proposals the Council will give consideration to the following issues;

- Impact on natural heritage and historic environment including landscape and visual impact,
- Disturbance and disruption from noise, blasting vibration, and potential pollution of land, air and water,
- Effect on communities,
- Cumulative impact,
- Transport impacts,
- Restoration and aftercare proposals.

Once a mineral working has ceased the land should be reinstated at the earliest opportunity. Restoration should be designed and implemented to the highest standard and after uses should result in environmental improvement and add to the cultural, recreational or environmental assets of the area. If operators cannot demonstrate that their programme of restoration (including the necessary financing, phasing and aftercare of the sites) is sufficient a financial guarantee may be sought;

Proposals should be accompanied by an Extractive Waste Management plan.

Justification

The local availability of construction materials will provide jobs and support the local economy. This policy aims to assist the provision of a supply of raw materials and ensure that there is a minimum 10 year landbank of permitted reserves for construction aggregates. The Council prepared a minerals audit in 2013 in conjunction with the industry and is satisfied that there is in excess of a 10 year supply available.

This policy also seeks to ensure that there are no significant negative impacts on the amenity of local communities, natural heritage and built heritage assets. Extraction will only be permitted where impacts can be adequately controlled or mitigated.

Proper restoration and aftercare provision is essential to ensure land is restored to acceptable levels and protected against any adverse effects of extraction.



Policy ER5 Agriculture

The Council will support the agricultural sector by:

- a) Presuming against irreversible development on prime agricultural land (classes 1,2 and 3.1) unless the site is required for settlement expansion and there is no other suitable alternative.
- b) Supporting farm diversification proposals in principle and supporting business proposals which are intended to provide additional income/employment on farms.

Proposals for agricultural buildings with a locational requirement will be subject to visual, landscape and amenity considerations and considered against the relevant environmental policies.

Justification:

This policy aims to support the agricultural industry by protecting prime agricultural land and supporting suitable diversification proposals. Prime agricultural land is a scarce resource and should be protected for future food production.

Proposals which support the long term viability of farms will be supported where they meet the terms of the relevant economic and environmental policies.

The visual, landscape and amenity impact of farm buildings and associated activities can be significant and need to be considered in the same manner as other development proposals in the countryside.

Policy ER6 Soil Resources

Where peat and other carbon rich soils are present disturbance to them may lead to the release of carbon dioxide contributing to the greenhouse gas emissions. Developers should assess the likely effects associated with any development work and aim to mitigate any adverse impacts arising.

For major developments, minerals and large scale (over 20MW) renewable energy proposals, development will only be permitted where it has been demonstrated that unnecessary disturbance of soils, peat and any associated vegetation is avoided. Evidence of the adoption of best practice in the movement, storage, management and reinstatement of soils must be submitted along with any relevant planning application, including if necessary measures to prevent the spread of invasive non-native species.

Major developments, minerals and large scale renewable energy proposals on undisturbed areas of deep peat (defined as 1.0m or more) will only be permitted for these uses where:

- a) the economic, social and/or environmental benefits of the proposal outweigh any potential detrimental effect on the environment (in particular with regard to the release of carbon dioxide into the atmosphere); and
- b) it has been clearly demonstrated that there is no viable alternative.

Where development on undisturbed peat is deemed acceptable, a peat depth survey must be submitted which demonstrates that the areas of deepest peat have been avoided. Where required, a peat management plan must also be submitted which demonstrates that unnecessary disturbance, degradation or erosion of peat is avoided.

Large scale commercial peat extraction will not be permitted.

Justification

The disturbance of some soils, particularly peat, may lead to the release of stored carbon, contributing to greenhouse gas emissions. The aim of this policy is to ensure that where peat and other carbon rich soils are present the likely effects associated with the development are assessed and appropriately managed.

