



Implementation

Introduction

The purpose of these implementation policies is to

- Summarise the key aspects of development proposals which will require to be observed through the planning application process.
- Advise on circumstances where potential impacts such as transport; flooding; drainage; environment; habitat; retail; may require additional information to be provided.
- Provide an explanation of when financial contributions will be expected from developers, in order to mitigate any impact on public facilities or infrastructure.

The consistent implementation of Planning Policy should achieve high quality, well designed and appropriately serviced development in urban and rural areas.

Context

National policy guidance promotes a low carbon economy, with a strong emphasis on placemaking; connectivity and environmental enhancement. These objectives should be delivered through the implementation of Planning Policy and the delivery of developments which support this vision. The main policy requirements are stated elsewhere, and what follows is a collective summary of their intent

Policy IMP1 Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

Justification

The quality of development in terms of its siting, design and servicing is a priority consideration within the Plan. In the first instance, development needs to be suitable to the surrounding built and natural environment. Development should be adequately serviced in terms of transport, water, drainage, with particular emphasis on providing pedestrian and cycle access, and any necessary public transport facilities/connections. The use of SUDS and incorporation of renewable energy techniques and sustainable design and construction methods will all help promote sustainability in Moray. Most of the serious flood risks have been addressed by flood alleviation schemes, but there are still areas that are susceptible and these should be avoided. Similarly, pollution issues in relation to air, noise, groundwater and ground contamination, must be adequately addressed to provide proper development standards.

Policy IMP2 Development Impact Assessments

The Council will require applicants to provide impact assessments in association with planning applications in the following circumstances:

- a) An Environmental Assessment (EA) will be required for developments that are likely to have significant environmental effects under the terms of the regulations.
- b) A Transport Assessment (TA) will be sought where a change of use or new development is likely to generate a significant increase in the number of trips being made. TAs should identify any potential cumulative effects which would need to be addressed. Transport Assessments should assess the effects the development will have on roads and railway infrastructure including stations and any crossings. Transport Scotland (Trunk Roads) and Network Rail (Railway) should be consulted on the scoping of Transport Assessments. Moray Council's Transportation Service can assist in providing a screening opinion on whether a TA will be sought.
- c) In order to demonstrate that an out of centre retail proposal will have no unacceptable individual or cumulative impact on the vitality and viability of the identified network of town centres, a Retail Impact Assessment will be sought where appropriate. This may also apply to neighbourhood shops, ancillary retailing and recreation/tourism retailing.
- d) Where appropriate, applicants may be asked to carry out other assessments (e.g. noise; air quality; flood risk; drainage; bat; badger; other species and habitats) in order to confirm the compatibility of the proposal

Justification

Where a development may have potentially significant environmental, transport or retail impacts on surrounding areas, it will be appropriate to ask the applicant to undertake formal assessments, so that the impacts can be quantified and appropriate mitigations identified.

Policy IMP3 Developer Obligations

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity, and such contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

The Council will prepare supplementary guidance to explain how the approach will be implemented in accordance with Circular 3/2012 on Planning Obligations. This will detail the necessary facilities and infrastructure and the scale of contributions likely to be required.

In terms of affordable housing, developments of 4 or more units will be expected to make a 25% contribution, as outlined in policy H8.

Justification

It is reasonable to expect developers to contribute towards the mitigation of any impacts on infrastructure or facilities that emanate from their development. Sometimes it is acceptable for both the developer and the Council, if the appropriate contribution is made by way of a commuted payment.

Guidance on the use of planning agreements to secure developer contributions is contained in Circular 3/2012 on Planning Obligations.

Policy IMP4 Development Plan Monitoring

The Council will work in partnership with agencies and organisations to implement the provisions of the Development Plan. An Action Programme has been produced detailing the Plan's policies and proposals; who is to carry them out; the timescale for doing so. The Action Programme will be monitored at least every 2 years.

Annually the Council will carry out a Housing Land Audit, and an Employment Land Audit, to monitor the take up and remaining availability of land for development. Every 2 years a Town Centre Health Check will be done.

Justification

The Plan can only be successfully implemented if it receives support from the development industry and a wide range of organisations and agencies.

Regular Monitoring of Development Plan matters will allow assessment to be made on the performance and progress of the Plan, and to advise on matters that require to be addressed at the next Review. This will support the delivery of the Spatial Strategy and drive progress of the Plan.