



# **POLICIES**

## MORAY LOCAL DEVELOPMENT PLAN 2020



**DECEMBER 2017**

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# PRIMARY POLICIES

1

## PP1 PLACEMAKING

### Placemaking- ( threshold 10 or more houses)

Successful places enhance people's health and well-being, safeguard the environment and support economic development. To create successful places residential development of 10 units and above and commercial development of 500m<sup>2</sup> and above, must comply with Creating Places and Designing Streets and must incorporate the following fundamental principles:

#### Character and Identity

- The scale and density must be appropriate to the surrounding area and reflect the traditional characteristics and pattern of the settlement to create a sense of place and prevent 'anywhere' development;
- Retain and enhance natural, historic and cultural associations with the local area, through the incorporation of existing buildings, key features of local architecture, topographical features and habitat, provision of public art in residential developments of 50 units or more including street naming the details of which are to be submitted with the planning application;
- Include a variety of front building elevations with diversity provided through varied design, building lines and height, use and design of porches, architectural features, materials, colour of doors, windows and materials, boundary treatments;
- Provide landmarks (buildings, natural features, focal points and spaces) throughout the development;
- A clear and well-defined layout which helps people to find their way around with residential developments of 50 units or more having a variety of character areas;

### Open Spaces/Landscaping

- Provide a hierarchy of different types of high quality open space (i.e. attractive and serve the needs of the community) that is integrated, overlooked, connected to a network of blue/green corridors within the site and the surrounding area, and provides both opportunities for both active and passive recreational use for all generations to socially interact and participate in activities as well as rest through building seating opportunities into the fabric of the development;
- Landscaped areas must provide seasonal variation (mix of planting and colour) and not create 'left-over' spaces that perform no function;
- Include semi-mature native tree planting along all street frontages. A detailed landscape plan must be submitted with a planning application and include information about tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.). Timescales for implementation and maintenance arrangements must be included;
- Proposal must provide advance landscaping where identified in site designations and where a requirement for a play area is identified, this must be provided upon completion of 25% of the approved development;
- Structural landscaping must incorporate informal countryside style paths with lighting and waymarkers (maintenance arrangements to be provided where paths will not be adopted by the Council), and must link to adjacent areas/paths;





## 2

### Housing Mix

- Provide a range of tenures, house types and plot sizes to meet need and provide choice allowing opportunities to move within the development;
- Architectural style must ensure that private and affordable homes are tenure blind in that they are not distinguishable from one another;
- The spatial mix must ensure communities are integrated to share school catchment areas, open spaces, play areas, sports areas, bus stops and other community facilities;

### Parking

- Provide car parking behind the building line of the house on primary and secondary routes. Minimal parking to the front of buildings may be permitted on other routes provided that the visual impact of the parked car is mitigated by hedging or low stone boundary walls;
- Include semi-mature native trees within communal parking areas and on-street parking at a minimum interval of 4 car parking spaces. Native species should be appropriate to the location, soil, aspect and intended use. Non-native species can be used to create a focal feature;
- Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements;
- Provide cycle parking and storage at all flatted developments and retail, community, education, health and employment centres. This must be provided within the curtilage of the building to ensure that it is not remotely located from homes/facilities;

### Mixed Uses

- Provide a mix of compatible uses, where indicated within the site designation, which are integrated within the street to enable activity at all times of the day and increase opportunities for social interaction;

### Biodiversity

- Provide open spaces, a variety of green and blue networks, native trees and hedges throughout to improve and support habitats and wildlife and include low maintenance blue/green space such as wildflower verges and areas left for nature to create variety and visual interest and benefits for nature;
- Integrate green and blue infrastructure such as swales, permeable paving, SUDS ponds, green roofs and walls, and grass/wildflower verges into streets and plots to sustainably address drainage and flooding issues and enhance biodiversity from the outset;
- Developments must safeguard and connect into wildlife corridors and prevent fragmentation of existing habitats;

### Transportation

- Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends;
- Provide roads and foot/cycle paths that are well-connected internally and externally incorporating desire lines (including upgrades to existing desire lines) to facilities such as schools, health centres, shops, public transport stops, recreational/open space and landmarks to help people find their way around and connecting core paths;
- Access should be provided for public transport into larger designations/Masterplan areas;
- Cul-de-sacs/dead ends streets will only be selectively permitted on rural edges or where topography dictates. Walking and cycling routes must be provided through cul-de-sacs/dead end streets to maximise connectivity to the surrounding area and designed to disability standards;
- Roundabouts must be designed and maintained to create gateways and contribute to the character of the overall development.



### Healthier, Safer Environments

- Designed to prevent crime with all urban spaces well-maintained, well-lit and navigable by all;
- Paths adjacent to watercourses/features must have safe edges;
- Prioritise pedestrians and include a street hierarchy that is designed and detailed to reflect the primary function of the route;
- Create low vehicle speeds through natural calming measures such as shorter streets, reduced forward visibility for drivers and varying the building line;
- Ensure public and private space is clearly defined with public fronts and private backs;
- Buildings must be orientated and designed to overlook streets, paths and open spaces. High wooden fencing will only be acceptable as a boundary feature where it is mitigated on the outer edge with substantial tree, shrub and hedge planting; and,
- Developments must cater for people of all mobility's where the site is accessible and designed with resting points and paths with good surfaces throughout allow greater access to the built and natural environment and public spaces.

A design statement is required for residential development of 10 units and more, and other uses of 500m<sup>2</sup> and above. The design statement must set out how the development promotes opportunities for healthy living.

Masterplans have been prepared for Findrassie (Elgin), Elgin South, and Dallas Dhu (Forres) and are Supplementary Guidance to this Plan. Further Masterplans will be prepared for Bilbohall (Elgin) Lochyhill and Cassieford (Forres), Barhill Road (Buckie) and Elgin North East and must be the subject of a design review forum facilitated by Architecture and Design Scotland (A&DS). Once approved by the Council, Masterplans will be Supplementary Guidance. Development briefs will be prepared for sites identified in town and village statements, which will be material considerations for development management purposes.

Proposals for sites allocated in the LDP2020 must reflect the key design principles and green networks set out in the Proposals Maps and Town and Village Statements.

### PP2 SUSTAINABLE ECONOMIC GROWTH

Development proposals which support the Moray Economic Strategy and will contribute towards the delivery of sustainable economic growth and the transition of Moray towards a low carbon economy will be supported where the quality of the natural and built environment is safeguarded and the relevant policies and site requirements are met.

### PP3 INFRASTRUCTURE & SERVICES

Development must be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services. Development proposals will need to provide for the following infrastructure and services:

- Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space;
- Green infrastructure and network requirements specified in policy ES5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs;
- Mitigation/modification to the existing transport network to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy;
- Electric car charging points must be provided at all commercial and community parking facilities. Car share parking spaces must be provided within communal parking areas where a need is identified by the Transportation Manager.



- Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan;
- Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site;
- Information Communication Technology (ICT) and fibre optic broadband connections for all development unless justification is provided to substantiate it is technically unfeasible;
- Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS;
- Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- Low and zero carbon generating technologies in accordance with policy DP9; and,
- Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.

Development proposals will not be supported where they:

- Create new accesses onto trunk roads and other main/key routes (A941 & A98) unless significant economic benefits are demonstrated;
- Adversely impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated;
- Adversely impact on blue/green infrastructure unless an equivalent or better alternative provision will be provided in a location convenient for users;
- Are incompatible with key waste sites at Dallachy, Gollanfield, Moycroft and Waterford and would prejudice their operation;

- Adversely impact on community and recreational sites, buildings or infrastructure including CF designations and cannot be adequately mitigated;
- Adversely impact on flood alleviation and mitigation infrastructure;
- Compromise the economic viability of bus, rail and harbour facilities. Diversification of commercial harbours for freight and operations and maintenance for offshore renewables, particularly at Buckie, will be supported subject to compliance with other policies. Harbours are identified in town and village statements with uses that will be supported.

### Developer Obligations

Developer obligations will be sought to mitigate any measurable adverse impact of a development proposal on local infrastructure, including education, healthcare, transport, sports and recreational facilities and access routes. Contributions will be sought to reduce, eliminate or compensate for this impact.

Where necessary contributions that can be secured satisfactorily by means of a planning condition attached to planning permission will be done this way. Where this cannot be achieved, the required contribution will be secured through a planning agreement in accordance with Circular 3/2012 on Planning Obligations.

Developer obligations will be sought in accordance with the Council's Supplementary Guidance on Developer Obligations. This sets out the anticipated infrastructure requirements, including methodology and rates.

Where a developer considers that the application of developer obligations renders a development commercially unviable a viability assessment and 'open-book accounting' must be provided by the developer which Moray Council, via the District Valuer, will verify, at the developer's expense. Should this be deemed accurate then the Council will enter into negotiation with the developer to determine a viable level of developer obligations.

The Council will prepare Developer Obligations Supplementary Guidance to support this policy.





# DEVELOPMENT POLICIES

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DP1 DEVELOPMENT PRINCIPLES

Proposals immediately outwith settlement boundaries will not be supported unless the proposal is a designated LONG term development site which is being released under the terms of policy DP3.

Development proposals will be supported if they conform to the relevant Local Development Plan policies, proposals and additional guidance, meet the following criteria and address their individual and cumulative impacts:

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1);
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site;
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP4 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.);
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources (see Policy EP5);

- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy and daylight;
- f) Proposals do not result in backland development or plots that are subdivided by more than 50%. Sub-divided plots must be a minimum of 400m2, excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot;





## (ii) Transportation

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health and retail facilities;
- b) Car parking must not dominate the street scene and must be provided to the side or rear of buildings. Minimal parking to the front of buildings may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements;
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's;
- d) Provide cycle parking at all flats/apartments, retail, community, education, health and employment centres;
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications;
- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, paviers, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles with hammerheads minimised in preference to turning areas and to provide adequate space for the collection of waste and movement of waste collection vehicles.;
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy;
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager;



**(iii) Water environment, pollution, contamination**

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP6);
- b) Proposals must avoid areas at risk of flooding and where necessary carry out flood management measures (see Policy EP6);
- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures;
- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures;
- e) Proposals must address and sufficiently mitigate any contaminated land issues;
- f) Make acceptable arrangements for waste collection and management and encourage recycling;
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry;
- h) New development should not be located in areas at flood risk or if they are likely to increase flooding elsewhere. Exceptions to this would only be considered in specific circumstances, e.g. extension to an existing building or change of use. Where this exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets. The developer must also demonstrate that the proposed development will not increase flood risk elsewhere;
- i) Proposals must avoid areas at risk of coastal erosion.

**Development impact assessments**

The Council will require applicants to provide impact assessments in to determine the impact of a proposal. Assessments may be asked to determine the impacts upon the environment, transport network, town centres, noise, air quality, landscape, trees, flood risk, protected habitats and species, contaminated land, built heritage and archaeology.

**DP2 HOUSING**

Proposals for development on all designated and windfall housing sites must include or be supported by a design statement regarding the comprehensive layout and development of the whole site, unless otherwise indicated in the site designation. Proposals must comply with Policy DP1, the site development requirements within the settlement plans, all other relevant policies within the Plan and must comply with the following requirements;

**Phased developments**

Phased developments will only be acceptable where the terms of Policy DP1 are fully met. On these sites, phased development must not compromise the key design principles established for the site and must ensure access, landscaping and other policy requirements are met. Where the total site capacity is 4 or more units and an application is submitted for fewer units, a commuted payment will be required towards provision of affordable housing offsite. Where the total site capacity is 10 or more units and an application is submitted for fewer units, a developer obligation will be required towards provision of accessible housing.

**Housing density**

Capacity figures indicated within site designations are indicative only and used to ensure the housing land supply target is met. Proposed capacities will be considered through the Quality Auditing process against the characteristics of the site, character of the surrounding area, conformity with all policies and the requirements of good Placemaking as set out in Policy PP1 and DP1.





### Affordable Housing

Proposals for new housing developments of 4 or more units (including conversions) must provide 25% of the total units as affordable housing. A higher percentage contribution may be appropriate subject to funding availability as informed by the Local Housing Strategy. A lesser contribution or alternative in the form of off-site provision or a commuted payment will only be considered where exceptional site development costs or other project viability issues are demonstrated. Where phased/plot development is identified as suitable in the site designation, a proportionate commuted payment towards offsite provision will be required where the total site capacity is 4 or more units and the application is for a lower number of units.

### Housing Mix and Tenure Integration

Proposals for 4 or more housing units must provide a mix of house types, tenures and sizes to meet local needs as identified in the Housing Need and Demand Assessment.

Proposals must demonstrate tenure integration and meet the following criteria;

- Architectural style and external finishes must ensure that homes are tenure blind
- The spatial mix between affordable housing and private housing units must be a minimum of 25/75 in all character areas within a development, unless there are exceptional circumstances agreed by the Council's Housing Strategy and Development Manager.
- The spatial mix must ensure communities are integrated to share school catchment areas, open spaces, play areas, sports areas, bus stops and other community facilities.
- The mix across all tenures must reflect the mix of the local population in terms of age and/or disability and reflect future projected household needs.
- The mix and layout must offer choice and opportunity for residents to move within the development area as their housing needs change over their lifetime, in terms of size and/or tenure of housing.



### Accessible Housing

Housing proposals of 10 or more units will be required to provide 10% of the private sector units to wheelchair accessible standard, with all of the accessible units to be in single storey form. Flexibility may be applied on less accessible sites.

Off-site provision may be acceptable where sites do not have good access to local services and facilities.

Where phased/plot development is identified as suitable in the site designation, a proportionate commuted payment towards offsite provision will be required where the total site capacity is 10 or more units and the application is for fewer units.

### Gypsy/ Travellers/ Travelling Showpeople

Proposals for Gypsy/Traveller sites, whether halting or permanent, from both public and private sectors will be favourably considered where;

- a) The proposal is in accordance with Policy DP1;
- b) There is an identified need and an accepted shortfall in provision;

Locations within Countryside Around Towns, Coastal Protection Zones, Special Landscape Areas and immediately outside settlement boundaries are likely to give the greatest conflict with existing policies and established planning principles.



**DP3 RURAL HOUSING**

**Rural Housing**

New rural housing is directed to rural groupings that will accommodate the majority of rural development, followed by the re-use and replacement of traditional stone and slate buildings in the countryside and lastly to the open countryside.

This approach seeks to address identified issues of cumulative build-up of housing in the open countryside across Moray that has led to a growth in unsustainable car based commuting, and in some areas the suburbanisation of the countryside. In setting out a hierarchy identifying development opportunities this policy seeks to promote a sustainable pattern of growth.

The design criteria aim to raise standards of rural design, addressing issues such as the size of houses, the form and proportion of building elements, choice of materials and the excessive use of glazing.

**Rural Groupings**

Designated rural groupings are identified creating a sustainable network of groupings with development opportunities. Specific requirements for each grouping and accompanying mapping have been prepared. Proposals must meet the terms of DP1 – Development Principles.

**Re-use and Replacement**

The conversion of traditional stone and slate buildings in the countryside to houses will be acceptable if:

- The proposed conversion respects the character of the existing building.
- Any extensions are in keeping with the character and scale of the existing building and surrounding landscape.
- Material finishes are in keeping with the traditional building i.e. slate/corrugated roofing, natural stone/wet harl/ timber lined walls.



Replacement of existing traditional stone and slate buildings in the countryside with houses will be acceptable if:

- There is clear physical evidence of a previous traditional building, equivalent of level 2, where the full extent of the building is clearly established.
- The replacement house(s) must overlap the footprint of the original building, unless micro siting elsewhere within the site is sufficiently justified (i.e. flooding).
- The redevelopment must be proportionate to the scale and visual impact of the original building/s and the form and positioning of the building/s must reflect the rural character, suburban layouts will not be acceptable. Where required to assist the development to integrate sensitively 15% of the plot must be landscaped.
- The design and micro siting of the house(s) is compliant with the design and siting criteria for new houses in the countryside.

**Individual Houses in the Open Countryside**

In the open countryside, a spatial strategy has been developed to direct new housing to the least sensitive locations by identifying pressurised areas and areas of intermediate pressure.

Opportunities for housing in the open countryside are limited to single houses and proposals for more than one house will not be supported.

**1. Pressurised Areas**

Due to the landscape and visual impacts associated with build-up and environmental sensitivities no new housing will be permitted within the identified pressurised areas.





## 2. Areas of Intermediate Pressure

### Siting Criteria

Proposals for single houses will be assessed against the following criteria;

- There must be immediately adjacent existing landform, trees or buildings of a sufficient scale to provide 75% enclosure, containment and backdrop for the proposed new house. Burns, hedging, post and wire fencing, roads and tracks do not provide adequate enclosure or containment.
- The new house must not create ribbon development, contribute to a build-up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location.
- Artificial mounding, cut and fill and/or clear felling woodland to create plots will not be permitted.
- 15% of the plot must be landscaped with native trees species at least 1.5 metres in height to assist the development to integrate sensitively. Landscaping must be set back from the public road to ensure sightlines are safeguarded.

### Design Criteria

1. The maximum height of any new house must be 6.75m (measured from the corresponding ground level of the building).
2. The main form of the house must be composed from simple well-proportioned elements. Excessive detailing involving gable features, balconies etc. that have a suburban appearance must be avoided.
3. Artificial decorative stone must not be used and no more than two primary external wall finishes (such as timber cladding and wet dash harl) must be used.
4. Houses must have a pitched roof of 35° to 50°. All roofing shall be finished in natural slate or an alternative profiled cladding. Concrete tiles must not be used.
5. Fully glazed gables, inappropriate glazed features and windows with a horizontal emphasis must be avoided.
6. Boundary treatment must be post and wire fencing, low natural stone walls or native hedgerow. Close boarded fencing will not be permitted.

Exceptions to design criteria should be based upon a design that is an exemplar in terms of architecture, the use of materials, methods of sustainable construction and a design which responds to the setting. Proposals must be supported by a design statement setting out why an exception to the design criteria is warranted.

All rural housing proposals must make provision for communal waste collection set out Policy PP1 (ii)(g).

**SUPPLEMENTARY GUIDANCE ON RURAL HOUSING WILL BE PREPARED TO SUPPORT THIS POLICY.**



DP4 LONG TERM LAND RESERVES

LONG term designations are identified to set out the direction of growth and to assist in the forward planning of infrastructure and landscape enhancement/mitigation. These sites are not relied upon to meet the current housing land requirement up to 2030 and are not solely intended for residential use. The need for release of these designations will be reviewed through the next local development plan and annually through the housing and employment land audits. Early release of these areas, or sites within them, will only be considered where:

A shortfall in the 5 year effective land supply or projected delivery of housing units is identified in the annual Housing Land Audit which cannot be met by:

- 1. Windfall provision assuming previous trends.
  - 2. Constrained sites which are likely to become available for development to meet the shortfall in the relevant timeframe.
- OR
- 3. Where the release of LONG term land is required to deliver key objectives of the Council and its Community Planning partners or to meet significant increased demand for housing arising from personnel deployed at RAF Lossiemouth or Kinloss Barracks or to meet a shortfall in employment land highlighted in the annual Employment Land Audit.
  - 4. Where the release of LONG term land is required to provide land for an inward investment opportunity and no alternative sites identified in the employment land audit meet the requirement.

In these circumstances an appropriate release of LONG term land may be recommended where:

- This can be achieved without compromising delivery of a master-planned approach and where appropriate access, infrastructure and landscaping setting can be secured.
- The site is demonstrated to be effective within the next 5 years.
- Any site specific triggers are fully complied with.

DP5 BUSINESS & INDUSTRY

Development of employment land is supported to deliver the aims of the Moray Economic Strategy. A hierarchical approach will be taken when assessing proposals for business and industrial uses.

Proposals must comply with Policy DP1, site development requirements within town and village statements, and all other relevant policies within the Plan.

Business Parks

Business parks will be kept predominantly for ‘high-end’ businesses such as those related to life sciences and high technology uses. These are defined as Class 4 (business) of the Use Classes Order 1997. Proposals for the development of new business parks must adhere to the key design principles set out in town statements or masterplans adopted by the Council. Proposals for development on existing business parks must meet the requirements of policy PP1Placemaking and ensure that a high quality environment is retained.



Industrial Estates

Industrial Estates will be primarily reserved for uses defined by Classes 4 (business), 5 (general) and 6 (storage and distribution) of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

Existing Business Areas

Long established business uses will be protected from non-conforming uses (e.g. housing). The introduction or expansion of non-business uses (e.g. retail) will not be permitted, except where the total redevelopment of the site is proposed.





### Areas of Mixed Use

Proposals for a mix of uses, particularly on brownfield sites, will be considered favourably where evidence is provided to the authority's satisfaction that the proposed mix will enable the servicing of employment land and will not compromise the supply of effective employment land. Proposals must provide a comprehensive layout for the whole site which complies with policy PP1 Placemaking and not undermine the primary principle of the site.

### Other Uses

Class 2 (business and financial), 3 (food and drink), 11 (assembly and leisure) and activities which do not fall within a specific use class (sui generis) will be considered in relation to their suitability to the business or industrial area concerned, their compatibility with neighbouring uses and the supply of serviced employment land. Retail uses will not be permitted unless they are considered ancillary to the principle use (e.g. manufacture, wholesale). For this purpose, 'ancillary' is taken as being linked directly to the existing use of the unit and comprising no more than 10% of the total floor area up to a total of 1,000 sq metres (gross) or where a sequential approach in accordance with town centre first principles has identified no other suitable sites and the proposal is in accordance with all other relevant policies and site requirements are met.

### Rural Businesses

Proposals for new business development and extensions to existing businesses in rural locations including tourism and distillery operations will be supported where there is a locational justification for the site and the proposal is in accordance with all other relevant policies.

A high standard of design appropriate to the rural environment will be required and proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business premises will be encouraged.

Outright retail activities will be considered against policy DP6, and impacts on established shopping areas, but ancillary retailing (e.g. farm shop) will generally be acceptable.

### Inward Investment Sites

The proposals map identifies a proposed inward investment site at Dallachy which is safeguarded for business proposals seeking a large, rural site. Proposals must comply with Policy DP1.

### Opportunity Sites

Opportunity sites are sites that are no longer required for their original purpose and are suitable for redevelopment for appropriate alternative uses. Suitable alternative uses are identified in town and village statements.



**DP6 RETAIL/ TOWN CENTRES**

**Town Centres and Retailing**  
**Town Centres**

Developments likely to attract significant footfall including retail, offices, leisure, entertainment and community facilities must be located in town centres.

Within Core Retail Areas (identified on settlement maps), at ground level, only development for Use Class 1 Shops, Use Class 2 Financial, professional and other services, or Use Class 3 Food and drink will be supported.

Proposals must be appropriate to the scale, character and role of the town centre (Table 1) and support a mix of uses within the town centre. Proposals that would lead to a concentration of a particular use to the detriment of the town’s vitality and viability will not be supported.

**Outwith Town Centre**

Outwith town centres, development (including extensions and sub-divisions) likely to attract significant footfall including retail, offices, leisure, entertainment and community facilities must;

- a) Demonstrate that no sequentially preferable sites are available. Locations will be considered in the following order of preference
  - Town centres (as shown on settlement maps)
  - Edge of centre
  - Commercial Centres (as shown on settlement maps)
  - Brownfield or OPP sites that are or can be made easily accessible by pedestrians and a choice of modes of transport
  - Out of centre sites that are or can be made easily accessible by pedestrians and a choice of modes of transport.

- b) Demonstrate that there is no unacceptable individual or cumulative impact on the vitality and viability of the network of town centres (Table 1), where appropriate by a Retail Impact Assessment.

Flexibility will be allowed to ensure that community, education and health care uses are located where they are easily accessible to the communities they serve.



**Neighbourhood Retail**

Small shops\* that are intended to primarily serve the convenience needs of a local neighbourhood within a settlement boundary will be supported. Depending on scale, proposals may be required to demonstrate that they will not have an unacceptable adverse impact on the vitality and viability of the network of town centres (Table 1), by a Retail Impact Assessment or Retail Statement.

Change of use of established or consented neighbourhood retail units will only be supported where it can be demonstrated that active marketing has failed to find a retail use for the premise. For a change of use to be considered, the premises must have been vacant and actively marketed for a minimum of five years\*\*.

**Ancillary Retailing**

See policy DP5 Business and Industry in respect of ancillary retailing to an industrial or commercial business.





**Outwith Settlement Boundaries**

Outwith settlement boundaries, proposals for small scale retail development will only be supported if these have a specific locational requirement and are ancillary to a tourism or agricultural use. Small scale extensions to existing retail activity will only be supported where this does not undermine the vitality and viability of the network of town centres (Table 1).



**Table 1** “Network of Town Centres”

Centre Type /Role	Centre	Role of Centre
Principal Town Centre	Elgin	To support a diverse mix of uses and be largest regional retail offer. A focus for leisure, entertainment, recreation and cultural and community activities, particularly with a regional market/catchment.
Other Town Centres	Buckie, Forres, Keith	Focus for local retail provision. To support a wide range of uses, including specialist independent convenience and comparison retailer and other local services.
Local Centres	Aberlour, Dufftown, Fochabers, Lossiemouth, Rothes.	To provide small scale retail and ancillary service to meet the needs of local residents and passing trade.
Commercial Centres (CC on settlement map)	Edgar Road, Elgin	To meet demand for bulky good and comparison retailing where these cannot be accommodated within the town centre or edge of town centre. Help stem leakage outside the region. Bulky goods, comparison, and convenience.

\* Within a neighbourhood a unit of up to 400m<sup>2</sup> designed to meet the day to day convenience needs of the neighbourhood will be supported. Other small units of up to 150m<sup>2</sup> that contribute to creating a mix of uses in a neighbourhood centre/hub will be supported, this could include small retail uses (Class 1 non-food), financial and professional services (Class2) and cafes and small restaurants (Class 3). Neighbourhood hubs/centres should aim to contribute to the sense of community and place, the sustainability of an area and reduce the need to travel for day to day requirements.

\*\* Where the unit is part of a consent for wider development, the two year marketing period will be counted form the completion of the development as a whole i.e. change of use of a retail unit will not be considered half way through completion of a development or in the two years after the completion of the whole development.



**DP7 TOURISM FACILITIES & ACCOMMODATION**

Proposals which contribute to Moray’s tourism industry will be supported where they comply with relevant policies. All proposals must demonstrate a locational need for a specific site.

Development built as tourism/holiday accommodation shall be retained for this purpose and will not become permanent residences. Conditions will be applied to planning consents to control this aspect.

To integrate caravan, chalet and glamping developments into their rural setting, stances/pitches will be required to have an informal layout and be satisfactorily landscaped to ensure development is screened and discrete. Provision within sites for touring caravans/campers and tents must be permitted.

Proposals for hutting will be supported where it is low impact, does not adversely affect trees or woodland interests, or the habitats and species that rely upon them, the design and ancillary development (e.g. car parking and trails) reflects the wooded environment and the proposal complies with other relevant policies. Proposals must comply with ‘New hutting developments – good practice guidance on the planning, development and management of huts and hut sites’ published by Reforesting Scotland.

Proposals for tourism facilities and accommodation within woodlands should support the proposals and strategy set out in the Moray Woodlands and Forestry Strategy.



**DP8 RENEWABLE ENERGY**

**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 water environment
  - Impact on carbon rich soils and peat land hydrology
  - Impact on woodland and forestry interests
  - Traffic impact
  - Ecological Impact
  - Impact on tourism and recreational interests

**Onshore wind turbines**

In addition to the assessment of the impact outlined above the following consideration 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 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 through the Moray Onshore Wind Energy Supplementary Guidance and the Moray Wind Energy Landscape Capacity Study, which is a material consideration.



### 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 proposal 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 the 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.

### Biomass

Proposals for the development of commercial biomass 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 wood 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.





## DP9 CARBON DIOXIDE REDUCTION

Planning permission will only be granted for new development where it has been demonstrated that;

The proposal meets the current carbon dioxide reduction target (as set out by the Scottish Building Standards) and that low and zero carbon generating technologies contribute at least 20% of these savings.

## DP10 MINERALS

### Minerals

#### 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

#### Mineral Operations

Proposals for mineral extraction will be acceptable in the following circumstances, subject to compliance with other relevant LDP policies;

- Extension to existing operation/ sites
- Re-opening of a dormant quarry
- A reserve underlying a proposed development where it would be beneficial to extract prior to development

New mineral 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.

Proposals for borrow pits will be supported, subject to compliance with other relevant policies, 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.

All mineral development proposals should avoid or satisfactorily mitigate impacts. In determining proposals, the Council will give consideration to the requirements of Policy DP1.

Proposals must be accompanied by an extractive Waste Management Plan.

#### Restoration and aftercare

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/bond may be sought.



# ENVIRONMENT POLICIES

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## EP1 NATURAL HERITAGE

### Natura 2000 designations

Development likely to have a significant effect on a Natura 2000 sites which is not directly connected with or necessary to its conservation management must be subject to an appropriate assessment of the implications for its conservation objectives. Proposals will only be approved where the appropriate assessment has ascertained that there will be no adverse effect on the integrity of the site.

In exceptional circumstances, proposals that could affect the integrity of a Natura 2000 site may be approved where:

- a) There are no alternative solutions; and
- b) There are imperative reasons of over-riding public interest including those of a social or economic nature, and
- c) Compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

For Natura 2000 sites hosting a priority habitat or species (as defined in Article 1 of the Habitats Directive), prior consultation with the European Commission via Scottish Ministers is required unless the imperative reasons of overriding public interest relate to human health, public safety or beneficial consequences of primary importance to the environment.

### National designations

Development proposals which will affect a National Park, National Scenic Area (NSA), Site of Special Scientific Interest (SSSI) or National Nature Reserve will only be permitted where:

- a) The objectives of designation and the overall integrity of the area will not be compromised; or
- b) Any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

### Local Designations

Development proposals likely to have a significant adverse effect on Local Nature Reserves, wildlife sites or other valuable local habitats will be refused unless it can be demonstrated that;

- a) Public benefits clearly outweigh the nature conservation value of the site, and
- b) There is a specific locational requirement for the development, and
- c) Any potential impacts can be satisfactorily mitigated to conserve and enhance the site's residual conservation interest.



### European Protected Species

European Protected Species are identified in the Habitats Regulations 1994 (as amended in Scotland). Where a European Protected Species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application, to demonstrate how the Regulations will be complied with. The survey should be carried out by a suitably experienced and licensed ecological surveyor.

Proposals that would have an adverse effect on European Protected Species will not be approved unless;

- There is no satisfactory alternative to the development
- The development will not be detrimental to the maintenance of the favourable conservation of the species, and the need for development is one that is possible for SNH to grant a license for under the Regulations (e.g. to preserve public health or public safety).





### Other protected species

Wild birds and a variety of other animals are protected under domestic legislation, such as the Wildlife and Countryside Act 1981 (as amended in Scotland by the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011), Protection of Badgers Act 1992 and Marine (Scotland) Act 2010. Where a protected species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application to demonstrate how legislation will be complied with. The survey should be carried out by a suitably experienced ecological surveyor, who may also need to be licensed depending on the species being surveyed for.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan demonstrating how impacts will be avoided, mitigated, minimised or compensated for.

- Protected under domestic legislation such as the Wildlife & Countryside Act 1981 (as amended in Scotland by the Nature Conservation (Scotland) Act and the Wildlife and Natural Environment (Scotland) Act 2011), Protection of Badgers Act 1992 and Marine (Scotland) Act 2010.

### Biodiversity and Geodiversity

All development proposals must retain, protect and enhance features of biological or geological interest and provide for their appropriate management. Developments must safeguard and connect into wildlife corridors and prevent fragmentation of existing habitats.

Proposals for 4 or more housing units or 1000 m<sup>2</sup> of commercial floorspace must create new natural habitats for their ecological and amenity value and developers must demonstrate that they have included habitat creation in the design of the development and provided links into existing green and blue networks wherever possible.

### Trees and Tree Preservation Orders

Development proposals must seek to retain existing mature trees and incorporate them within the proposal. Where mature trees exist on or bordering a development site, a tree survey and tree protection and mitigation plan must be provided with planning applications if the trees (or their roots) have the potential to be affected by development and construction activity. Proposals should retain healthy trees within the design and layout of the proposal identifying a safeguarding distance to ensure construction works, including access and drainage arrangements, will not damage or interfere with the root systems in the short or longer term.

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

Within Conservation Areas, the Council will only agree to the felling of dead, dying, or dangerous trees. Trees felled within Conservation Areas or subject to TPO should be replaced, unless otherwise agreed by the Council.

### Woodlands

In support of the Scottish Government's Control of Woodland Removal Policy, development which involves woodland removal will only be permitted where it would achieve significant and clearly defined benefits and where removal will not result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the forest. Where woodland is removed in association with development, developers must provide compensatory planting to be agreed with the planning authority either on site, or an alternative site in the applicant's control or through a commuted payment to the planning authority to deliver compensatory planting within Moray.



**EP2 LANDSCAPE DESIGNATIONS**

Development proposals within the Coastal Protection Zone, Countryside Around Towns areas and Special Landscape Areas, as identified on the Proposals Map will only be permitted where they met the requirements of other relevant policies and;

- a) they avoid significant adverse effects on landscape character and visual amenity, both individually and cumulatively with existing and proposed developments;
- b) they ensure biodiversity, geology, recreation and economic interests are safeguarded by avoiding adverse impacts both direct and indirect;
- c) they incorporate the highest standards of siting and design for rural areas, are in accordance with the guidance in the Moray and Nairn Landscape Character Assessment and in the case of wind turbines, in accordance with the Landscape Capacity Study and WEPG, and all other relevant Local Plan policies; and
- d) involve the rehabilitation, conversion, limited extension, replacement or change of use of existing buildings; or
- e) are necessary for the purposes of agriculture, forestry, low intensity tourism or recreational use (e.g.golf courses, driving ranges, hutting, sports fields); or
- f) are specifically allowed or promoted under the terms of other Local Development Plan policies, Supplementary Guidance or settlement statements within these designations.

Proposals within the Coastal Protection Zone must also ensure they do not increase erosion of flood risk along the coast or upstream of river mouths.

**EP3 FORESTRY & AGRICULTURE**

**Forestry**

Proposals which support the economic, social and environmental objectives and projects identified in the Moray Forestry and Woodlands Strategy will be supported where they meet the requirements of all other relevant Local Development Plan policies. The Council will consult Forestry Commission Scotland on proposals which are considered to adversely affect commercial forests.

**Agriculture**

The Council will;

- a) Presume against irreversible development on prime agricultural land (class 1,2, and 3.1) unless the site is required for settlement expansion consistent with the designations in the town and village statements and there is no other suitable alternative.
- b) Support farm diversification proposals in principle and support business proposals which will support the economic viability of the farm business where they meet the requirements of all other relevant Local Development Plan policies.



## EP4 OPEN SPACE

Development which would result in a change of use of a site identified under the ENV designation in settlement statements or amenity land designation in rural groupings to anything other than an open space use will be refused, unless the proposal is for essential community infrastructure required to deliver the key objectives of the Council and its Community Planning Partners or the site specific opportunities identified within the settlement statements. Where one of these exceptions applies, proposals must

- Be sited and designed to minimise adverse impacts on the principal function of the space and the key qualities and features identified in the Moray Open Space Strategy Supplementary Guidance.
- Demonstrate that there is a clear excess of the type of ENV and the loss of the open space will not negatively impact upon the quality, accessibility and quantity of open space provision and does not fragment green networks (with reference to the Moray Open Space Strategy Supplementary Guidance and green network mapping) or replacement open space provision of equivalent quality and accessibility is made.

Proposals for allotments on existing open space will be supported where they do not adversely affect the primary function of the space or the key qualities and features identified in the Moray Open Space Strategy Supplementary Guidance and a locational requirement has been identified by the Council. Consideration will include related aspects such as access and car parking requirements.

New development must incorporate accessible multifunctional open space of appropriate quantity and quality to meet the needs of development and must provide green infrastructure as required in the green network mapping. Open space provision in new developments must meet the accessibility, quality and quantity standards set out below and within the Moray Open Space Strategy Supplementary Guidance and meet the requirements of policy PP1 Placemaking.

Open space provision in new development must meet the quantity standards below, which must be met within the designation boundaries. For windfall sites the quantity standard must be new open space provision within the application boundaries;

### Accessibility Standard

Everyone will live within a five minute walk of a publicly usable space of at least 0.2ha.

### Quality Standard

All publicly usable open spaces will score good or very good against the quality assessment criteria below. Open space will be assessed against each criteria below on a scale of 1 to 5, with the overall score expressed as a percentage. Good sites are categorised as 50% to 74% and very good 75% and over.

### Accessible and Well Connected

- Well located close to a community
- Meets Disability Discrimination Act requirements and disabled user needs
- Provide surfaced, high quality paths
- Connects with other transport modes
- Allows movement in and between places
- Accessible entrances in the right places
- Offers connecting path network and signage

### Attractive and Appealing Places

- Attractive with positive image
- Attractive setting for urban areas
- Quality materials, equipment and furniture
- Attractive plants and landscape elements
- Welcoming boundaries and entrance areas
- Facilities in clean safe usable condition
- Adequate bin provision
- Long term maintenance measures in place

### Biodiverse supporting ecological networks

- Contribute positively to biodiversity
- Large enough to sustain wildlife populations
- Offers a diversity of habitats
- Part of wider landscape structure and setting
- Connects with wider green networks
- Balance between habitat protection and access
- Resource efficient





**Active supporting health and well being**

- Provides places for a range of outdoor activities
- Diverse play, sport, and recreational opportunities
- Providing places for social interaction
- Appropriate high quality facilities meeting needs
- Appropriate facilities for location and size
- Carefully sited facilities for a range of ages
- Adaptable to changing needs

**Community Supported**

- Safe and welcoming
- Good levels of natural surveillance
- Discourage anti-social behaviour
- Appropriate lighting levels
- Sense of local identity and place
- Good routes to wider community facilities
- Distinctive and memorable places
- Catering for a range of functions and activities
- Community involvement in management

**Quantity Standard**

Unless otherwise stated in site designations, the following quantity standards will apply.

- Residential sites less than 10 units - landscaping to be determined under the terms of policies PP1 Placemaking and Policy DP1 Development Principles to integrate the new development.
- Residential sites 10-50 units and new industrial sites- minimum 15% open space
- Residential sites 51-200 units- minimum 20% open space
- Residential sites 201 units and above and Business Parks- minimum 30% open space which must include allotments, formal parks and playspaces within residential sites.

In meeting the quantity requirements, only spaces which have a clear multi benefit function will be counted. Structure and boundary landscaping areas must make provision for public access and link into adjacent green corridors.

- ENV 1** Public Parks and Gardens
- ENV 2** Amenity Greenspace
- ENV 3** Playspace for children and teenagers
- ENV 4** Sports Areas
- ENV 5** Green Corridors
- ENV 6** Natural/Semi-Natural Greenspace
- ENV 7** Civic Space
- ENV 8** Allotments
- ENV 9** Cemeteries and proposed extensions
- ENV 10** Private Gardens and Grounds
- ENV 11** Other Functional Greenspace

Open Spaces approved in new developments will be classed as ENV spaces upon completion of the development.

**PROPOSALS SHOULD ALSO COMPLY WITH THE COUNCIL'S OPEN SPACE STRATEGY SUPPLEMENTARY GUIDANCE.**



EP5 HISTORIC ENVIRONMENT

Proposals which adversely impact on Moray’s national and local historic environment will not be supported.

**National Designations** include Scheduled Monuments, Battlefields, Gardens or Designed Landscapes and Listed Buildings (A & B Category).

**Local Designations** include Listed Buildings (C Category), Conservation Areas and locally important archaeological sites.

**Scheduled Monuments, Archaeological Sites and Landscapes, Battlefields and Gardens or Designed Landscapes**

Proposals which affect these designations and their settings will only be supported where they satisfy the following criteria:

- The overall character and reasons for the designation will not be compromised;
- Any significant negative impact can be satisfactorily mitigated at the developers expense; and
- There is no suitable alternative site for development.

**Listed Buildings and Conservation Areas**

Proposals within Conservation Areas and for Listed Buildings must preserve or enhance their established traditional character and appearance. Proposals which detrimentally impact on their character, integrity and setting will be refused. All development must be of the highest quality and must respect the area or building in terms of scale, height, colour, materials, detailed design, use and siting. This will typically require the use of traditional materials to be used. Contemporary designs and materials can be used and can have a positive effect on the conservation area if the material finish and design respects the architectural authenticity of the building and character of the conservation area.



Given the importance of assessing design matters, applications for planning permission in principle must be accompanied by sufficient information to allow the appraisal of the potential impact on the Conservation Area or Listed Building.

Demolition of a Listed Building or buildings/structures within a Conservation Area will not be permitted unless every effort has been made to retain it. Where demolition is proposed, it must be shown that:

- a) The building is not of special interest or has little townscape value;
- b) The structural condition of the building rules out retention;
- c) The form or location of the building makes its reuse extremely difficult;
- d) The repair of the building is not economically viable and that it has been marketed at a reasonable price for a reasonable period.

New development must be of the highest quality and design to retain and enhance the special interest and character of Listed Buildings and Conservation Areas.

Enabling development will only be acceptable where it can be clearly demonstrated as the only means of preventing the loss of the building and securing its long-term future. Any enabling development must be kept to the minimum necessary and not undermine the character or setting of the listed building.



**Replacement Windows and Doors**

For listed buildings, there is always a presumption in favour of retention and repair over replacement or if necessary, replacement on a like for like basis. UPVC windows on listed buildings are not acceptable.

For unlisted buildings within conservation areas, replacement windows must match the original windows in proportions and appearance and shall open in a traditional sash manner or be in the form of casements whichever is appropriate. The installation of uPVC or metal framed windows may be deemed acceptable if it is of an appropriate traditional style and is not located on a principal elevation or on an elevation on a public view. However, the fundamental test will be if the replacement will have a detrimental effect on the character of the building and conservation area. Advice on the type of windows and doors that are acceptable in listed buildings and conservation areas is set out in the Council's Replacement Windows and Doors Guidance.



**Other Locally Important Assets**

For assets that are deemed to contribute to the character and identity of Moray there is always a presumption in favour of retention and repair over demolition and replacement.

**Pluscarden Special Area of Control**

No additional new housing development (including replacement) will be permitted within the Pluscarden Area of Special Control which has been identified around the Benedictine Abbey (with the exception of proposals within the rural community boundary). This area has been designated in order to safeguard and protect the very special character and setting of the Abbey and its exceptional environment.

The area covered is shown on the Proposals Map.

**Battlefields, Gardens and Designed Landscapes**

Development proposals which adversely affect Battlefields or Gardens and Designed Landscapes or their setting will be refused unless;

- a) The overall character and reasons for the designation will not be compromised, or
- b) Any significant adverse effects can be satisfactorily mitigated and are clearly outweighed by social, environmental, economic or strategic benefits.

The Council will consult Historic Environment Scotland and the appointed Local Authority Archaeologist on any proposal which may affect Battlefields, Gardens and Designed Landscapes.



## EP6 MANAGING THE WATER ENVIRONMENT

### Flooding

New development will not be supported if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere.

Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of Scottish Planning Policy and to the satisfaction of Scottish Environment Protection Agency and the Council is provided by the applicant.

There are different levels of flood risk assessment dependent on the nature of the development. The level of assessment should be discussed with the Council prior to submitting a planning application.

Level 1 – a flood statement with basic information with regard to flood risk.

Level 2 – full flood risk assessment providing details of flood risk from all sources, results of hydrological and hydraulic studies and proposed mitigation.

Assessments must demonstrate that the development is not at risk of flooding. Level 2 flood risk assessments must be signed off by a competent professional. The Flood Risk Assessment and Drainage Impact Assessment for New Development Technical Guidance provides further detail on the information required.

Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater. Proposed development in coastal areas must consider the impact of tidal events and wave action when assessing potential flood risk.

The following limitations on development will also be applied to take account of the degree of flooding as defined in Scottish Planning Policy;

- a) In areas of little to no risk (less than 0.1%), there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.
- c) Areas of medium to high risk (0.5% or above) may be suitable for:
  - Residential, institutional, commercial and industrial development within built up areas provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan;
  - Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow;
  - Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
  - Employment related accommodation e.g. caretakers or operational staff.



Areas within these risk categories will generally not be suitable for;

- Civil infrastructure and most vulnerable uses;
- Additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons e.g. for navigation and water based recreation, agriculture, transport or utilities infrastructure (which should be designed to be operational during floods and not impede water flows), and
- An alternative, lower risk location is not available and
- New caravan and camping sites

Where development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water resistant materials and construction should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

**Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)**

Surface water from development should be dealt with in a sustainable manner that has a neutral effect on flooding or which reduces the risk of flooding. The method of dealing with surface water should also avoid pollution and promote habitat enhancement and amenity. All sites must (except single houses) be drained by a sustainable drainage system (SuDS) designed in line with CIRIA guidance). Drainage systems should contribute to enhancing existing “blue” and “green” networks while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives.

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase run-off. Care must be taken to avoid the spreading and/or introduction of invasive non-native species during the construction of all SUD features.



Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with Scottish Water as appropriate.

All developments of less than 10 houses or non-householder proposals under 500 square metres will need to provide a Drainage Statement. A Drainage Assessment will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 square metres and above and must be signed off by a competent professional.

The Flood Risk Assessment and Drainage Impact Assessment for New Development Technical Guidance provides further detail on the information required.

**Water Environment**

Proposals, including associated construction works, must be designed to avoid adverse impacts upon the water environment and should seek opportunities for restoration or enhancement, if appropriate. The Council will only approve proposals impacting on water features where the applicant provides a satisfactory report that demonstrates that any impact (including cumulative) on water quality, water quantity, physical form (morphology), river hydrology, sediment transport and erosion, nature conservation (including protected species), fisheries, recreational, landscape, amenity, and economic and social impact can be adequately mitigated.

The report should consider existing and potential impacts up and downstream of the development particularly in respect of potential flooding. The Council operates a presumption against the culverting of watercourses and any unnecessary engineering works in the water environment.

A buffer strip of at least 6 metres between any new development and all water features is required and should be proportional to the bank width (see table below). These should be designed to link with blue and green networks and can contribute to open space requirements.



Developers may be required to make improvements to the water environment as part of the development. Where a Water Framework Directive water body specific objective is within the development boundary, developers will need to address this within the planning submission.

Width to watercourse (top of bank)	Width of buffer strip (either side)
Less than 1m	6m
1-5m	6-12m
5-15m	12-20m
15m+	20m+

## EP7 FOUL DRAINAGE

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population must connect to the public sewerage system unless connection is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been allocated within its investment Programme and the following requirements have been met;

- Systems must not have an adverse effect on the water environment
- Systems must be designed and built to a standards which will allow adoption by Scottish Water
- Systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as above) of less than 2,000 population will require to connect to public sewerage except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area.

Where a compelling case is made, a private system may be acceptable provided it does not pose or add risk of detrimental effects, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area.

Where a private system is deemed to be acceptable, within settlements as above or small scale development in the countryside, a discharge to land, either full soakaway or raised mound soakaway, compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building Regulations) should be explored prior to considering a discharge to surface waters.

## EP8 POLLUTION, CONTAMINATION & HAZARDS

### Pollution

Development Proposals which may cause significant air, water, soil, light or noise pollution or exacerbate existing issues must be accompanied by a detailed assessment report on the levels, character and transmission of the potential pollution with measures to mitigate impacts. Where significant or unacceptable impacts cannot be mitigated, proposals will be refused.

### Contamination

Development proposals on potentially contaminated land will be approved where they comply with other relevant policies and;

- The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment; and
- Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/ or treatment of any hazardous material.





**Hazardous sites**

The Council will consider the proximity of major hazard sites to development proposals and apply the PADHI (Planning Advice for Development near Hazardous Installations) methodology for planning applications within the consultation distances around these sites. Formal consultations with the Health and Safety Executive and also the Scottish Environment Protection Agency (SEPA) will take place as appropriate.

**EP9 MOD SAFEGUARDING**

Development proposals within some use classes within safeguarding distances around Kinloss Barracks and RAF Lossiemouth require to be subject of consultation with Defence Infrastructure Organisation. This applies to a wide range of development proposals which could have implications for the operation of the airfields and includes aspects such as height of buildings/ structures, use of reflective surfaces, refuse tips, nature reserves and other proposals which might attract birds.

Details of the consultation zones and development types are available from Moray Council. The outer boundaries of the zones are shown on the Proposals Map.



**EP10 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 mitigated 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.

