

Issue 2	Primary Policies PP1, PP2, PP3 & Development Policy DP1	
Development plan reference:	Primary Policies PP1-PP3 (Volume 1, pages 22-34) Development Policy DP1 (Volume 1, pages 35-37)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>PP1 Placemaking</p> <p>Robertson Group (8)</p> <p>Springfield Properties Plc (10)</p> <p>Barratt North Scotland (15)</p> <p>Royal Society for the Protection of Birds Scotland (285)</p> <p>NHS Grampian (300)</p> <p>Homes for Scotland (1035)</p> <p>Network Rail (1041)</p> <p>Woodland Trust Scotland (1818)</p> <p>CHAP Group (Aberdeen) Ltd (2165)</p> <p>PP2 Sustainable Economic Growth</p> <p>Force 9 Energy (886)</p> <p>PP3 Infrastructure & Services</p> <p>Robertson Group (8)</p> <p>Springfield Properties Plc (10)</p> <p>Barratt North Scotland (15)</p> <p>Royal Society for the Protection of Birds Scotland (285)</p> <p>NHS Grampian (300)</p> <p>Jonathan Meighan (333)</p> <p>Dr Janet Trythall (404)</p> <p>Scottish Government (490)</p>		

Homes for Scotland (1035)

Network Rail (1041)

Speyside Community Council (1535)

DP1 Development Principles

Robertson Group (8)

Springfield Properties plc (10)

Barratt North Scotland (15)

Royal Society for the Protection of Birds Scotland (285)

Scottish Government (490)

Force 9 Energy (886)

Homes for Scotland (1035)

Network Rail (1041)

Elgin Community Council (1832)

Provision of the development plan to which the issue relates:

Primary Policy PP1 Placemaking

Primary Policy PP2 Sustainable Economic Growth

Primary Policy PP3 Infrastructure & Services

Development Policy DP1 Development Principles

Planning authority's summary of the representation(s):

PP1 Placemaking

Placemaking Statement

Robertson Group (8/3/3)

Consider that the following text *"a requirement for placemaking statements is required for residential development of 10 units and above to be submitted ..."* included in point b) is quite restrictive for smaller scale developments. Suggest the number is increased to 50 units to align with major developments.

Springfield Properties plc (10/13/3)

Consider that list of supporting information to accompany a Placemaking Statement, particularly a slope analysis, site sections, Street Engineering Review (SER) and a

Biodiversity Plan is unreasonable and a disproportionate level of detail for applications for 10 houses. Suggest this level of information should only be sought on a case-by-case basis, and at the very least only associated with major applications.

Barratt North Scotland (15/1/3)

Request removal of requirement for 3D visuals from criteria b) as this is considered unduly onerous and should be considered on an individual basis.

Homes for Scotland (1035/9/3)

Consider requirements for Placemaking Statement in Section b) to be overly onerous, particularly given 10 unit threshold, and request threshold is increased or that requirements are made more flexible.

NHS Grampian (300/6/2)

Welcome the requirement for a placemaking statement for 10 units and above and the recognition that the creation of healthy places to live (in line with Scottish Government policy) will support good physical and mental health and improves people's wellbeing. Considers that the inclusion of active travel routes, green and open spaces that encourage activity and social interaction will without doubt have a positive impact on new and emerging communities.

Character Areas

Robertson Group (8/3/3)

Consider that second bullet point could be misinterpreted and requires further clarity as this could be read that for every 20 units, a different character area is required, when the representee believes the intention of the policy is that for sites of 20 units and above, more than one different character area is required. Consider the threshold of 20 units to be extremely low and suggest this is increased to 50 units, in line with major development. Suggest policy is adjusted accordingly.

Springfield Properties plc (10/13/3)

Consider that the requirement for distinctive character areas for developments over 20 units is disproportionate as varied house types, sizes and materials are ample enough. Suggest threshold is set at 40 dwellings.

Barratt North Scotland (15/1/3)

Seek clarity on policy wording to ensure intention is that the number of character areas is identified through the design process and is not overly prescriptive.

Homes for Scotland (1035/9/3)

Suggest further clarity is provided on Section i) bullet point 2 in that the requirement could be read to mean that for every 20 units a different character area is required, when the intention of the policy is that for sites of 20 units and above, more than one different character area will be required. Also consider that the 20 unit threshold is artificially low

and could be increased to 50 units, in line with a major development which is more appropriate for larger sites, or that there is a scale of thresholds to ensure the level is right for different sizes of sites. Accept that there is a need to differentiate between character areas but a threshold at 20 units may not contribute positively to placemaking aspirations. Suggest policy could be reworded to be more flexible and proportionate.

CHAP Group (Aberdeen) Ltd (2165/1/3)

Suggest that further clarity is provided on Section i) bullet point 2 in that the requirement could be read to mean that for every 20 units a different character area is required, when it is understood that the intention of the policy is that for sites of 20 units and above, more than one different character area will be required. Also consider that the 20 unit threshold is artificially low and could be increased to 50 units, in line with a major development which is more appropriate for larger sites, or that there is a scale of thresholds to ensure the level is right for different sizes of sites. Accept that there is a need to differentiate between character areas but a threshold at 20 units may not contribute positively to placemaking aspirations. Suggest policy could be reworded to be more flexible and proportionate.

Car Parking

Robertson Group (8/3/3)

Concerns about requirement for 75% of car parking to side or rear of property in that it reduces the flexibility in design and prevents Development Management to review holistically with design concept, and removes slight movement away from stated policy to achieve overall placemaking objectives.

Springfield Properties plc (10/13/3)

Consider that introduction of further stringent design requirements such as a hierarchy of open space, semi-mature tree-lined street frontages and tighter demands for car parking is unduly prescriptive and constraining. Query practicality of 75/25% car parking proportion as it is suggested that most homes require an average of three spaces, and therefore suggest that a minimum of 30% parking within the front curtilage or one space to the front of properties is allowed.

Barratt North Scotland (15/1/3)

Request removal of Section vi) bullet point 1 and replacement with *“Developers should consider providing car parking to the side or rear and behind the building line within a development, and mitigation of the visual impact of car parking through hedging, low stone boundary walls or other acceptable treatments that enhance the streetscape”*. Strongly object to vi) parking criterion as this is an inefficient use of land, will render development unviable and limit the range of houses that can be provided. This requirement reduces flexibility in design at Development Management stage and should be taken on a case by case basis.

Request removal of requirement to ‘provide semi-mature trees and planting within communal private and public/visitor parking areas and on-street parking at a maximum interval of 4 car parking spaces’ and replaced with *“Parking areas must use a variation in materials to reduce the visual impact on the streetscene”*. Criterion vi) bullet point 2 is

considered to be unduly onerous as frequency and reliance on semi-mature trees is unfounded and has significant financial consequences, particularly in future proofing root systems and may be at odds with roads authority standards. This requirement reduces flexibility in design at Development Management stage and should be taken on a case by case basis.

Homes for Scotland (1035/9/3)

Suggest Section vi) is amended to be more flexible as requirement for 75% car parking to side or rear of property is overly onerous and reduces flexibility in design at Development Management stage. Consider that car parking should be dealt with on a more flexible case by case basis and that elements such as the addition of boundary treatments to soften the appearance of driveways are an inefficient use of space.

CHAP Group (Aberdeen) Ltd (2165/1/3)

Suggest Section vi) is amended to be more flexible as requirement for 75% car parking to side or rear of property is overly onerous and reduces flexibility in design at Development Management stage. Consider that car parking should be taken on a case by case basis.

Policy Detail

Springfield Properties plc (10/13/3)

Consider that the policy contains too much detail and places onerous requirements on developers that will stifle innovative design, creative placemaking, reduce flexibility in site design, places further burdens on developers and will impact on delivery. Query extensive sections on open space/landscaping/housing mix and biodiversity when there are standalone policies for each and consider this causes unnecessary overlap. Suggest there is a need for greater 'streamlined' flexibility at a time when there are proposals to remove SG and technical and procedural policy content from LDP's. Request that the policy is condensed and simplified using national guidance such as Designing Places and Designing Streets as a key reference point, quoting the six qualities of a successful place, and removing much of the content of policy PP1.

Homes for Scotland (1035/9/3)

Consider policy is too long and overly prescriptive. Suggest that some detail is removed and inserted into a 'guidance' section of the Plan rather than being included in the policy to create a more concise policy leaving more flexibility and detailed aspects to guidance.

Consider that Placemaking policies and guidance should refer back to Designing Streets to ensure continuity between national and local level of policy and guidance.

Boundary Treatments

Robertson Group (8/3/3)

Consider that boundary treatments suggested will be prohibitive from increasing development costs, squeezing land values further, and designs not being permitted by other statutory authorities who may not adopt road side filters. Design characters should align with the area rather than be prescriptive as photos suggest these should be

incorporated.

Street Layout and Detail

Robertson Group (8/3/3)

Consider that 4th bullet point where cul-de-sacs will only be selectively permitted on rural edges ... serving no more than 10 units, removes the flexibility in placemaking design and will hinder the viability of smaller developments. Suggests a more pragmatic approach and flexibility is required.

Consider that 5th bullet point 'roundabouts must be designed to create gateways and contribute to the character of the overall development' causes fundamental issues with development in terms of access availability and potential third party land. States that these (roundabouts) are normally large in nature due to swept path analysis requirements for various vehicle sizes and removes placemaking process.

Peer Review

Springfield Properties plc (10/13/3)

Seek clarity on what 'peer review' is intended to be, and query whether this will add proportionate value to a lengthy and iterative process where Moray Council and others do not always have sufficient time and resources to review.

Open Space Requirement

Springfield Properties plc (10/13/3)

Consider that not counting 'left-over' peripheral areas of open space in overall total is unreasonable and lacks qualitative and quantitative analysis.

Deliverability

Robertson Group (8/3/3)

Concern about overall requirements policy places on development viability when combined with other requirements. Suggest policy could be more flexible as it is very prescriptive and could cause issues at Development Management stage.

Springfield Properties plc (10/13/3)

State that Springfield Properties plc are fully committed to the highest standards of design, sustainability and placemaking. Consider that the aspirational standards set out in policy PP1 must be balanced with the delivery of new homes and that it must be recognised that this delivery is the over-riding priority to address supply and demand issues and the affordability of housing.

Wildlife and Habitats

Royal Society for the Protection of Birds Scotland (RSPB) (285/10/2)

Welcome requirement for Placemaking Statement for 10 units and above to include Biodiversity Plan, and in i) Character and Identity – the principle regarding the retention, incorporation and response to relevant elements of the landscape such as the natural environment. RSPB seek replacement of last bullet point of section v) Biodiversity to 'Developments must safeguard and if possible extend or enhance wildlife corridors and prevent fragmentation of existing habitats' as this is clearer than 'connect into' wildlife corridors/green networks.

Landscaping and Trees

Woodland Trust Scotland (1818/2/1)

Welcome policy requirement for connected network of green and blue infrastructure, tree planting as part of landscaping and most importantly maintenance arrangements for these spaces, which are also included as part of site allocations and masterplans.

Network Rail (1041/5/2)

Request amendment of part iv) to ensure that in the development of land that any landscaping proposals along the boundary with the railway line should have fencing 1.8m high. Significant areas of housing land have been identified in the Proposed Plan and where this is located adjacent to the railway it introduces potential increased risk of encroachment on the railway line that needs to be mitigated with appropriate boundary fencing. This approach is supported in SPP, Designing Streets, Creating Places and the Public Health Priorities for Scotland to ensure successful places are safe. Also request that careful consideration to be given to tree planting near the railway line to ensure the tree species chosen does not adversely affect the operation of the railway.

PP2 Sustainable Economic Growth

Restriction to Built Environment

Force 9 Energy (886/2/2)

Suggest removal of 'for employment land' from the policy. Whilst the positive terms of the policy are welcomed, the policy is considered unduly restrictive as it applies to development proposals for employment land only, and should have a wider role encouraging development which contributes to sustainable economic development, a key objective of SPP.

PP3 Infrastructure and Services

General

Jonathan Meighan (333/5/1)

Considers that there is too much focus on housing and not enough on facilities. There needs to be a much stronger emphasis that all housing should be delivered as a community, e.g. requiring free heating, free electric storage of solar power, meeting areas and green spaces, so these developments are future proofed and not just masses of houses.

Policy Detail

Robertson Group (8/3/4)

PP3 is a blanket policy regardless the size of development and could make smaller developments undevelopable. Concerns that the long list of requirements under point a) could discourage smaller scale sites. Rewording to state that the requirements are for 50 unit sites, in line with major developments. The policy is very descriptive, may not be achievable depending on the site and query what flexibility is permitted at Development Management stage.

Springfield Properties plc (10/13/4)

Policy PP3 is currently long, and it is suggested that the wording is revisited and is subject to further review.

Homes for Scotland (1035/9/4)

Policy PP3 appears to be overly onerous for home builders, in particular for small scale home builders. It should support the home building sector and recognise the important role of the small scale home builders, which could be significantly increased with plans in place which are proportionate and support small scale home builders or new entrants to the market.

It is understood that this policy is more for larger scale developments, but it is concerning that the long list of requirements will discourage smaller scale home builders. It is hoped that a pragmatic view is taken at development management stage, but it is concerning that this level of detail, specifically within the text of the policy, will reduce proportionality, pragmatism and negotiation at application stage.

Access to Trunk Road

Robertson Group (8/3/4)

It is suggested to review and adjust this clause as there are a number of proposed sites where this applies.

Barratt North Scotland (15/1/4)

Clarification is required to ensure that this policy applies to development proposals outwith settlement boundaries. For example, the approved Findrassie Masterplan provides new access onto the A941.

Electric Vehicle Charging Points and Car Sharing Spaces

Barratt North Scotland (15/1/4)

Remove the requirement for electric car charging points within communal parking facilities and car share parking spaces within residential developments. Justification for this is provided in the response to policy DP1.

Information Communication Technology (ICT) and Fibre Optic Broadband

Barratt North Scotland (15/1/4)

Remove the requirement to provide ICT and fibre optic broadband connections for all premises. These connections are provided by the service provider. In many cases the infrastructure could be unavailable and are outwith the control of the applicant.

NHS Grampian (300/6/3)

The inclusion of ICT and fibre optic broadband requirement within policy PP3 is welcomed. The use of technology will play a big part in the future provision of healthcare, and with digital infrastructure in place, further opportunities as to how healthcare is provided could arise. The digital infrastructure will also ensure that healthcare is easily accessible by all.

Infrastructure for Development

Springfield Properties plc (10/13/4)

Support for the importance of taking an infrastructure first approach, but concerns regarding the lack of infrastructure capacities in Moray. Development should be directed in the first instance towards areas with existing or planned infrastructure to facilitate development. Investment in infrastructure and capacities is a matter for providers such as Scottish Water, NHS Grampian and others.

Network Rail (1041/5/3)

Support the requirement that development be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services.

Speyside Community Council (1535/1/1)

Concerns about the necessary infrastructure that is required to support new residents.

Inclusion of Developer Obligations in Policy PP3

Springfield Properties plc (10/13/4)

It is suggested that Developer Obligations may be better placed as a separate, stand-alone policy.

Developer Obligations Supplementary Guidance (SG)

Springfield Properties plc (10/13/4)

It is noted that the existing Supplementary Guidance (SG) on Developer Obligations is to be carried forward and especially with the current review of the Planning System, which questions the role of the SG, the upfront and full consultation of any such document is essential. It is required to review how the requirements included within the SG are arrived at. It is stressed that developer obligations are intended to offset the impact of new development and should be fair and reasonably related in scale and kind to the proposed development. This policy should not be used as a vehicle to drive developer obligations

aimed at addressing existing issues and shortfalls in infrastructure unrelated to proposed development. It is stressed that the level of developer obligations cannot be overly disproportionate and burdensome to render a site unviable and undeliverable.

Network Rail (1041/5/3)

PP3 d) Developer Obligations is generally supported. It is vital that rail is explicitly included in the Supplementary Guidance on Developer Obligations.

Network Rail should be excluded from making developer obligations as a publicly owned company arm's length body of the Department for Transport.

Healthcare

Springfield Properties plc (10/13/4)

Disagree with the principle of charging for the provision of healthcare facilities.

NHS Grampian (300/6/3)

Welcome that development proposals will need to provide infrastructure and services including healthcare. Many existing healthcare facilities are currently under pressure and will either require internal alterations, expansion or the provision of new facilities. Developer obligations and land for development of new facilities will be essential in order to mitigate the impact arising directly from new developments.

NHS Grampian works closely with Moray Council to identify the healthcare requirements. Provision of new technologies by way of developer obligations also needs to be considered which would improve the access to health facilities in rural areas and would also reduce car journeys and CO2 emissions.

Speyside Community Council (1535/1/1)

Additional GPs and Dental Chairs are welcome, but Moray has difficulty attracting doctors and dentists to the area. There has to be more bite to this than just a statement in the Development Plan.

Rail Network

Network Rail (1041/5/3)

The requirement of development being planned and co-ordinated with infrastructure is welcomed. Whilst accepting that the possible mitigations to the transport network listed in policy PP3 a) iii) is not intended to be exhaustive, it is noted that this list is made up exclusively of road transport interventions. This could lead to assumptions that these are the primary type of interventions sought by the policy and therefore, it is considered that the list of interventions should include level crossing upgrades and Transport Assessments should be required to consider the impact of new development on level crossings, bridges, station car parking and walking and cycling routes to railway stations. It is requested that proposals with adverse impacts on the operational safety of the rail network that cannot be adequately mitigated should be included within the list of not supported development proposals in PP3 b).

Public Transport

Speyside Community Council (1535/1/1)

The national operator does not provide evening or Sunday services. The Dial M bus service does not run in the evenings or the weekends. Some settlements have no bus at all. The lack of public transport services is a real issue in Speyside and this will increase car usage.

Education

Speyside Community Council (1535/1/1)

If there is no capacity within a local school to accommodate additional pupils, there should not be a cost to Moray Council to provide additional accommodation. The developer must meet all the costs in advance and for a predetermined time.

Active Travel Strategy/Core Path Plan

Dr Janet Trythall (404/4/3)

Strong support for reference to Active Travel Strategy and Core Path Plan.

Environment/Biodiversity

Royal Society for the Protection of Birds Scotland (RSPB) (285/10/3)

To add additional text following the first sentence of paragraph 1 in PP3 d): "Developer obligations may also be sought to mitigate any adverse impacts of a development (alone or cumulatively with other developments in the area) on the natural environment".

Planning authorities have the duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity. Scottish Planning Policy states (at paragraph 194) that the planning system should seek benefits for biodiversity from new development where possible. Seeking financial or in-kind contributions from developers towards off-site habitat creation, enhancement or restoration could help to fulfil this biodiversity duty and policy obligation. Moray Council should introduce requirements for such contributions, following the examples of the Scottish Borders and Angus Councils.

Policy PP3 d) Developer Obligations states that developer obligations will be sought to mitigate any measurable adverse impact of a development on local infrastructure. Circular 3/2012 advises (paragraph 17) that planning obligations have a role in mitigating impacts on the environment. Paragraph 14 of the Circular further states that planning obligations must relate to the proposed development either as a direct consequence or arising from the cumulative impact.

Greenhouse Gas Emissions

Scottish Government (490/4/4)

An appropriate policy to address Section 3F of the Town and Country Planning (Scotland)

Act 1997, Greenhouse Gas Emissions Policies, should be incorporated within the Local Plan. It is possible that the appropriate place to address this requirement is within policy PP3. This could include a new sub-criterion to implement the requirements of Section 3F.

DP1 Development Principles

Impact Assessments

Robertson Group (8/3/1)

Initial text states there is “*a requirement to provide an impact assessment in order to determine the impact of proposals for extensions and conversions*”. Consider that certain aspects are not practical or outwith developer’s obligations, particularly criterion c) where there is a requirement to make provisions for new open space, etc. Suggest this is reviewed and adjusted accordingly.

Transportation – Hammerheads and Turning Areas

Robertson Group (8/3/1)

Further clarity is required for the statement “*...with hammerheads minimised in preference to turning areas ...*” included in criterion f). Consider that there may be an impact on the viability of a site if hammerheads are not permitted as this may impact on the density and plot size that can be achieved.

Suggest that the LDP is duplicating or varying policies contained within the National Roads Development Guide and Designing Streets, which should be the overarching Transportation Standards.

Barratt North Scotland (15/1/2)

Clarity sought on whether turning points are preferred to hammerheads, and justification required. Consider that the exclusion of hammerheads for cul-de-sacs of up to 10 units permitted through policy PP1 Placemaking may impact on density and plot size, and overall design of site.

Homes for Scotland (1035/9/2)

Clarity sought on whether turning points are preferred to hammerheads, and justification required. Consider that the exclusion of hammerheads for cul-de-sacs of up to 10 units permitted through policy PP1 Placemaking may impact on density and plot size, and overall design of site. Suggest that any duplication with Designing Streets is removed to streamline the policy.

Rail Infrastructure

Network Rail (1041/5/1)

Generally support provisions of DP1, particularly requirement to provide assessments to determine the impact on the transport network and identify mitigation measures. Consider that Transport Assessments (TA) should be required to consider the impacts of the proposed development on the demand for rail services as increased demand may result in

the requirement for upgraded rail infrastructure or facilities at stations, and this is particularly important given the extent of development proposed in the vicinity of Elgin, Keith and Forres. Recommend that policy DP1 criterion (ii) c) be strengthened or supplementary guidance provided, to define the circumstances in which the developer will be required to prepare a TA, and that the requirement to fully assess the impacts on all modes of transport, including rail, is made clear. Consider this to be particularly important in relation to TSP's identified near the railway or potentially affecting the volume or type of traffic using level crossings or railway bridges, including but not limited to TSP3 (Elgin) and TSP27 (Elgin). Safeguarding of TSP51 (Elgin Station), TSP3 (Forres Station) and TSP4 (Keith Station and railway sidings) is welcomed.

Car Parking

Robertson Group (8/3/1)

Comments on criterion b) regarding the location of parking are as per comments provided to policy PP1 Placemaking.

Barratt North Scotland (15/1/2)

Request removal of second sentence 'Minimal (25%) parking to the front of buildings and on streets may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls' of criterion (ii) b) as it is considered that car parking can be accommodated within a street scene in a manner that does not dominate the area, through the use of hard and soft landscaping and character areas. Consider that this 'onerous blanket restriction' on the location of parking is an inefficient use of a development site, can render a development unviable, and additional roads incur more cost and maintenance for the roads authority and residents. Suggest that the impact of cars on the street scene should be considered through placemaking and on a case by case basis. This sentiment was set out in relation to policy PP1 criterion b) vi).

Electric Vehicle Charging Points & Car Sharing Spaces

Barratt North Scotland (15/1/2)

Request removal of criterion (ii) i) to provide electric car charging points and car sharing spaces within communal parking facilities for residential developments. Considers that providing electricity for car charging within communal parking areas is not feasible and if included within a factoring agreement will disproportionately impact on householders that do not utilise an electric car, and the cabling introduces a trip hazard within the public realm which is unacceptable.

Consider that the requirement for car share spaces to meet an unknown demand with an uncertain supplier should not be enshrined in policy as the car sharing scheme for Moray is community-owned, in its infancy and does not cover all settlements.

Seeks policy to be in line with Designing Streets.

Scottish Government (490/4/2)

Request modification to first sentence of Electric Vehicle Charging Points in Appendix 2 Parking Standards to read "**...the Scottish Government pledge to phase out the need**

for new petrol and diesel cars and vans across Scotland by 2032, the current policy aims and long term goal is a move towards the use of alternative fuels and electric or hybrid vehicles” as the Plan needs to be updated to reflect the current Scottish Government policy position in their 2017-2018 Programme for Government.

Policy Detail

Springfield Properties plc (10/13/1)

Query whether policy should be merged and consolidated with policy PP1 Placemaking to avoid duplication.

Restriction to Built Development

Force 9 Energy (886/2/1)

Request “*built*” is added to the first sentence of the policy so that it reads “This policy applies to all built developments ...” and a definition of built developments added to the Appendix 1 Glossary which reads “*Built Development – all development relating to housing, retail, business and industry, tourism and mixed uses*” as the policy needs to be clear in that it applies to built development only and not to infrastructure whose form will not fit with the policy criteria and will cause unnecessary policy conflict with some forms of development.

Wildlife and Habitats

Royal Society for the Protection of Birds Scotland (RSPB) (285/10/1)

Request the following amendments: the addition of “*and habitats and species listed in the Scottish Biodiversity List*” after ‘protected species and habitats’ (third sentence); the addition of “*and should avoid negative impacts on sensitive species such as wading birds and sensitive habitats such as wetlands and peatlands*” at the end of criterion b) (after ‘Right Tree in the Right Place’); the addition of “*how the siting and design of the development has followed the mitigation hierarchy*” to criterion d). Planning Authorities have a duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity and SPP (para. 194) states that the planning system should seek benefits for biodiversity from new development, where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats. The mitigation hierarchy is an approach to achieve ‘no net loss’ in biodiversity and the LDP should emphasise a requirement to robustly apply this when planning for and considering proposals for all developments. The application of the mitigation hierarchy will help to halt cumulative small-scale losses of biodiversity caused by development and help to achieve no net loss of biodiversity. For designated nature conservation sites such as Special Protection Areas, a more robust legal framework is already in place.

Impact on Community

Elgin Community Council (1832/3/1)

Set out clear expectation that development must not detrimentally affect community efforts as various projects and CAT’s are in place and in planning that are led by enthusiastic community groups. Development must harness and not undermine enthusiastic groups as

the Council will depend on these groups to deliver community needs in the future.

Modifications sought by those submitting representations:

PP1 Placemaking

Placemaking Statement

Robertson Group (8/3/3)

Increase threshold for Placemaking Statement from 10 to 50 residential units.

Springfield Properties plc (10/13/3)

Amend supporting information requirements for Placemaking Statement so that they are only required on case-by-case basis or at the very least, only associated with major applications.

Barratt North Scotland (15/1/3)

Remove requirement for 3D visuals from criteria b).

Homes for Scotland (1035/9/3)

Increase threshold for Placemaking Statement or make requirements more flexible.

NHS Grampian (300/6/2)

No change sought.

Character Areas

Robertson Group (8/3/3), Barratt North Scotland (15/1/3), Homes for Scotland (1035/9/3), CHAP Group (Aberdeen) Ltd (2165/1/3)

Clarify policy wording on character area threshold.

Robertson Group (8/3/3)

Increase threshold for character areas from 20 to 50 units.

Springfield Properties plc (10/13/3)

Increase threshold for character areas from 20 to 40 units.

Homes for Scotland (1035/9/3), CHAP Group (Aberdeen) Ltd (2165/1/3)

Reword policy to be more flexible and proportionate.

Car Parking

Robertson Group (8/3/3)

Party not specific about change sought.

Springfield Properties plc (10/13/3)

Amend policy to require a minimum of 30% parking within the front curtilage or one space to the front of properties.

Barratt North Scotland (15/1/3)

Amend section vi) bullet point 1 with suggested wording and remove bullet point 2.

Homes for Scotland (1035/9/3), CHAP Group (Aberdeen) Ltd (2165/1/3)

Amend section vi) to be more flexible.

Policy Detail

Springfield Properties plc (10/13/3)

Condense and simplify policy using national guidance as a key reference point and removing much of the content of policy PP1.

Homes for Scotland (1035/9/3)

Suggest some detail is removed and inserted into a 'guidance' section of the Plan. Consider Placemaking policies and guidance should refer back to Designing Streets.

Boundary Treatments

Robertson Group (8/3/3)

Party not specific about change sought.

Street Layout and Detail

Robertson Group (8/3/3)

Party not specific about change sought.

Peer Review

Springfield Properties plc (10/13/3)

Clarify intention of 'peer review'.

Open Space Requirement

Springfield Properties plc (10/13/3)

Party not specific about change sought.

Deliverability

Robertson Group (8/3/3)

Amend policy to be more flexible.

Springfield Properties plc (10/13/3)

Party not specific about change sought.

Wildlife and Habitats

Royal Society for the Protection of Birds Scotland (RSPB) (285/10/2)

Amend criteria v) Biodiversity with suggested wording.

Landscaping and Trees

Woodland Trust Scotland (1818/2/1)

No change sought.

Network Rail (1041/5/2)

Amend criteria iv) to ensure that in the development of land any landscaping proposals along the boundary with the railway line should have 1.8m high fencing.

PP2 Sustainable Economic Growth

Restriction to Built Environment

Force 9 Energy (886/2/2)

Remove 'for employment land' from the policy.

PP3 Infrastructure and Services

General

Jonathan Meighan (333/5/1)

Party not specific about change sought.

Policy Detail

Robertson Group (8/3/4)

Reword to state policy requirements are for 50 unit sites.

Springfield Properties plc (10/13/4)

Review policy wording.

Homes for Scotland (1035/9/4)

Party not specific about change sought.

Access to Trunk Road

Robertson Group (8/3/4)

Review and adjust b) ii).

Barratt North Scotland (15/1/4)

Remove requirement b) ii).

Electric Vehicle Charging Points and Car Sharing Spaces

Barratt North Scotland (15/1/4)

Remove requirement for electric car charging points and car sharing spaces within communal facilities for residential developments.

Information Communication Technology (ICT) and Fibre Optic Broadband

Barratt North Scotland (15/1/4)

Remove requirement to provide ICT and fibre optic broadband connections for all premises.

NHS Grampian (300/6/3)

No change sought.

Infrastructure for Development

Springfield Properties plc (10/13/4), Speyside Community Council (1535/1/1)

Parties not specific about change sought.

Network Rail (1041/5/3)

No change sought.

Inclusion of Developer Obligations in Policy PP3

Springfield Properties plc (10/13/4)

Suggest developer obligations should be a separate, stand-alone policy.

Developer Obligations Supplementary Guidance (SG)

Springfield Properties plc (10/13/4)

Review how developer obligation requirements are arrived at.

Network Rail (1041/5/3)

Include rail within requirements in Developer Obligations Supplementary Guidance, and exclude Network Rail from paying developer obligations.

Healthcare

Springfield Properties plc (10/13/4)

Party not specific about change sought, but implies that healthcare should be removed from developer obligation requirements.

NHS Grampian (300/6/3)

No change sought.

Speyside Community Council (1535/1/1)

Party not specific about change sought.

Rail Network

Network Rail (1041/5/3)

Add 'level crossing upgrades' to the list of interventions to PP3 a) iii). Add 'proposals with adverse impact on the operational safety of the rail network that cannot be adequately mitigated' to PP3 b).

Public Transport

Speyside Community Council (1535/1/1)

Party not specific about change sought.

Education

Speyside Community Council (1535/1/1)

Party not specific about change sought.

Active Travel Strategy and Core Path Plan

Dr Janet Trythall (404/4/3)

No change sought.

Environment/Biodiversity

Royal Society for the Protection of Birds Scotland (RSPB) (285/10/3)

Add suggested wording to criteria d).

Greenhouse Gas Emissions

Scottish Government (490/4/4)

Add sub-section to PP3 to address Section 3F of the Town and Country Planning (Scotland) Act 1997, Greenhouse Gas Emissions Policies.

DP1 Development Principles

Impact Assessments

Robertson Group (8/3/1)

Review and adjust policy.

Transportation – Hammerheads and Turning Areas

Robertson Group (8/3/1), Barratt North Scotland (15/1/2), Homes for Scotland (1035/9/2)

Clarify criteria f) in terms of whether turning points are preferred to hammerheads.

Homes for Scotland (1035/9/2)

Suggest duplication with Designing Streets is removed.

Rail Network

Network Rail (1041/5/1)

Strengthen criteria (ii) c) or supplementary guidance to define circumstances when a Transport Assessment (TA) is required, and that the requirement to fully assess the impacts on all modes of transport, including rail, is made clear.

Car Parking

Barratt North Scotland (15/1/2)

Remove second sentence of criteria (ii) b).

Electric Vehicle Charging Points and Car Sharing Spaces

Barratt North Scotland (15/1/2)

Remove criteria (ii) i). Align policy with Designing Streets.

Scottish Government (490/4/2)

Modify Appendix 2 Parking Standards with suggested wording.

Policy Detail

Springfield Properties plc (10/13/1)

Party not specific about change sought.

Restriction to Built Development

Force 9 Energy (886/2/1)

Insert 'built' into first sentence of policy.

Wildlife and Habitats

Royal Society for the Protection of Birds Scotland (RSPB) (285/10/1)

Amend policy with suggested wording.

Impact on Community

Elgin Community Council (1832/3/1)

Party not specific about change sought.

Summary of responses (including reasons) by planning authority:

Policy PP1

Placemaking Statement

NHS Grampian (300/6/2)

Support for Placemaking Statement for 10 units and above, and recognition of benefits that good placemaking brings to health is noted.

Robertson Group (8/3/3), Springfield Properties plc (10/13/3), Barratt North Scotland (15/1/3), Homes for Scotland (1035/9/3)

A Placemaking Statement for residential developments of 10 units and above is considered to be an appropriate level as developments between 10 and 49 units can be relatively 'large' in the context of Moray's small towns and villages. These developments are commensurate in scale and impact to major developments in larger towns. Furthermore, these sites can often be in gateway locations where good placemaking is critical to influencing the perception of the town or village, many of which are tourist destinations. A Design Statement is currently sought for residential developments of 10 units or more through the adopted LDP2015 policy PP3 Placemaking (CD15, page 9).

The supporting information required for a Placemaking Statement forms the basis of good placemaking and should already inform the design process for developers committed to high quality design, and are therefore not considered too onerous or restrictive. The requirements will be applied proportionately to reflect the size of the development, which has worked in practice and successfully created high quality developments constructed by

smaller housebuilders, such as at Darklass Road, Dyke (12 units), currently under construction. Similarly, a pragmatic approach to the application of the requirements will be taken where, for example, a slope analysis will be required for topographically challenging sites to ensure the development is sensitively integrated into the landscape, earthworks are minimised and streets are aligned to work with contours.

In terms of the requirement for a Street Engineering Review (SER) this is part of Moray Council's ongoing work to align Planning and Roads Construction consents, which is in line with current Scottish Government policy and guidance. The Aligning Road Construction Consent (RCC) and Planning process has been subject to public consultation and received no objections (CD50). The SER is required to provide upfront information at planning stage aiming to limit and avoid changes to the design after planning permission has been granted enabling development to begin quicker on the ground. In terms of the threshold for the SER, it is considered that any development (i.e. both local and major developments) that proposes roads which would be offered for adoption and in particular roads with non-standard layouts should be informed by a SER. The omission of this requirement for local developments would be at odds with Scottish Government policy and guidance and the Council's stance to promote best practice, thereby inhibiting good placemaking of which street layout is a fundamental element.

Policy PP1 provides certainty to developers over the level of information required for a Placemaking Statement which will be sought at planning application stage for both allocated and unallocated sites.

No modification is proposed.

Character Areas

Robertson Group (8/3/3), Springfield Properties plc (10/13/3), Barratt North Scotland (15/1/3), Homes for Scotland (1035/9/3), CHAP Group (Aberdeen) Ltd (2165/1/3)

Character areas are fundamental to good placemaking as these help deliver the six key qualities of a successful place, specifically 'distinctiveness' where development 'creates places with a sense of identity' (CD53, para.41) and 'welcoming' where 'development ... helps people find their way around' (CD53, para.43).

Character areas are important to planning's prevention role in the health agenda, which is particularly pertinent given Scotland's ageing population, and associated health issues such as dementia and loneliness. Recent research undertaken by the University of Edinburgh on Mobility, Mood and Place identifies 'legible environments' (CD72, page 10-11) as one of 13 key elements in creating positive places that support lifelong health and wellbeing.

Whilst variation in architecture and materials are an important element in the creation of character areas, other aspects such as planting, open space, street structure and topography are equally as important and these along with other elements are set out in policy PP1.

It is accepted that it may be more appropriate to determine character areas on a case-by-case base to reflect the site characteristics, which would remove the ambiguity from the policy.

If the Reporter was so minded, the Council would have no objection to the following modification to policy PP1 criterion (i) bullet point 2: *“Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable”*.

Boundary Treatments

Robertson Group (8/3/3)

Illustrations are intended as a guide and do not inhibit other suitable boundary treatments that align with the development/character areas being proposed through the placemaking process. Design considerations ought to be accounted for in development appraisals from the outset, and reflected in the purchase price of the site. As set out in policy PP1 criterion (viii), street layouts must be informed by a Street Engineering Review (SER) and aligned with Roads Construction Consent (RCC) to ensure the development will be delivered as per the planning consent, which will address any issues other statutory authorities may have with boundary treatments at the outset of the design process.

No modification is proposed.

Street Layout and Detail

Robertson Group (8/3/3)

Policy PP1 (CD01, pages 22-31) reflects SPP in that places are created that are ‘easy to move around and beyond’, one of the six key qualities of a successful place (CD53, para.46). This accords with Scottish Government policy Designing Streets (CD54, pages 19 and 23). The requirement for permeable layouts was also included in the Council’s Urban Design Supplementary Guidance to the LDP 2015 (CD25), which along with Designing Streets (CD54), has been in circulation for some time.

Conventional cul-de-sacs are strongly discouraged by Designing Streets as they prevent permeable layouts that are easy to move around. The preference is for networked routes and spaces which connect new residential and mixed use areas together and to existing development in the surrounding area. The wording of policy PP1 allows flexibility in that ‘short’ cul-de-sacs may be permitted in certain circumstances, for example, where topography does not permit a fully connected network.

Roundabouts are functional infrastructure determined through a Transport Assessment and will only be asked for when required, i.e. at the edge of built up areas to create a gateway, where there are sites or existing junctions on opposite sides of the road (in order to share infrastructure) where traffic flows are high, there are a high proportion of right turning movements and a history of accidents. Where a roundabout is required Policy PP1 is seeking to ensure that they contribute to good placemaking given they often form gateways into a town and/or development.

No modification is proposed.

Peer Review

Springfield Properties plc (10/13/3)

Provided that the housebuilding industry is fully committed to working in partnership with the Council on the preparation of large-scale masterplans, the Council is amenable to reviewing the need for a peer review in policy PP1.

If the Reporter is so minded, the Council would have no objection to the following modification: *“Future masterplans will be prepared through collaborative working and in full partnership between the developer and the Council for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. Masterplans that are not prepared collaboratively and in full partnership with the Council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan”.*

Open Space Requirement

Springfield Properties plc (10/13/3)

Policy EP5 Open Space criteria b) Green Infrastructure and Open Space in New Development requires the creation of accessible multifunctional open spaces of appropriate quality and quantity which must achieve a very good quality score of 75%. The inclusion of ‘left over’ peripheral areas of open space for quantitative purposes reduces the total area available to create high quality multifunctional spaces, and inhibits the main intent of the policy and planning’s role in the prevention agenda for health.

The creation of successful places that positively impact on people’s physical and mental health depends on designing developments that are based on good placemaking principles, of which access to high quality multifunctional green spaces is fundamental. Improving physical health is a key priority for the Scottish Government given that 65% of the country’s adult population are overweight (29% obese) (CD65, page 6). This is reflected in the National Performance Framework which includes an outcome to ensure ‘we are healthy and active’ (CD63), Priority 1 of the Public Health Priorities for Scotland which states that “We (the Scottish Government) want to change the places and environments where people live so that all places support people to be healthy and create wellbeing ... (by) improving local access to green spaces... The evidence is strong that improvements to our environment have a positive and lasting impact on the public’s health” (CD69, page10), and the Scottish Government’s Physical Activity Delivery Plan which aims to cut physical inactivity in adults and children by 15% by 2030 (CD64, page 5).

Good physical health and opportunities to establish social relations are considered important to reducing the risk of mental health problems associated with loneliness and dementia. The number of people living with dementia (63.5% live in the community) (CD70, para.3.1.3) is expected to increase by 75% by 2031 (compared to 2007 figures) (CD70, para.1) and costs the health and social care service more than cancer and heart disease combined (CD70, para.5.1). Priority 1 of the Public Health Priorities cites ‘dementia friendly communities’ as an example of collaborative working ‘to achieve improvements in the quality of the local environment’ (CD69, page 11). Good physical health, which in turn supports good mental health and reduces the risk of developing dementia, relies on access to high quality open space.

Similarly, social isolation and loneliness are recognised as significant public health concerns that affect people’s quality of life. Priority 3 of the Public Health Priorities for Scotland states that “Mental health and wellbeing is a significant public health challenge

for Scotland which needs to be addressed if we are to ensure everyone in Scotland can thrive. It is associated with better physical health, positive interpersonal relationships and well-functioning, more equitable and productive societies” (CD69, page 21). This is reflected in the Scottish Government’s strategy for tackling social isolation and loneliness which states that “the extent to which people interact is heavily dependent by their lived environment”, (CD66, page 9) and that “...local authorities can and do make a distinctive contribution to this agenda - ...contributing to placemaking and regeneration”, (CD66, page 13) and supported by recent research on Mobility, Mood, Place by the University of Edinburgh which identifies ‘social opportunity’ for intergenerational interaction as a key element that supports lifelong health and wellbeing (CD72, pages 16-17).

Scottish Government policy on Creating Places reinforces this position and sets out that access to good quality greenspace and increasing physical activity provides “substantial health benefits for individuals and significantly reduces the risk of diseases such as cancer, diabetes and dementia”, (CD55, page 26).

No modification is proposed.

Deliverability

Robertson Group (8/3/3), Springfield Properties plc (10/13/3)

The detail provided in policy PP1 is considered to give the development industry certainty about the Local Authority’s requirements which can be factored into development appraisals and reflected in the purchase price of land at the outset. Given that land values ought to reflect policy requirements, then this should not impact on the affordability of houses.

The level of detail reflects that Supplementary Guidance is being removed, and the ‘flexibility’ provided through the adopted LDP policy PP3 Placemaking and associated Urban Design Supplementary Guidance, and National Policy is failing to deliver the Government’s aspirations for successful places and contribute to the prevention agenda and efficiency in public services. This is illustrated in the Council’s supporting statement to this Schedule (CD07).

No modification is proposed.

Landscaping and Trees

Woodland Trust Scotland (1818/2/1)

Support noted.

No modification is proposed.

Network Rail (1041/5/2)

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (CD76) require Network Rail to be consulted on all planning applications where ‘some part of the development is to be situated within 10 metres of a railway line forming part of the national railway network’. Therefore, it is considered that the level of detail proposed for policy PP1 is more appropriate for the detailed planning application

stage where the appropriate landscaping boundary treatment and planting can be determined in direct consultation with Network Rail.

Policy PP1 & Policy DP1

Car Parking

Robertson Group (8/3/3) (8/3/1), Springfield Properties plc (10/13/3), Barratt North Scotland (15/1/3) (15/1/2), Homes for Scotland (1035/9/3) (1035/9/2), CHAP Group (Aberdeen) Ltd (2165/1/3)

The dominance of parked cars can influence how people travel whereby “our decision to make journeys by foot or by car is often determined by the layout of our surroundings”, (CD55, page 18) and has a detrimental impact on the appearance of the street, and the character of the place as a whole. A high level of car parking to the front of properties visually dominates the street, results in uniform ‘standardised’ layouts that fail to embed Designing Street principles, minimises garden space/planting and biodiversity, restricts overlooking and natural surveillance, and reduces opportunities for social interaction given parking within the front curtilage increases street widths and limits activities such as gardening. This is illustrated in the Council’s supporting statement to this Schedule (CD07). This placemaking requirement has a significant impact on delivering successful places and planning’s preventative role in creating sustainable ‘healthy and safe places and communities’ (CD69, page 1) and reducing carbon emissions.

The principle of reducing the dominance of the parked car on the street has been in circulation for some time through the adopted Moray Local Development Plan 2015 (LDP 2015) PP3 Placemaking policy and associated Urban Design Supplementary Guidance and Designing Streets. Whilst some minor improvements have been made to mitigating parking within the front curtilage primarily through hedging, the flexibility afforded has failed to deliver a fundamental shift in the way in which parking is addressed in housing developments. This, in turn, has knock-on impacts for achieving other design requirements, and good placemaking as a whole. This is illustrated in the Council’s supporting statement to this Schedule (CD07).

Minimising the impact of parked cars on the street and communal parking areas requires planting of sufficient maturity. The flexibility afforded has resulted in planting which is often insufficient to mitigate the impact of the parked car for a number of years and is susceptible to damage. This is illustrated in the planting schedules shown in the Council’s supporting statement to this Schedule (CD07).

The use of trees/planting to break up parking areas would not necessarily be at odds with the Roads Authority standards as suggested. If within an area that’s prospectively adoptable then suitable root protection can be utilised in order to protect the public road carriageway. Standard details are available within Section 3.4.10 of the National Roads Development Guide (NRDG) (CD75, pages 133-135). Large areas of parking (i.e. parking courts) are outwith the boundary of the public road and therefore maintenance is a matter for the developer and their ongoing maintenance provider to address.

To overcome the challenge of judging the dominance of car parking on the street scene, address the issues arising from a more flexible policy approach, and provide certainty to the development industry, the Council has introduced a threshold for car parking. Indicative site capacities within the Plan take into account the design requirements of

policy PP1, including car parking. The requirements provide the certainty the development industry consistently 'ask' for and can be factored into development appraisals so that they can be reflected in land values at the outset, thereby not having a detrimental impact on development viability. However, given the concerns raised by the development industry in regards to development viability, the Council is amenable to increasing the threshold for car parking within the front curtilage of properties from a maximum of 25% to 50%.

If the Reporter is so minded, the Council would have no objection to the following modification to Policy PP1, (iv) Parking, bullet point 1, second sentence: *"On all streets a minimum of 50% of car parking must be provided to the side or rear and behind the building line with a maximum of 50% car parking within the front curtilage or on street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments that enhance the streetscape"*.

Policy Detail

Springfield Properties plc (10/13/3) (10/13/1), Homes for Scotland (1035/9/3) (1035/9/2)

Policy PP3 Placemaking of the adopted Moray Local Development Plan 2015 (LDP2015) (CD15, page 9) is a short policy which cross-references Scottish Government policy on Designing Streets and Creating Places. Policy PP3 hasn't provided the prescriptive detail required to deliver high quality placemaking, as illustrated in the supporting statement to this Schedule (CD07).

Whilst policy PP1 Placemaking is longer than the adopted LDP2015 policy PP3 Placemaking, this reflects that PP1 is the primary, overarching policy of the Plan and that the Urban Design Supplementary Guidance has been removed which is in line with the emerging Planning (Scotland) Act to streamline the planning process. The principles of design included within policy PP1 have been in circulation for some time as they are set out in National Policy and the LDP 2015 and associated Urban Design Supplementary Guidance. The detail provided gives the development industry certainty about the Local Authority's requirements which can be built into development appraisals and reflected in the purchase price of land at the outset.

SPP sets out that the purpose of planning is to create better places, support the prevention agenda and efficiency in public services, and that the design-led approach should be applied at all levels with LDP's cited for the local level. The Scottish Government's policy on Creating Places states that "Good design is not a costly, aesthetic layer to be added at the conclusion of an enterprise. Good design is a process that uses creativity and innovation to deliver the best outcomes. Good design can guarantee we get it right first time, avoiding scenarios where we are left with problem buildings or places that fail our communities. This goes to the very heart of the Government's preventative spend agenda", (CD55, page 19). This reflects the 2011 Christie Report which concluded that "public services often tackle 'symptoms' not 'causes' leading to 'failure demand', (CD62, page 22) and that 40% of all spending on public services is accounted for by interventions that could have been avoided by a preventative approach, (CD62, page viii).

The flexibility currently afforded through the adopted LDP 2015 policy PP3 Placemaking, Supplementary Guidance and National Policy has continued to deliver uniform design solutions and 'anywhere' development as the norm and needs to change if Government aspirations for creating successful places and supporting the prevention agenda is to be

achieved. Developers continue to propose uniform designs supported by standardised design statements and planting schedules that are 'cut and pasted' from previous submissions illustrating a lack of commitment to the high quality placemaking they elude to. The outcomes of this 'flexible' policy approach are illustrated in the Council's supporting statement to this Schedule (CD07). To ensure good placemaking and the associated wider benefits are delivered, it is considered that key components need to be embedded in policy rather than guidance as the latter has less weight in the decision making process.

Policy PP1 cross-references other relevant policies in the Plan rather than repeat their content entirely, which is considered to be good practice. Policy PP1 effectively brings all the elements to 'create better places' (CD53, para.36) together which has significant benefits for Quality Auditing (QA) purposes (CD51).

Designing Streets and Creating Places are referenced within policy PP1 in that development proposals must comply with these. Policy PP1 expands upon the key points of these national policies to provide a Placemaking policy that is specific to Moray.

At MIR stage, Homes for Scotland requested that the reiteration of Designing Streets was removed with a reference included instead which is at odds with their representation to the Proposed Plan.

Policy DP1 and Policy PP1 apply to different types of development and have different thresholds: policy DP1 applies to all development whereas policy PP1 only applies to residential developments of 10 units and above. Therefore, it is not considered appropriate to merge policy DP1 and PP1.

The detail provided within Policy PP1 and DP1 addresses the 'ask' by developers who consistently request clarity and certainty from the Council, and the planning system as a whole, as to what the requirements for development are.

No modification is proposed.

Policy PP1, Policy PP3 and Policy DP1

Wildlife and Habitats

Royal Society for the Protection of Birds Scotland (RSPB) (285/10/2), (285/10/3), (285/10/1)

Support for the requirement for a Biodiversity Plan is noted. It is agreed that the proposed wording for policy PP1 is clearer in regards to extending and enhancing wildlife corridors and green/blue networks. A minor amendment from the suggested wording changing "if possible" to "where physically possible" is preferred as this is in keeping with the response provided to the Scottish Government's representation (490/4/7) to policy EP2 Biodiversity in Schedule 4 Issue 6 Environment Policies.

If the Reporter is so minded, the Council would have no objection to the following modification to policy PP1: *"Developments must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats"*.

The Plan contains a number of policies to safeguard and enhance protected species and habitats and promote biodiversity: Policy EP1 sets out that 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 are to be prepared to accompany the planning application; policy EP2 Biodiversity is dedicated to retaining, protecting and enhancing biodiversity; and policy PP1 Placemaking sets out the requirement for a Biodiversity Plan for residential developments of 10 units or more. These policies seek to minimise the impact of development on wildlife, habitats and biodiversity and ensure that mitigation is put in place, where necessary. Therefore, it is considered that the level of detail proposed for policy DP1 is more appropriate for the detailed planning application stage where the impact on all protected and sensitive species and habitats can be assessed rather than specifying exclusively through policy and that any mitigation necessary is embedded in policy rather than through seeking Developer Obligations via policy PP3.

No modification to policy DP1 or policy PP3 is proposed.

Policy PP2 & Policy DP1

Restriction to Built Environment/Development

Force 9 Energy (886/2/2), (886/2/1)

Policy PP2 cites 'for employment land' as economic growth must be balanced with the need to safeguard Moray's natural and built environment. Proposals outwith designated sites such as inward investment developments, distilleries, etc. will be supported provided the criteria of policy PP2 and other relevant environmental policies are met. Policy DP9 includes a reference to the economic benefits of wind energy proposals, and this is considered the most appropriate place for this reference.

Policy DP1 applies to all types of development, which could include proposals for infrastructure, pylons, solar farms, etc. Restricting the policy to 'built' development only, would result in other types of development being inadequately covered by policies in the LDP and the need to provide an additional policy which would largely reiterate policy DP1, and is at odds with the emerging Planning (Scotland) Act to streamline the planning process.

No modification is proposed.

Policy PP3

General

Jonathan Meighan (333/5/1)

The Moray Local Development Plan 2020 (LDP2020) aims to create sustainable, successful places that are planned and co-ordinated with infrastructure and facilities to ensure places function properly. This approach is set out in the requirements of the Primary Policies, specifically PP1 Placemaking and PP3 Infrastructure and Services and Environment policies such as EP2 Biodiversity and EP5 Open Space. The Plan supports the prevention agenda for health, which includes creating places that provide opportunities for social interaction and community cohesion.

No modification is proposed.

Policy Detail

Robertson Group (8/3/4), Springfield Properties plc (10/13/4), Homes for Scotland (1035/9/4)

Policy PP3 Infrastructure and Services (CD01, pages 32-34) is an overarching, primary policy of the Plan which reflects its length and scope. A pragmatic and reasonable approach will be taken in its implementation to take account of the size of the development and ensure proportionality. The level of detail provides certainty to the development industry over the infrastructure requirements for a development proposal in order that these can be factored into development appraisals and land value at the outset.

The Council is committed to an infrastructure first approach as advocated through the emerging Planning (Scotland) Act, and works closely with NHS Grampian, key agencies, and other Council Services to plan and co-ordinate the delivery of development and infrastructure.

No modification is proposed.

Access to Trunk Roads

Robertson Group (8/3/4), Barratt North Scotland (15/1/4), Springfield Properties plc (10/13/4)

This policy relates to the A98 and A941 which are part of the strategic road network in Moray. The aim of the policy is to limit the proliferation of accesses on strategic routes through Moray as this introduces a risk of accidents and reduces the capacity of the road network. This requirement is currently included as Policy T6 in the MLDP 2015 (CD15, page 73). It is accepted that larger sites within the MLDP 2015 will require access from key routes and this is recognised by the inclusion of such accesses as TSP's, relating to specific site access requirements. For example, Elgin TSP18 identifies the need for new accesses onto the A941 to serve the Findrassie development.

No modification is proposed.

Information Communication Technology (ICT) and Fibre Optic Broadband

Barratt North Scotland (15/1/4), NHS Grampian (300/6/3)

Support for the requirement for ICT and fibre optic broadband by NHS Grampian (300) within policy PP3 is noted.

The UK Government Future Telecoms Infrastructure Review (CD73, pages 15-16) sets out that the UK Government aims to have 15 million premises connected to full fibre by 2025 and provide nationwide coverage by 2033. Currently the UK has 4% full fibre connections and is 35th in the global broadband league table.

To ensure the UK Government's aims are achieved and that homes and premises are future proofed to embrace the changing nature of employment with more companies

offering homeworking, high speed broadband connectivity being a major factor for people purchasing a new home, and service delivery with the NHS investigating different ways of operating, the provision of fibre optic connectivity is essential. Therefore, it is considered appropriate to require ICT and fibre optic broadband connections for all premises unless it can be justified that it is technically unfeasible.

No modification is proposed.

Provision of Infrastructure

Springfield Properties plc (10/13/4), Network Rail (1041/5/3), Speyside Community Council (1535/1/1)

Support for the planning and co-ordination of infrastructure and development to ensure places function properly is noted.

The Council works closely with NHS Grampian, other Council Services (Education, Housing and Transportation) and key agencies such as Scottish Water to plan and co-ordinate development and infrastructure through their LDP Delivery Group which meets on a regular basis. Where necessary, the Council seeks developer obligations towards infrastructure (Education, Healthcare, Transportation, Sports and Recreation) to mitigate the impact of new development on existing residents.

The Spatial Strategy is addressed in Schedule 4 Issue 1 which sets out that approach is considered to be the most sustainable, directing development to the main service centres with the best public and active travel connections, which supports the SPP (CD53, para 40) principle of directing the right development to the right place and to not allow development at any cost (CD53, para.28).

No modification is proposed.

Inclusion of Developer Obligations in Policy PP3

Springfield Properties plc (10/13/4)

Policy PP3 is an overarching primary policy which deals with infrastructure and services as a whole, of which developer obligations is an integral part. Given the significant cross-over with other requirements, developer obligations is considered to be fundamental to policy PP3 which should be read as one policy.

No modification is proposed.

Developer Obligations Supplementary Guidance (SG)

Springfield Properties plc (10/13/4), Network Rail (1041/5/3)

Policy PP3 (CD01, page 33) sets out that developer obligations will be sought in accordance with Scottish Government Circular 3/2012 to mitigate any measurable adverse impact the development proposal will have on local infrastructure as defined in criteria d). It is not considered appropriate to exclude certain bodies from developer obligations as this would be neither a fair nor transparent approach as any adverse impacts resulting from development must be mitigated, regardless of the developer. For the avoidance of

doubt, developer obligations are not sought to address existing need as this would not accord with Circular 3/2012.

The Council works closely with NHS Grampian and other Council Services to ensure that the evidence base for infrastructure for which developer obligations are sought is robust and up-to-date. Network Rail has not provided an evidence base upon which developer obligations can be sought for rail infrastructure, and therefore cannot be included in policy PP3 as an infrastructure requirement as it would fail to meet the five tests set out in Circular 3/2012 (CD56, pages 5-8).

Supplementary Guidance on Developer Obligations sets out in detail the methodology and rates used to calculate developer obligations (CD16, pages 12-19). The Council is committed to full and upfront public consultation. The first Developer Obligations SG was in the public domain for 19 months prior to approval by the Scottish Government in 2016 and was subject to two 12-week public consultation periods at which developers, including Springfield Properties plc, presented to elected Members. The updated Developer Obligations SG was subsequently publically consulted on for 8 weeks prior to approval by the Scottish Government in March 2018. It is considered that significant public consultation has been carried out on Developer Obligations SG, and that the detail included provides sufficient information for developers to factor developer obligations into their developer appraisals and land values. This in turn, provides greater certainty to the development industry over the Council's requirements at the outset. The Council encourages early discussion on developer obligations and offers a free service whereby draft developer obligation assessments can be prepared prior to planning applications at the request of the developer to inform their development appraisals.

Where a developer considers that developer obligations will render a commercially viable development unviable then they can submit a viability assessment to the Council, which must be verified by the District Valuer (DV). Where the level of developer obligations sought is not appropriate, the Council will seek to negotiate a more appropriate level. To address viability issues raised by the development industry in Moray and allow land values to adjust accordingly, a maximum cap of £6,500 per residential unit was introduced through the updated SG which sets out that the cap will be reviewed in December 2019 (CD16, pages 8-9).

No modification is proposed.

Healthcare

Springfield Properties plc (10/13/4), NHS Grampian (300/6/3), Speyside Community Council (1535/1/1)

Support from NHS Grampian (300/6/3) for the requirement that development proposals need to provide healthcare infrastructure is noted.

The principle of mitigating the impact of new development on healthcare infrastructure was established through policy IMP3 Developer Obligations of the adopted LDP 2015 (CD15, page 86) and statutory Supplementary Guidance on Developer Obligations (CD16), first approved by the Scottish Government in October 2016. The Council continues to consider it to be appropriate to seek contributions towards healthcare as these facilities serve the social and welfare needs of the community similar to education and transportation infrastructure.

In appeal PPA_230_2201(CD67, para.60) the Reporter stated “.., I am not satisfied, on the point of principle, that there is any difference between requiring contributions for healthcare and contributions for education ..., as both sorts of contribution serve the social and welfare needs of the community”. The Council is fully committed to working with its Community Planning Partners, which includes NHS Grampian to ensure that the local population has access to healthcare facilities which are essential to creating communities and delivering high quality places where ensuring accessible health services and “creating safe places that nurture health has long been central to the public health agenda”, (CD69, page 10). This is in accord with the Place Principle, signed off by the Scottish Government in February 2018, which requests that a joined-up, collaborative, and participative approach is taken to “improve the lives of people, support inclusive growth and create more successful places”, (CD71).

Moray Council works closely with NHS Grampian to maintain a robust and up-to-date evidence base for seeking developer obligations towards healthcare infrastructure. Developer obligations are sought to mitigate the impact of a new development that adversely impacts on healthcare infrastructure, and are currently sought towards primary healthcare facilities (GP’s, Dental Chairs and Community Pharmacies) for new, extended or internally reconfigured premises to increase capacity and serve residents generated by new development. To date, approximately £1.36 million has been secured towards healthcare facilities in Moray to mitigate the impact of new development on the health care service.

Staffing on healthcare facilities is a matter for NHS Grampian who is currently considering different ways to provide the health service, such as through advances in digital infrastructure, which could change service delivery and impact on staffing required. This is reflected in the requirement in policy PP3 criteria a) vii) to ensure that all premises have ICT and fibre optic broadband connections.

No modification is proposed.

Public Transport

Speyside Community Council (1535/1/1)

The Council continues to explore every opportunity to maximise opportunities to access the demand responsive transport service within the current budgetary limitations. Much of Moray’s scattered community make up does not fit conventional scheduled bus services and the Council takes every opportunity to explore funding streams as they become available.

No modification is proposed.

Education

Speyside Community Council (1535/1/1)

Developer obligations are sought towards a new school or extension of an existing school, where the school roll is at or above 90% capacity. A School Estate Strategy is currently being prepared by the Council to consider the school estate across Moray and will be reported to the Council at a later date.

No modification is proposed.

Active Travel Strategy/Core Path Plan

Dr Janet Trythall (404/4/3)

Support for Active Travel Strategy and Core Path Plan is noted.

No modification is proposed.

Greenhouse Gas Emissions

Scottish Government (490/4/4)

The Building Standards Technical Handbook 2017 (CD59) sets out that every building must be designed and constructed in a way to be able to reduce carbon dioxide emissions. Minimum standards have been set to be exceeded as part of the Building Standards process.

Policy PP2 Climate Change of the Moray Local Development Plan 2015 (CD15, page 8) sought to implement similar requirements to Section 3F of the Town and Country Planning (Scotland) Act 1997 and reduce greenhouse gas emissions. However, the Council is not resourced or trained to support such a policy and it is considered that this requirement is best implemented through Building Standards.

No modification is proposed.

Policy PP3 and Policy DP1

Electric Vehicle Charging Points and Car Sharing Spaces

Barratt North Scotland (15/1/4) (15/1/2), Scottish Government (490/4/4) (490/4/2)

The Government's Programme for Scotland 2018-2019 (CD61, page 7) reflects and expands upon the commitment in the Programme for Scotland 2017-2018 to phase out petrol and diesel cars and vans by 2032 with proposals for 1500 new charge points, £20 million to help people and businesses switch to electric vehicles, 500 new ultra-low emission vehicles in the public sector, and over 100 new green buses (CD60, page 5). Given the commitment by the Scottish Government to reduce the country's carbon footprint and advancing nature of high technology it is important to ensure that developments are future proofed. Therefore, it is considered reasonable to require that communal parking areas provide electric charging points within new developments as these will serve residents in flats who do not have access to their own electric car charging point, or visitors. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.

It is feasible to provide communal chargers that have a payment system incorporated and therefore paid by the individual car user. This is how the majority of charging points in public places already operate. The provision of electric car charging points reduces trip hazards given cars will be parked adjacent to the facility rather than residents having to retrofit cables across pavements and communal areas into properties.

Car sharing spaces will only be required where there is a known demand/need as identified by the Transportation Manager. The provision of these spaces will allow for any future car share vehicles to be accommodated without impacting on the provision of allocated parking.

Designing Streets (published 2010) predates the growth in the use of electric and hybrid vehicles and the Scottish Government's commitment to phase out the need for new petrol and diesel cars and vans across Scotland by 2032. Therefore this requirement cannot be aligned with Designing Streets but rather the most up-to-date Government Programme.

The Council is agreeable to the modification proposed by the Scottish Government to the first sentence of Appendix 2 Parking Standards, referenced in policy DP1.

If the Reporter is so minded, the Council would have no objection to the following modification: "...the Scottish Government pledge to phase out the need for new petrol and diesel cars and vans across Scotland by 2032, the current policy aims and long term goal is a move towards the use of alternative fuels and electric or hybrid vehicles".

Rail Network

Network Rail (1041/5/3), (1041/5/1)

The requirement to assess the impact of development on rail infrastructure/facilities is covered in Transport Scotland's Transport Assessment Guidance. In addition the text around transport (PP3 a.iii) states "...these requirements are not exhaustive and do not pre-empt any measures that may result from the Transport Assessment process". The Council considers the requirement to consider rail is therefore covered and no further text changes are required.

The railway stations (Keith, Forres, Elgin) in Moray have all been subject to recent upgrades as part of the Aberdeen to Inverness rail improvement however, as above, Transport Assessment guidance will require assessment of rail facilities where relevant.

There are only three level crossings in Moray, two of which are fairly remote from development and therefore limited impact is envisaged (Brodie, Kinloss).

In terms of TSP3, the requirements of Network Rail are noted and accepted, and will be considered via assessment of any planning application.

In terms of TSP27, the impacts on The Wards level crossing will be fully considered as part of technical assessments. The proposed signalisation of this junction could incorporate additional queue detection equipment to monitor queues and adjust signal timings to ensure queuing traffic does not impact on the operation of the level crossing.

No modification is proposed.

Policy DP1

Impact Assessments

Robertson Group (8/3/1)

Policy DP1 is intended to cover all development types and sizes, including extensions and conversions as these can be of a significant scale and impact. A pragmatic approach will be taken to the application of the policy criteria. To address the concern raised, the Council would be amenable to amending the wording in the first sentence of the policy from 'proportionate' to 'reasonable'.

If the Reporter was so minded, the Council would have no objection to the following modification: *"This policy applies to all development, including extensions and conversions and will be applied reasonably"*.

Transportation – Hammerheads and Turning Areas

Robertson Group (8/3/1), Barratt North Scotland (15/1/2), Homes for Scotland (1035/9/2)

The preference for turning areas reflects a desire to reduce reversing manoeuvres within developments particularly in regard to servicing and other larger vehicles. This also supports the preference to avoid cul-de-sacs and therefore create developments that do not require turning areas. There are alternatives available to traditional hammerheads such as 'road stubs' or 'hatchets' which can be demonstrated as effective via swept path analysis. Examples of these are shown in figure 18 of the SCOTS National Roads Development Guide (CD75, page 84). The Council is amenable to additional text within the policy to clarify this point and avoid any ambiguity.

Experience has found that hammerheads are often subject to indiscriminate on-street parking which limits the area for larger vehicles to turn, e.g. refuse vehicles.

It is considered that policy DP1 reiterates the requirements of both Designing Streets and the SCOTS National Roads Development Guide. The representations have not specified where or how policy DP1 contradicts these National Policies.

If the Reporter was so minded, the Council would have no objection to the following modification to the second sentence of criteria f): *"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 such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles"*.

Impact on the Community

Elgin Community Council (1832/3/1)

Policy DP1 seeks to ensure that development is of a high quality in that it is integrated within its built and natural environment, designed to a high standard including protecting people's privacy and amenity, adequately serviced, and that any impacts are identified, assessed and mitigated. Many of the development principles have been carried forward from previous LDP policies and are not considered to be overly onerous.

No modification is proposed.

Reporter's conclusions:

Reporter's recommendations: