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# 1. INTRODUCTION

## INTRODUCTION

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The Finalised Moray Local Plan (2006) follows on from the Consultative Draft Review which was published for consultation in August 2005. The Environmental Services Committee considered the representations made to the Consultative Draft at a Special Meeting held on 15<sup>th</sup> June 2006.

This document therefore contains the amendments to the draft that were agreed, and is now re-published for a further period of consultation. At this stage in the process only formal objections are now invited.

The finalised plan has been prepared to conform with the Finalised Moray Structure Plan, which was submitted to the Scottish Ministers in April 2006, and is currently awaiting approval.

## 2. REVIEW FORMAT

### MORAY LOCAL PLAN REVIEW FORMAT

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The Finalised Local Plan comprises a Written Statement, and a Proposals Map.

The Written Statement consists of:

- A policy framework
- Development and Community
- Environment and Resources
- Implementation
- Settlement Statements  
Incorporating objectives for each town, and a map of land designations
- Rural Community Statements  
Containing a descriptive text, and a boundary delineating the extent to which the community should grow.

The Proposals Map consists of

An overarching plan of the Moray Local Plan Area, indicating various policy areas, and the location of towns, villages, rural communities.

Larger scale settlement plans of Elgin, Forres, Buckie, Lossiemouth and Keith are contained within a wallet inside the cover. These are enlargements of those bound into the document.

## 3. DEVELOPMENT & COMMUNITY

### ECONOMIC DEVELOPMENT

#### Introduction

Local Plans contain economic development policies and business land allocations for the following reasons:

- To provide locations for new business development and allow job creation to take place.
- To separate uses and activities which may not be compatible.
- To support the role of historical, traditional industries within the area.
- To control development in sensitive areas.
- To provide a sustainable economic infrastructure, making best use of population, location and transport links.
- To accommodate new trends/technologies and respond to forecast growth areas.

By doing so, the planning process can create conditions which support economic growth, sustain and create jobs, and contribute to the prosperity of the area.

#### Context

The Scottish Executive document 'The Framework for Economic Development in Scotland' provides the vision for the future of the Scottish economy. The contribution of the planning system is recognised through its land use role, encouraging regeneration, and safeguarding the environment.

National guidance on how this should be done at a local level is provided by Scottish Planning Policy 2: 'Economic Development' (SPP2) and the National Planning Framework for Scotland. These documents, both published by the Scottish Executive, take a spatial, or geographic overview of Scotland's economic growth prospects, and detail what the planning response should be. There is however, no specific role or provision made for the Moray area, other than that local growth and demand should be accommodated and that rural development and diversification should be supported.

The Structure Plan Review seeks the identification of business and industrial land allowances along with the retention and provision of strategic business locations in Forres and Elgin. It also recognises the need to promote business development within rural areas and the provision of tourism development opportunities.

## **POLICY ED1: SUPPLY OF EMPLOYMENT LAND**

New employment land allocations are identified in the settlement statements to ensure an adequate supply of land over the 5 year period of the Local Plan and beyond, designations within the main towns should provide:

Elgin: an additional 10-15 hectares over and above existing provision.

Forres: an additional 5-10 hectares over and above existing provision for general industrial use.

Buckie: an additional 5 hectares over and above existing provision.

Keith: an additional 5 hectares over and above existing provision.

Other locations: provision of up to 2 hectares according to local demand and availability of appropriate sites.

### **JUSTIFICATION:**

An adequate supply of land has to be allocated to accommodate anticipated development rates, provide some flexibility in terms of sites/locations, be able to cater for unforeseen proposals, and indicate the longer term direction of growth beyond the current Local Plan period.

The designation of sites is therefore based on more than just the annual average take up over previous years.

Specific designations are set for the main towns where greatest demand has been experienced. In smaller towns and villages, business related proposals up to 2 hectares can be considered to meet local demand. In all cases sites will be expected to be serviceable and provide appropriate protection for the natural heritage and landscape, and the provision of site mitigations in terms of environmental impact.

### **CONFORMS TO:**

The policy conforms to the provisions of SPP2: Economic Development and the National Planning Framework for Scotland

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP4 Action Plan

## POLICY ED2: DEVELOPMENT OF NEW EMPLOYMENT LAND

The development of new employment land will require to satisfy the following requirements:

- (i) **Road Access:** Roads should be constructed to Moray Council standards for adoption, and provision made for on site and off site parking. Layout proposals should provide for pedestrian and cycle links, and provide options for linking with public transport services (e.g. by the provision of bus stops/shelters) where appropriate.
- (ii) **Drainage:** Foul water will require to be taken to the public sewer. Surface water drainage should incorporate appropriate sustainable urban drainage systems (SUDS) which should be operational for the life time of the development. Due to the potential for pollution to run off water from spillage e.g. oil, drains may require to be trapped as advised by SEPA/Scottish Water.
- (iii) **Landscaping:** Requirements for individual sites will be specified in more detail in the relevant settlement designation. Proposals should address issues such as screening, sound barriers, treatment at boundaries, and the general visual appearance of the site. Details of maintenance arrangements will be required in respect of landscaped areas.
- iv) **Design:** Where site frontages are highly visible a high standard of design of buildings and layout of yard, storage areas and parking must be incorporated.
- v) **Designing Out Crime:** New estates should be designed so that they provide deterrents to crime by ensuring sufficient lighting, planting and boundary treatments. Consultation with the Local Authority Liaison Officer will be carried out for all new proposals.
- vi) **Natural Environment:** Provision will have to be made to ensure appropriate protection for the natural environment and the use of enhanced opportunities for the natural heritage and integration to adjacent lands.

### **JUSTIFICATION:**

New industrial estates/business parks must meet appropriate standards in terms of roads, drainage, parking and landscaping to achieve a suitable degree of amenity.

This will help to ensure that the development of new sites is looked at in a comprehensive manner and allow an overall view to be taken of infrastructure requirements.

Individual proposals will therefore comply with an overall plan and not prejudice future provision/development.

It will also ensure that the visual impact does not have a negative impact on the area.

### **CONFORMS TO:**

The policy conforms to the provisions of SPP2: Economic Development

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements. Policy IMP2: Development Impact Assessments. Development briefs may be prepared for some of the newly designated sites.

### **POLICY ED3: BUSINESS USES ON INDUSTRIAL ESTATES**

Recognised industrial estates will be primarily reserved for uses defined by classes 4 (business); 5 (general Industrial) and 6 (storage or distribution) of the Use Classes Order 1997. Some activities within class 5 may be considered inappropriate for environmental reasons (e.g. noise, dust, vibration or fumes) and will not be permitted.

Shops and outright retail activities will not be allowed; the only retailing permissible will be that which is considered to be ancillary to some other activity (e.g. manufacture; wholesale). For the purposes of this policy, ancillary is taken as being linked directly to the existing use of the unit and comprising no more than 10% of total floor area up to a total of 1000 square metres gross.

Class 2 (financial, professional services), Class 11 (assembly and leisure), and activities which do not fall within a specific use class will be considered in relation to their suitability to the industrial estate concerned, and the available supply of employment land.

#### **JUSTIFICATION:**

The policy seeks to ensure that sites are used primarily for the role that was intended i.e. to provide land for employment related activities. It also restricts non conforming uses, including visiting members of the public where traffic generation may cause conflict. This approach will also help to retain town centres as the principal retail areas.

#### **CONFORMS TO:**

The policy conforms to the provisions of SPP2: Economic Development.

#### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy R4: Neighbourhood and Local Shops.

### **POLICY ED4: BUSINESS PARKS**

Business parks accommodate uses which require a higher amenity/environmental setting than is available on an industrial estate, and may include commercial activities e.g. offices, call centres and high technology uses. Development that adversely impacts on the high amenity environment of a business park will not be permitted.

Business Parks are identified within the Plan at Forres Enterprise Park, and business park search areas at Elgin. Smaller scale business parks are identified at Buckie, Keith and Lossiemouth.

#### **JUSTIFICATION:**

The policy seeks to provide locations where a high quality environment is available, and to retain these sites as a location for new/modern enterprises. This will assist in the attraction of inward investment and provide office relocation opportunities. The Business Parks can provide a location for non-retail, commercial enterprises, who do not require a town centre location.

#### **CONFORMS WITH:**

The policy conforms with SPP2 Economic Development.

#### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP4 Action Plan, ED1 Supply of Employment Land.

## **POLICY ED5: EXISTING BUSINESS AREAS**

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Within existing business areas, business development, redevelopment or expansion (excluding retail )will be acceptable, subject to environmental considerations and compatibility with neighbouring uses. These areas tend to have a long established usage and the expansion or introduction of non business uses will not be permitted, except where the total redevelopment of the site is proposed.

### **JUSTIFICATION:**

The policy seeks to ensure the retention of sites that have a long established business use, where the continuation of this principal use is appropriate. The introduction of non conforming uses (e.g. housing) could through time prejudice the principal activity.

This approach will establish the primacy of the business use of the site, and the policy allows the consideration of alternative uses only when the whole site is involved.

### **CONFORMS TO:**

SPP2: Economic Development.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1 Development Requirements.

Supplementary Planning Guidance on Development Requirements.

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## **POLICY ED6: OPPORTUNITY SITES**

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The town and village statements will identify 'opportunity sites' which present the opportunity for appropriate alternative uses in the event of a proposal to redevelop. These are often vacant or derelict sites that are no longer required for their original or previous uses. Vacant or derelict sites are usually brownfield and therefore will require to be assessed with regard to contaminated land.

Any suggested uses that are given should be viewed as illustrative examples only, and not taken as a definitive list of acceptable activities.

### **JUSTIFICATION:**

The policy seeks to promote sustainable development and encourage the use of derelict or vacant land as an alternative to greenfield sites.

### **CONFORMS TO:**

The policy conforms to SPP2: Economic Development. PAN33 on the Development of Contaminated Land.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements, Policy IMP3: Developer Contributions,

Supplementary Planning Guidance on Development Requirements.

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## **POLICY ED7: TELECOMMUNICATIONS**

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Proposals for telecommunications equipment will be assessed on their landscape and visual impact, compatibility with surrounding uses and effect upon environmental designations. Locational requirements (on technical/operational grounds, and links with transport corridors) will be recognised during consideration of proposals.

Applicants must justify their choice of site including the potential to share facilities, and may be asked to carry out measures to disguise or camouflage installations. Sharing of facilities must not result in increased adverse visual impact.

### **JUSTIFICATION:**

The Council would wish to encourage the uptake and use of modern communications technologies, as a means of remaining economically competitive. Often these have to be located on high ground, or in proximity to roads and railways.

The visual impact of telecommunications masts on the landscape, scenery and environment must be minimised wherever possible.

The health and safety levels of radio frequency emissions are controlled by other regulatory bodies, and are not deemed to be a valid 'planning consideration'. Accordingly, they will not be taken into account when considering applications.

### **CONFORMS TO:**

The policy conforms to NPPG19 on Radio Telecommunications. PAN62 on Radio Telecommunications. Circular 5/2001 on Development by Telecommunications Code Systems Operators.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1 on Development Requirements.

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## **POLICY ED8: RURAL BUSINESS PROPOSALS**

New business developments, or extensions to existing industrial/economic activities in the countryside will be permitted if they meet the following criteria:

- a. careful control over siting, design, landscape and visual impact, and emissions. In view of the rural location, industrial estate/urban designs may not be appropriate,
- b. a locational justification for the site concerned if serviced industrial land is available nearby,
- c. the capacity of the local infrastructure to accommodate the proposals,
- d. environmental considerations, including the impact upon natural and built heritage designations, with appropriate protection for the natural environment; the use of enhanced opportunities for natural heritage integration into adjoining land, and
- e. the location of the development close to populated rural areas where appropriate.

Proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business-premises will be encouraged, subject to the criteria set out above.

### **JUSTIFICATION:**

The Council wishes to support the rural economy by granting approval to new business proposals that fit into the environment and can be adequately serviced. In addition, there are already many traditional business operations in rural areas, long established, which may have expansion requirements and for whom re-location is not a realistic option.

New developments can help to sustain rural employment and rural economies.

### **CONFORMS TO:**

The policy conforms to SPP15 on Rural Development, and SPP2 on Economic Development.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements.

Policy IMP2: Development Impact Assessments.

Policy R4: Neighbourhood and Local Shops.

Policy IMP3: Developer Contributions.

Supplementary Planning Guidance on Development Requirements.

## POLICY ED9: TOURISM FACILITIES AND ACCOMMODATION

The Council will generally support, proposals which contribute towards Moray's role and image as a tourist area. Proposals will require to:-

- a. be compatible with policies to safeguard and enhance the built and natural environment,
- b. provide adequate infrastructure arrangements (e.g. roads, parking, water, drainage), and
- c. demonstrate a locational need for a specific site.

Developments built as holiday accommodation (e.g. caravans or chalets) should be retained for that purpose and not become permanent residences. Conditions will be applied to planning consents to control this aspect.

For caravan and chalet parks in countryside areas, visual impact and access arrangements will be important considerations. Proposals must demonstrate what landscaping measures will be taken to assist integrate the site into its rural setting, in addition to providing on-site amenity. Rigid formal arrangements should be avoided with stances/units separated to provide discrete locations/surroundings

### **JUSTIFICATION:**

Tourism is a significant aspect of the local economy, providing jobs and in particular supporting rural areas. Much of Morays attraction is its environment with heritage, scenery and outdoor activities key features.

Whilst wishing to encourage and support development within this sector, care must be taken to ensure that the assets which create this attraction are not damaged by inappropriate or unsympathetic development.

### **CONFORMS TO:**

The policy conforms to SPP15 on Rural Development.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements.

Policy IMP2: Development Impact Assessments.

Policy R4: Neighbourhood and Local Shops.

Housing in the Countryside Design Guide.

Supplementary Planning Guidance on Development Requirements.

Policy IMP4 Action Plan.

## **POLICY ED10: TOURISM ROADSIDE SIGNS**

There will be a presumption against granting planning permission for roadside advertisements for tourism signage. Instead, proposals will be encouraged to follow the approved policy as agreed between Moray Council and Visit Scotland. To qualify under this policy a number of criteria have to be observed.

- a. establishments must be in membership of a Visit Scotland Quality Assurance Scheme,
- b. attractions and facilities will be sign-posted from the nearest main tourist route (these are identified by the policy), or from an adjacent themed trail. Where further turns onto other roads are required, additional confirmatory signs will be permitted,
- c. signs will be worded with the commercial name of the destination or a generic title (e.g. B&B). No other wording will be permitted,
- d. Moray Council (and the Scottish Executive for trunk roads) as roads authorities will determine such matters as exact dimensions, design, materials used and exact location of signs, and
- e. the costs of design, manufacture, erection, relocation; maintenance or removal of signs will be borne in full by the establishment(s) concerned.

### **JUSTIFICATION:**

Promotion of tourist attractions and directional information are required to support tourism as an economic sector, particularly with a large segment of car borne visitors.

There is also a need to ensure that roadsides do not become cluttered with road signs; confusing drivers and prejudicing road safety.

Thus there is a presumption against outright advertisements in favour of a more standardised directional/information signs promoting only those establishments which have reached a basic quality threshold as assessed by Visit Scotland.

### **CONFORMS TO:**

Scottish Executive Circular 27/1995

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Moray Council Sign Posting Policy.

# RESIDENTIAL DEVELOPMENT

## Introduction

Local Plans contain residential development policies and housing land allocations for the following reasons:

- To provide a range of housing opportunities that meets the requirement for a continuing 5-year effective land supply.
- To promote the development of housing on brownfield land to reduce the need to use greenfield land.
- To accommodate low impact housing development within the countryside.
- To assist in the provision of opportunities for affordable and special needs housing, including the use of cross subsidies from private housing developments.
- To set standards related to the development of new housing which help to maintain the quality of the area's natural and built environment.

The approach to housing will therefore help to provide housing to meet the area's social and economic needs. This is crucial to the future prosperity of Moray. It will also assist in reducing the impact of this essential development on the area's environment, and make best use of infrastructure resources.

## Context

Scottish Planning Policy 3 (SPP3) 'Planning for Housing' provides the national planning guidance on housing. Its main aim is to provide well-located, high quality new housing to meet the local housing market requirements. In rural areas planning authorities are required to indicate where new housing in the countryside may be appropriate. Planning Advice Note 38 (PAN38) sets out advice on the development of good practice in developing a view on housing land provision and location.

The Council has also developed a Local Housing Strategy that has its main aim to ensure that good quality, affordable housing is available to meet the needs of people living in or requiring housing in Moray.

The Plan therefore requires to ensure that there will be an adequate supply of housing land over the whole of the plan period for both the public and private sectors. The focus for new housing development will be on towns, villages and rural communities and this will enhance sustainability and energy efficiency by reducing the need for car travel and by supplying services and facilities. However, there will also be a need to encourage the retention and growth of population in the rural areas of Moray through the sensitive development of new housing opportunities.

## **POLICY H1: HOUSING LAND ALLOCATIONS**

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Land allocations for housing development to provide a minimum five year supply at 2012 are identified in the settlement plans as set out in Table 1. Proposals for development on all designated housing sites must include or be supported by information regarding the comprehensive layout and development of the whole site. This will allow consideration of all servicing, infrastructure and landscaping provision to be taken into account at the outset. It will also allow an assessment of any developer contribution or affordable housing needs to be made. Proposals will also require to comply with the site development requirements within the settlement plans and policies.

### **JUSTIFICATION:**

An adequate supply of land has to be allocated to ensure continued opportunities for development to assist the future stabilisation and growth of the area.

The focus for development is on the main towns of Elgin, Forres, Buckie, Keith and Lossiemouth. In addition, Aberlour and Fochabers can provide opportunities for future growth in the mid and lower Speyside. New allowances elsewhere are of a relatively minor scale and serve to provide a range and choice of sites to meet future demand. There are restrictions on development at Craigellachie, Rothiemay, Findhorn and Kinloss related to drainage capacity. In addition, small or zero allowances are provided at Alves, Archiestown, Garmouth, Dyke, Duffus, Urquhart and Dallas as a reflection of their traditional character that could be adversely affected by larger scale development.

As part of any new development developers require to provide infrastructure and facilities related to the impact of their development

Development should be appropriate to the area.

### **CONFORMS TO:**

In general terms the policy conforms to SPP3 and PAN38. It also takes due account of needs for affordable housing and the overarching requirement to provide house building opportunities to assist in maintaining population levels.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Additional guidance is provided by Supplementary Guidance on Development Requirements and Affordable Housing.

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Table 1: New Housing Land Allocations

Settlement	5 Year Effective Supply (2005)	Longer Term Effective Supply (2005)	Constrained Supply (2005)	Annual Development (5-Yr Average)	Proposed Additional Housing Allocation
Elgin	593	120	-	91	950
Forres	123	80	11	61	550
Buckie	95	54	95	27	350
Lossiemouth	69	2	5	41	250
Keith	121	23	9	8	170
Aberlour	17	-	-	11	60 + long
Alves	10	-	-	-	-
Archiestown	4	-	-	1	10
Burghead	83	40	-	12	40
Craigellachie	-	-	33	1	-
Cullen	7	-	-	3	25 + 40 long
Cunninghamston	-	-	-	-	-
Dallas	6	-	-	-	-
Dufftown	47	18	-	4	20 + long
Duffus	-	-	-	-	-
Dyke	-	-	-	1	10
Findhorn	11	-	30	6	5 + long
Findochty	15	20	-	4	25
Fochabers	-	-	-	17	50 + long
Garmouth	-	-	-	4	0
Hopeman	-	-	-	11	10
Kingston	-	-	-	-	-
Kinloss	6	-	196	-	25
Lhanbryde	61	-	-	4	45
Mosstodloch	15	5	-	1	30
Newmill	-	6	-	-	-
Portgordon	8	12	-	3	40
Portknockie	30	5	-	1	20
Rafford	-	-	-	-	10
Rothies	8	20	-	5	30 + long
Rothiemay	-	-	15	-	5
Urquhart	3	3	-	1	-
Remainder of Moray	82	-	49	3	-
<b>Total</b>	<b>1414</b>	<b>405</b>	<b>443</b>		<b>2730</b>

## POLICY H2: INDICATIVE LONG TERM HOUSING ALLOCATIONS

Indicative long term housing allocations are identified in the settlement plans for Elgin, Forres, Buckie, Keith, Dufftown, Fochabers, Cullen, Rothes, Aberlour and Findhorn. They are embargoed from development during the period of the Local Plan Review unless the Local Planning Authority is convinced that their early release is justified. Justification for their early release will be based on consideration of housing land supply, development rates, infrastructure provision and structural landscaping provision.

### JUSTIFICATION:

The identification of indicative long term housing allocations in the area's main towns allows the consideration of advanced works, such as infrastructure and structural landscaping. It also provides a reserve that could be brought forward if justified in terms of supply and demand for housing within the area thereby reducing the potential for unplanned ad hoc development.

### CONFORMS TO:

The policy conforms to SPP3 and PAN38 on the provision of an appropriate housing land supply.

### POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:

Policy IMP4 Action Plan.

Supplementary Guidance on Development Requirements.

## POLICY H3: NEW HOUSING IN BUILT-UP AREAS

New housing within settlement boundaries will be acceptable if:

- a. it does not adversely impact on the surrounding environment, and
- b. adequate servicing and infrastructure is available

### JUSTIFICATION:

The development of brownfield housing meets many of the requirements of sustainability. It assists in reducing the need to release greenfield land, it helps to regenerate run down urban areas and encourages a more sustainable pattern of transportation. Infrastructure requirements such as schools, water, sewerage and roads are often already in place, although appropriate contamination assessments may need to be carried out. Susceptibility to flooding must be confirmed.

### CONFORMS TO:

The policy conforms to SPP3 on the development of urban areas. PAN33 on the development of Contaminated Land.

### POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements, Policy IMP2: Development Impact Assessments, Policy IMP3: Developer Contributions, Policy EP6: Control of Development in Flood Risk Areas Supplementary Guidance on Development Requirements, and Affordable Housing.

#### **POLICY H4: SUB DIVISION FOR HOUSE PLOTS**

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Proposals for the subdivision of housing plots in those settlements where there is no specific embargo, will be acceptable if the plot subdivision is less than 50% of the original plot; if the plot is not a backland site; and, if the site provided is at least 400 square metres excluding access. The house style must complement the character of the area as well as the scale and architecture of the parent property.

**JUSTIFICATION:**

Plot subdivision requires to be controlled so that the adverse impact of over-development on the character of an area is reduced. It assists the protection of neighbours from over-development. The policy also prevents the development of backland sites where there is no road frontage on the grounds of character and amenity.

**CONFORMS TO:**

The Policy conforms to SPP3 on the development of infill sites.

**POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Supplementary Guidance on Development Requirements.

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#### **POLICY H5: HOUSE ALTERATIONS AND EXTENSIONS**

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House alterations and extensions will normally be approved if the appearance of the house and the surrounding area is not adversely affected in terms of style, scale, proportions or materials.

**JUSTIFICATION:**

The policy discourages badly designed extensions and alterations. This is intended to safeguard the character and amenity of established residential areas.

**CONFORMS TO:**

The policy conforms to the provisions of SPP3 on the achievement of quality in residential environments.

**POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Supplementary Guidance on Development Requirements.

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## **POLICY H6: DEVELOPMENT WITHIN RURAL COMMUNITIES**

New housing on sites in designated rural communities will be acceptable if adequate servicing and infrastructure is available, if its scale and design fits the character of the community and, if it does not adversely impact on an environmental amenity site.

### **JUSTIFICATION:**

The Plan seeks to maintain and encourage the growth of population levels within rural areas. This will assist in the maintenance of communities and their services and facilities. It can also assist in reducing pressure for housing development in the open countryside. New development should fit the scale and character of its community and be adequately serviced so that its impact on the surrounding area including natural heritage/biodiversity is not adverse.

### **CONFORMS TO:**

The policy conforms to SPP3 on the development of housing in the countryside and the achievement of quality in residential environments.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1 on development Requirements. Supplementary Guidance on Development Requirements, and Housing in the Countryside.

Policy E4 on Green Spaces.

## **POLICY H7: RE-USE AND REPLACEMENT OF EXISTING BUILDINGS IN THE COUNTRYSIDE**

The re-use or replacement of existing buildings in the countryside for housing will be acceptable if

- a. There is clear physical evidence of a previous building and verifiable map evidence which can be substantiated since the commencement date of the last local plan.
- b. The proposed house(s) sit on at least part of the footprint of the previous building(s).
- c. The scale, design and layout fit with the character of the surrounding area's landscape and architecture. The design of replacement dwelling(s) should meet the design requirements in section b of H8 - New Housing in Open Countryside.

This policy does not apply to the replacement of temporary structures such as wooden stables and cattlesheds. The Council will seek the conversion or renovation rather than the complete replacement of substantially intact stone and slate buildings, such as churches, mills, granaries and schools.

N.B. where buildings are substantially intact there may be a requirement to provide a survey to identify the presence of bats and assess any potential impact on their roosts.

**JUSTIFICATION:**

The encouragement of housing development in appropriate locations in the countryside is an important plan objective. This will assist in the retention of population and services in this predominantly rural area. New development in the countryside should reflect the character of the surrounding area thus minimising its impact.

Potential impact on the wider countryside will also be reduced by the re-use of sites where development has previously taken place. The retention of local vernacular buildings and buildings with architectural merit will assist in maintaining the character and appearance of the area. Replacement dwellings will still have to comply with the design requirements of policy H8, in order to avoid suburban layouts and to minimise any impact on the surrounding countryside.

Adequate servicing provision should be available to avoid any potential adverse impact on surrounding properties.

Supplementary guidance on development seeks to provide a framework for new housing to meet the overall policy objectives on siting, location and design.

**CONFORMS TO:**

The policy conforms to SPP3 and NPPG15 (Rural Development) in terms of housing in the countryside. It also reflects the advice within PAN 36 and PAN72 on the siting and design of new housing in the countryside.

**POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1 on Development Requirements. Supplementary Guidance on Development Requirements and on Design of Housing in the Countryside.

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## POLICY H8: NEW HOUSING IN THE OPEN COUNTRYSIDE

This policy presumes against multiple house applications (more than 1 or 2) on the basis that these are more appropriately directed to Rural Communities (H6) and applied to Re-use and Replacement of Existing Buildings (H7)

New dwellings in the open countryside will be acceptable subject to meeting the requirements below:

### a. Siting

- It does not extend or cause “ribbon” development;
- It would not create or contribute to a cluster of dwellings that would be detrimental the character of an area;
- It is not prominent (such as on a skyline; in the central area of a field; has no backdrop; avoids elevated and open settings).
- At least 50 % of the site boundaries have been in situ at least 10 years, and are capable of distinguishing the site from surrounding land (for example dykes, hedgerows, watercourses, woodlands, fences and roadways).

If the above criteria for the setting of the new house are met, the following design requirements then apply:-

### b. Design

- A maximum ridge height of 7 metres (measured from finished floor level);
- A roof pitch between 40° and 55°;
- A gable width of no more than 2.5 times the height of the wall from ground to eaves level. (See Diagram 1);
- Uniform external finishes and materials including slate or dark ‘slate effect’ roof tiles;
- A vertical emphasis and uniformity to all windows;
- Proposals must be accompanied by a plan showing 25% of the plot area to be planted with native species trees, of at least 5ft standards.
- New proposed boundary treatments should be sympathetic to the local rural character (for example beech hedging, post and wire fencing, natural stone dykes).

Exceptions to the above design requirements will only be justified on the basis of innovations that significantly enhance the energy efficiency of the house and utilise modern architectural innovations that respond to the setting of the house.

**JUSTIFICATION:**

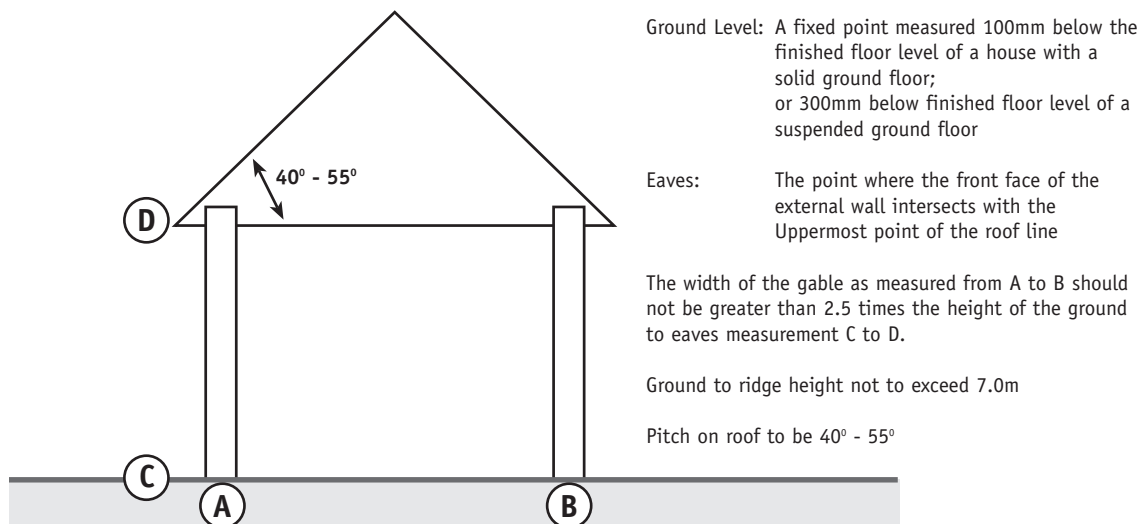
The encouragement of housing development in appropriate locations in the countryside is an important plan objective. This will assist in the retention of population and services in this predominantly rural area.

The Plan aims to allow housing in the open countryside that can be easily absorbed into the landscape. New development should be low impact and reflect the character of the surrounding area in terms of scale and design. In particular, the introduction of suburban style or ribbon development into the countryside would have an adverse effect on the area's high quality of environment.

Adequate servicing provision should be available to avoid any potential adverse impact on surrounding properties.

Innovative modern design and energy efficiency measures are encouraged to promote sustainable development.

Diagram 1

**CONFORMS TO:**

This policy conforms to SPP3 and SPP15 in terms of promoting development that supports the regeneration of rural areas and services, whilst seeking to reduce the impact of such development. It also reflects advice set out in PAN36 on the siting and design of new housing in the countryside.

**POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1 on Development Requirements. Supplementary Guidance on housing design in the countryside. Landscape Character Assessment.

## **POLICY H9: AFFORDABLE AND SPECIAL NEEDS HOUSING**

Proposals for new housing developments of 10 houses or more on designated or undesignated sites, will be expected to provide an “affordable housing” element. The specific contribution required by the development will be assessed at the time of the planning application, and will be informed by Moray Council’s Supplementary Guidance on Affordable Housing. Whilst the preference will be to locate affordable housing within the site of the related development, other options may include off site contributions through provision of commuted payments.

### **JUSTIFICATION:**

The Moray Council Housing Strategy identifies a substantial requirement for affordable housing based on a housing needs assessment to identify the shortfall of affordable housing.

### **CONFORMS TO:**

The policy conforms to SPP3 and PAN74 on affordable housing in terms of delivering affordable housing and the linkage with local housing strategies.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Supplementary planning guidance on affordable housing.

## **POLICY H10: RESIDENTIAL AND NURSING HOMES FOR THE ELDERLY AND DISABLED**

Residential and nursing homes for the elderly and disabled will be acceptable within settlements if:

- a. there is satisfactory access to emergency services and public transport
- b. there are no uses within the vicinity that would adversely impact on the amenity of the proposal
- c. there is no loss of existing open space or woodland essential to the residential amenity of the area, and
- d. immediate and surrounding access is suitable for elderly and disabled people

### **JUSTIFICATION:**

The policy seeks to provide appropriate guidance on the appropriate location for residential and nursing homes related to residential amenity, environmental impact and opportunities for active participation within the community.

### **CONFORMS TO:**

The policy conforms to SPP3 in addressing the range of residential requirements within the Moray Area.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1 on Development Requirements. Supplementary guidance on residential and nursing homes for the elderly and disabled.

## **POLICY H11: RESIDENTIAL CARAVANS AND SITES**

The Council will not permit residential caravans, except

- a. in emergency situations requiring urgent re-housing for a temporary period, or
- b. where a temporary consent is required in relation to the construction of a house for which planning consent has been granted

Proposals to redevelop residential caravan sites at Kinloss, Mundole and Ashgrove to provide new housing will be acceptable.

### **JUSTIFICATION:**

Caravans do not fit into the landscape environment. In Moray about 300 caravans continue in residential use and it is therefore a strategic objective to reduce the area's dependency on residential caravans. The policy therefore places an embargo on the creation of any new sites, and also allows the redevelopment of existing residential caravan sites for housing.

It is also recognised, however that the Council may require to respond to the needs of travelling people following further guidance from the Scottish Executive. This will be kept under review.

### **CONFORMS TO:**

SPP3 in terms of improving the environmental quality of the area.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Supplementary Guidance on Development Requirements.

## RETAIL AND COMMERCIAL DEVELOPMENT

### Introduction

Retail and commercial development contributes significantly to the Moray economy. Over 5500 jobs amounting to over 13 per cent of total employment exist within the retail sector within Moray. The focus for retail and commercial development is on the town centres of the area's main towns and these also contribute significantly to the social and community activities of the area.

### Context

The national policy context is set by National Planning Policy Guideline 8 on Town Centres and Retailing. The guidance sets out the Scottish Executive's commitment to the health and enhancement of town centres so that they continue to serve a role in the provision of goods and services and also a wider social, community and tourism role. Development Plans are expected to protect town centres, but even where an out-of-centre location is shown to be most appropriate there is still a requirement to show that impact on existing centres is acceptable.

Outwith town centres in the rural areas of the district Scottish Planning Policy 15 on Planning for Rural development emphasises the need to provide opportunities for diversification of the rural economy.

### **POLICY R1: RETAIL AND COMMERCIAL DEVELOPMENT IN TOWN CENTRES**

Retail and commercial development within town centres will be approved if:

- a. sensitive design solutions are applied on sites within or adjacent to designated conservation areas, or on high visibility landmark sites on main routes, and
- b. adequate servicing and infrastructure is available including road capacity, public transport, pedestrian links and car and cycling parking provision, where appropriate through the provision of a Transport Assessment; sewerage links; provision for water run-off and sustainable urban drainage systems (SUDS); and, provision to deal with any flood implications.

#### **JUSTIFICATION:**

The primary policy intention is to promote the continued use of town centres for retail and commercial development, and as centres for social, community and tourism activity. Therefore, retail and commercial development is generally supported if it is shown that design is sensitive to location and that adequate servicing and infrastructure is available.

#### **CONFORMS TO:**

The policy conforms to NPPG8 on Town Centres and Retailing, PAN59 on Improving Town Centres, and PAN52 on Planning and Small Towns.

#### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements, Policy IMP2: Development Impact Assessments, Policy IMP3: Developer Contributions, Policy IMP4 Action Plan.

Policy R2: Town Centre Development, Supplementary Planning Guidance on Development Requirements.

## POLICY R2: TOWN CENTRE DEVELOPMENT

Within town centres there will be a presumption to approve development where the following provisions are satisfied:

- a. Core retail commercial areas will be identified on settlement plans, and within these areas approval will not be given for non-retail uses at frontage on ground floor level unless it is for a financial, professional or other service (as defined by use Class 2 or 3 of the Use Classes Order) that can demonstrate a requirement to provide a frontage principally for visiting members of the public.
- b. Rear service access to existing shops and commercial activities will be preserved unless an adequate alternative can be provided.
- c. Lanes or closes off the main shopping streets will be preserved unless an adequate alternative can be provided.
- d. Improvements to the shopping and leisure environment, including pedestrianisation, will normally be permitted if there is no adverse impact on the overall commercial viability of the area.
- e. The conversion of upper floors to residential use will be encouraged where there are no adverse impacts from surrounding uses, in terms of amenity or noise.

### JUSTIFICATION:

It is important to maintain and encourage the use of the town centres for retail and commercial use. This will be assisted by retaining core areas for these uses and by ensuring that rear service access is maintained.

Lanes and closes perform important functions related to accessibility to town centres and also in retaining an essential character that adds to the retail and commercial function.

Pedestrianisation has been successfully implemented in Elgin, and opportunities for general improvements both in Elgin and elsewhere will add to the overall vitality and viability of the town centres.

Creating activity within town centres is important in terms of vitality and viability, and this will be enhanced by encouraging the use of upper floors for residential use.

### CONFORMS TO:

The policy conforms to NPPG8 on Town Centres and Retailing, PAN59 on Improving Town Centres and PAN52 on Planning and Small Towns.

### POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:

Policy IMP3: Development Requirements. Supplementary Planning Guidance on Development Requirements.

### **POLICY R3: OUT OF CENTRE DEVELOPMENT OF SIGNIFICANT RETAIL AND COMMERCIAL PROPOSALS**

Outwith town centres retail development proposals over 1000 square metres gross must:

- a. comply with the sequential approach whereby town centre opportunities are given first preference followed by edge of centre, and only then by out-of-centre sites,
- b. not adversely impact on the vitality or viability of any town centres, where appropriate as demonstrated by a Retail Impact Assessment,
- c. meet any requirements for linking development to existing infrastructure including roads access, parking, as demonstrated by a Transport Assessment, sewerage, water run-off and Sustainable Urban Drainage Systems (SUDS),
- d. provide specific opportunities for access by public transport, pedestrians, cyclists and the disabled, and
- e. contribute positively to the built environment of the area by having a high standard of design.

Proposals outwith settlement boundaries will not be acceptable.

#### **JUSTIFICATION:**

The focus for retail development is on town centres. Only in situations where it can conclusively be demonstrated that there are no existing or potential sites within the town centre will other opportunities be considered. That consideration will, in such cases, include the position of the proposal in relation to the sequential approach; its potential adverse impact on the town centres; the degree to which infrastructure requirements are met; opportunities provided for public transport, cycling, walking and the disabled; and the design standard of the development.

For the purposes of the sequential approach, those sites identified as 'RET' on the settlement maps are considered to be appropriate sequentially preferable locations for developments which cannot be accommodated within town centres.

Development proposals outwith settlement boundaries are considered to have a detrimental impact on town centres.

#### **CONFORMS TO:**

The policy conforms to NPPG8 on Town Centres and Retailing and PAN59 on Improving Town Centres.

#### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements,

Policy IMP2: Development Impact Assessments,

Policy IMP3: Developer Contributions, Supplementary Planning Guidance on Development Requirements.

## **POLICY R4: NEIGHBOURHOOD AND LOCAL SHOPS, ANCILLARY RETAILING, AND RECREATION OR TOURIST RELATED RETAILING**

Neighbourhood and Local Shops, Ancillary Retailing, and Recreation or Tourist Related Retailing will generally be acceptable in the following circumstances:

- a. new shops up to 1000 square metres gross, or extensions of less than 50% to the gross floor space of an existing shop up to a combined total of 1000 square metres gross, which are intended to primarily serve the neighbourhood needs of local area within a settlement boundary
- b. ancillary retail operations to an industrial or commercial business. In this case ancillary is defined as up to 10% of total gross floorspace of the business, and up to 1000 square metres gross total of retail floorspace, where the retail operation is directly linked to the industrial or commercial production and where the goods are produced on the same premises.
- c. farms or farm buildings for the retailing of farm produce, or,
- d. specialist retailing associated with recreation or tourist development.

In all cases, satisfactory provision must be made to ensure that the environment is not compromised and that there is appropriate access and parking, and other service provision.

### **JUSTIFICATION:**

Provision for the local or neighbourhood shop contributes to the overall sustainability of an area and reduces the need to travel to shopping centres for day to day requirements.

The plan seeks to encourage local business and this may be achieved by enabling direct sales to the public through ancillary retail operations. Similarly, the future prosperity of the agricultural sector will depend to some extent upon diversification of existing activities and the creation of value added.

### **CONFORMS TO:**

The policy conforms to NPPG8 on Town Centres and Retailing and SPP15 on Planning for Rural Development.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements, Supplementary Planning Guidance on Development Requirements.

# TRANSPORT AND ACCESSIBILITY

## Introduction

Local Plans contain transport policies for the following reasons:

- To enhance accessibility by improving road links, promoting freight and providing adequate car parking in towns.
- To promote sustainable transport by providing infrastructure for public transport, cycling and walking and traffic management.

The approach to transport therefore seeks to provide the context for economic and social development whilst at the same time providing opportunities for sustainable travel.

## Context

Important changes for Scotland's transport include the new Transport Scotland agency and the requirement for Regional Transport Strategies.

Scottish Planning Policy 17 (SPP17) on Transport and Planning seeks to promote an integrated approach to transport and development by promoting sustainable patterns of development whereby non-car modes of transport can be given encouragement. NPPG9 provides guidance in the siting and design of roadside facilities and the factors to be taken into account in addressing planning, environmental, road safety, and traffic management.

The Council has also developed a Local Transport Strategy that aims to improve accessibility and provide a sustainable approach to transport which meets the economic and community requirements of the area.

The Transport Strategy stresses the difficulties faced by Moray on account of its peripheral and rural situation. This means that there will be a continuing emphasis on road transport and providing necessary infrastructure whilst also promoting opportunities for public transport, cycling and walking.

The Plan therefore requires to provide the landuse context for the promotion of the transport strategy. This should also address the need to provide more development opportunities that make best use of current transport provision.

## **POLICY T1: TRANSPORT INFRASTRUCTURE IMPROVEMENTS**

The Council will promote the improvement of road, rail, air and sea routes in Moray and priority will be given to:

- a. dualling the A96 Aberdeen to Inverness route, including bypasses at Elgin, Fochabers/Mosstodloch and Keith.
- b. improving the A95 (Keith to Aberlour), A941 (Lossiemouth to Elgin to Craigellachie) and A98 (Fochabers to Cullen) routes.
- c. improving the Aberdeen to Inverness railway for passengers and freight by providing additional passing opportunities.
- d. improving harbour facilities for freight and leisure.
- e. improving access to air facilities, in particular through public transport

Proposals that compromise the implementation of these priorities will not be acceptable.

There will be a general presumption against new accesses onto a trunk road. An exception will be when this would be for a development that can be justified in the interest of the local economy (e.g. business parks; industrial estates) or where regeneration benefits can be demonstrated.

### **JUSTIFICATION:**

Moray's peripheral and rural location within the UK and Europe puts great emphasis on the need to improve transport infrastructure for improved accessibility to services and markets.

The emphasis is on the improvement of the key road links that serve the vast majority of Moray's current requirements for transport. In addition, efforts should be made to improve the rail links within Moray as well as improving and diversifying the area's harbours, and improving access to the airports in Aberdeen and Inverness.

### **CONFORMS TO:**

The policy conforms to the Council's Local Transport Strategy. It conforms to, national objectives but recognises the key role of the area's major transport asset, local and trunk roads, and the requirement to improve public and business travel for economic growth.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP4 Action Plan; SPP17

## POLICY T2: PROVISION OF ROADS ACCESS

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

There will be a general presumption against new accesses onto a trunk road. An exception will be when this would be for a development that can be justified in the interest of the local economy (e.g. business parks; industrial estates) or where regeneration benefits can be demonstrated.

### JUSTIFICATION:

It is important to ensure that new development is served by appropriate infrastructure. The road access arrangements should be suitable to the proposed development and ensure that there are adequate safety provisions and provision for public transport, cycling and pedestrians. Road access design should be carefully designed to fit in with the surrounding landscape and environment. Where the access to a site is unmade or a private track it may require to be surfaced to a suitable standard and require the provision of passing places or be widened accordingly.

### CONFORMS TO:

The policy conforms to the Council's guidance on technical standards for the provision of roads infrastructure.

### ADDITIONAL GUIDANCE

Policy IMP1: Development Requirements;  
PAN76: New Residential Streets;

## POLICY T3: ROADSIDE SERVICE STATIONS

The Council will approve applications for roadside service stations if there is a specific locational need; no adverse impact on the built and natural environment that cannot be satisfactorily mitigated; and where appropriate access, parking and safety standards can be met.

### JUSTIFICATION:

Roadside service stations provide an important safety feature particularly for long distance travellers. They can also provide an input into the local economy. Therefore where environmental and access, parking and safety issues can be satisfactorily resolved there should be a positive approach to their provision.

### CONFORMS TO:

The policy conforms to NPPG9 on the 'Provision of Roadside Facilities on Motorways and other Trunk Roads in Scotland'.

### POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements.

## **POLICY T4: BUS, RAIL AND HARBOUR FACILITIES**

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The Council will promote the improvement of the bus, rail and harbour facilities within Moray. Development proposals that may compromise the viability of these facilities will not be acceptable.

### **JUSTIFICATION:**

It is a plan aim to optimise the contribution to transport that can be made by enhancing bus, rail and harbour facilities. Therefore, it is appropriate to safeguard existing railway and bus stations, railfreight facilities and harbours from development that may compromise their viability. Notwithstanding the above there are likely to be opportunities, particularly related to the area's commercial and leisure harbours, where more diversified development would be acceptable.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements

Policy IMP4: Action Plan

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## **POLICY T5: PARKING STANDARDS**

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Proposals for development must conform with the Council's policy on parking standards.

### **JUSTIFICATION:**

The application of parking standards related to development assists in the implementation of appropriate traffic management, and in the availability of on-street car parking provision. The standards specify where there is scope to provide commuted payments as an alternative to parking on site, as well as the need for parking for commercial vehicles.

### **CONFORMS TO:**

The policy conforms to SPP17 on 'Transport and Planning Maximum Car Parking Standards (2003)'.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Supplementary Planning Guidance on Parking Standards.

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## **POLICY T6: TRAFFIC MANAGEMENT**

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The Council will develop a roads hierarchy system and this will be used in the assessment of planning applications and assist the Council to target limited resources through a strategic approach.

### **JUSTIFICATION:**

A designated roads hierarchy will enable a more efficient use of the road network within Moray. It will also assist the improvement of road safety by directing development to appropriate parts of the roads network where it can more easily be accommodated.

### **CONFORMS TO:**

The policy conforms to guidance set out in SPP17 on 'Transport and Planning'.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP4: Action Plan.

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## **POLICY T7: CYCLING, WALKING AND EQUESTRIAN NETWORKS**

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The Council will promote the improvement of the cycling, walking and equestrian networks within Moray. It will give priority to the path networks and to long distance routes including the Aberdeen to Inverness National Cycle Route and the Speyside Way. Development proposals that adversely impact on the routes and cannot be adequately mitigated will not be acceptable.

Dependant on funding the Council will examine the possibility of an extension of the Elgin to Lhanbryde footpath network.

### **JUSTIFICATION:**

The encouragement of cycling and walking both for work and leisure is a national and local priority. There are clear benefits in terms of overall sustainability through a reduction in the use of fuel and in the improvement of the health of the area's population.

### **CONFORMS TO:**

The policy conforms to SPP17 on 'Transport and Planning' and to the Council's Local Transport Strategy.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP4: Action Plan.

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## COMMUNITY FACILITIES, SPORTS AND RECREATION

### Introduction

Policies on community facilities, sport and recreation are required for the Local Plan in order to direct facilities to suitable locations. It is necessary to safeguard the existing range of community and sports facilities to encourage the development of new facilities where deficiencies have been identified.

### Context

The Government's objective through the planning system is to seek to protect and enhance land and resources. Through NPPG11 on sport, physical recreation and open space, this requires planning policies to be robust to safeguard established open spaces, playing fields and access routes where they contribute to local community needs and enjoyment. SportsScotland is the national body for sport in Scotland. Together with partners, SportsScotland plays an important role in taking forward Sport 21, the national strategy for Scotland, which promotes sport and facilities throughout Scotland.

### **POLICY CF1: SAFEGUARDING COMMUNITY FACILITIES**

Development proposals which impact on community facilities will be refused unless;

- a. the facility is in need of replacement,
- b. alternative facilities will be provided that are of equivalent standard and accessibility, or,
- c. the development will provide sufficient local public compensation for the loss of all or part of the safeguarded site and facilities must be directly replaced unless it can be demonstrated that they are no longer required.

Town and village statements will identify where local facilities are under provided, or in need of upgrading.

#### **JUSTIFICATION:**

The aim of this policy is to protect public and private facilities which help to support and enhance a community and to support new facilities. Where sites are to be redeveloped it will be important to secure adequate benefits for the community to ensure it is no worse off as a result. Where new facilities are proposed, these shall be fully accessible to potential user groups including the disabled and less mobile.

#### **CONFORMS TO:**

The policy conforms to NPPG11 on Sport, Physical Recreation and Open Space.

#### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements. 'This Common Inheritance' (1990) (Environment White Paper) – Creation of recreational and amenity open space- particularly in urban areas.

NPFA 6 Acre Standard - open space standard

## **POLICY CF2: PROVIDING RECREATIONAL LAND AND OPEN SPACE**

An open space strategy will be prepared to assess local provision.

Recreational land and amenity open space should not be redeveloped except where;

- a. there is clearly an excess of existing recreational land and open space taking into account the long term strategy,
- b. the retention or enhancement of the recreational land or open space can best be achieved by the redevelopment of part of the site which would not affect its sporting potential, or its amenity value and provision for accessibility made available,
- c. the proposed development is required to enhance the principal use of the site as a sports field or open space.

### **JUSTIFICATION:**

The aim of this policy is to ensure that Sportscotland standards are maintained and that recreation and amenity grounds are protected from encroaching development. In addition, quality and quantity of facilities will be a priority when assessing the site. New sports facilities are supported.

### **CONFORMS TO:**

The policy conforms to NPPG11 on Sport, Physical Recreation and Open Space, National Playing Fields Association 6 Acre Standard and PAN 65: Planning and Open Space.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Sportscotland 21, Planning policy for the protection of playing fields- Sportscotland

## **POLICY CF3: COUNTRYSIDE RECREATION: ACCESS AND TRAILS**

Development proposals will not be permitted which prejudice identified paths and trails for non-motorised public access, inclusive of routes from the statutory Moray Core Paths Plan and the wider Moray Local Access Development Plan. Continued monitoring of impact will be required in environmentally sensitive areas.

### **JUSTIFICATION:**

The aim of this policy is to protect environmentally sensitive areas and existing or planned public outdoor access routes, through establishing a co-ordinated approach for countryside access and management across Moray. The aim of this policy is to ensure that existing public access is protected and future development does not restrict future opportunities for the extension of the public access network. Encouragement is also given to enhancement of non-motorised access around and between communities and new development.

### **CONFORMS TO:**

The policy conforms to NPPG11 on Sport, Physical Recreation and Open Space, The Land Reform (Scotland) Act 2003 Policy

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Moray Local Access Development Plan. Policy IMP4 Action Plan.

**POLICY CF4: GOLF COURSES AND DRIVING RANGES**

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Planning permission will be granted for golf course and driving range developments providing the following criteria are met;

- a. the proposal does not include housing or other development proposals that would not be acceptable under other policies,
- b. the proposal does not adversely affect the public right of way network or paths used for access purposes unless an acceptable alternative route is provided,
- c. the proposal does not adversely affect the character of the natural and built environment. Associated buildings will require to comply with policies for buildings in the countryside in terms of siting and design.
- d. the proposal should demonstrate a positive contribution to biodiversity.

**JUSTIFICATION:**

The aim of this policy is to protect the countryside from adverse development from golf courses. Proposals will be analysed in terms of impacts on the landscape character, environmental impacts, design and use of the development. The policy is to ensure that only golf related activities will take place at the site to prohibit further development in the countryside and protect against adverse development.

**CONFORMS TO:**

The policy conforms to NPPG11 on Sport, Physical Recreation and Open Space.

**POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:**

Policy E4: Green Spaces, Policy IMP1: Development Requirements, PAN 43: Golf Courses and Associated Development.

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### NATURAL ENVIRONMENT

#### Introduction

Moray contains a number of sites of international, national and local importance relating to ecology, geology and geomorphology. These sites contribute significantly to the high quality environment of the Moray area.

#### Context

National Planning Policy Guideline 14 on Natural Heritage is the primary policy document on natural heritage and defines the key role of the planning system in the safeguarding of sites of national and international importance, and also emphasises the importance of safeguarding and enhancing natural heritage in general.

The Council is also active in the setting up and delivery of Local Biodiversity Action Plans for habitats and species of conservation concern such as farmland, red squirrel and wet and riparian woodland. The Council identified those areas that constitute 'Areas of Great Landscape Value' (AGLV), Countryside Around Towns (CAT), and the "Coastal Protection Zone" (CPZ).

Finally, the Cairngorms National Park officially opened on 1 September 2003. The National Park Authority is responsible for preparing its own local development plans (the Park Plan and the Local Plan) and therefore only cross border issues will be dealt with by the Moray Local Plan.

#### Nature Conservation

Moray has a significant number of sites designated for their nature conservation and landscape value. The diversity of coastline, farmland, woodland, moorland, mountains and river valleys forms a rich variety of landscapes and natural habitats throughout Moray.

#### Landscape

The range of landscape character in Moray forms a distinctive environment for people to live and work in and an incentive for people to visit. While all landscapes in the area have value for many people, certain areas have been designated as being of particular scenic quality. Parts of The Cairngorms National Scenic Area and Cairngorms National Park are within Moray. Further designations including Marine National Parks are being considered by the Scottish Executive. Development proposals within the Cairngorms National Park will be considered against the policies of the National Park Local Plan when it has been prepared. Planning applications may be called in for determination by the Cairngorms National Park Authority.

## POLICY E1: INTERNATIONAL AND NATIONAL NATURE CONSERVATION SITES

### International Designations

Development proposals which will adversely affect a designated or proposed Special Area of Conservation, Special Protection Area or Ramsar Site will be assessed in terms of its implications for the site's conservation properties and will be refused unless the developer demonstrates that it will not adversely affect the integrity of the site or there is no alternative solution, and there are imperative reasons of over-riding public interest in support of the development.

Where the site concerned hosts a priority natural habitat and/or a priority species and/or Annex 1 species in the Birds Directive, development will not be permitted unless the Council is satisfied it is necessary for reasons of human health or public safety or for the beneficial consequences of primary importance for nature conservation.

Where a priority habitat and/or species would be affected outwith Natura 2000 sites, it must be clearly demonstrated that there will be no adverse impact on the species or habitats concerned.

Where development does proceed the authority will consider the use of conditions or planning obligations to secure all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected.

### National Designations

Development proposals which will adversely affect Sites of Special Scientific Interest (SSSI's) or National Nature Reserves will be refused unless the developer proves that :

- a. the objectives of designation and overall integrity of the site 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 or economic benefits of national importance

### JUSTIFICATION:

The aim of this policy is to protect designated sites of international and national nature conservation value. The diversity of habitats and species in Moray contributes towards the overall high quality environment. The sites are a valuable part of the country's nature conservation and need to be protected from inappropriate developments. If a development proposal is likely to have a significant environmental impact then an environmental impact assessment will be required to accompany any application for planning permission.

### CONFORMS TO:

The policy conforms to NPPG 14 Natural Heritage, and the Council's Environmental Charter.

### POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements, Policy IMP2: Development Impact Assessment, Register of SSSI's, River Works on the Spey and its Tributaries Leaflet.

## **POLICY E2: LOCAL NATURE CONSERVATION SITES AND BIODIVERSITY**

Development proposals which will adversely affect Local Nature Reserves, Sites of Interest to Natural Science, Ancient Long Established or Semi Natural Woodland, raised peat bog, wetlands, protected habitats or species or other valuable local habitats or conflict with the objectives of Local Biodiversity Action Plans will be refused unless it is demonstrated that;

- a. local public benefits clearly outweigh the nature conservation value of the site, and
- b. there is no suitable alternative site for the development.

Where there is evidence to suggest that a habitat or species of importance exists on the site, the developer will be required at his own expense to undertake a survey of the site's natural environment.

Where development is permitted which could adversely affect any of the above designated sites the developer must put in place acceptable mitigation measures to conserve and enhance the site's residual conservation interest.

Development proposals should protect and where appropriate, create natural and semi natural habitats for their ecological, recreational, landscape and natural habitat values.

### **JUSTIFICATION:**

The aim of this policy is to protect sites of local nature conservation value from potentially damaging developments. These sites play an important role and are often undervalued and together form extensive habitat networks.

The Forestry Commission, Scottish Wildlife Trust, Scottish Environment Protection Agency, Scottish Natural Heritage, RSPB and the Sites of Interest to Natural Science panel will be consulted where sites relevant to them are affected.

If a development proposal is likely to have a significant environmental impact then an environmental impact assessment will be required to accompany any application for planning permission.

Developers should incorporate existing habitats into their proposals and identify suitable opportunities for creating and restoring habitats and wildlife corridors.

### **CONFORMS TO:**

This policy conforms to NPPG 14 Natural Heritage, and Scotland's Biodiversity: It's in Your Hands – A strategy for the conservation and enhancement of biodiversity in Scotland.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements, North East Scotland Local Biodiversity Action Plan, The Wards Wildlife Site Management Plan

### **E3: TREE PRESERVATION ORDERS AND CONTROLS ON TREES**

The Council will serve Tree Preservation Orders (TPOs) 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 protection should be replaced, unless otherwise agreed with the Council.

The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced. An applicant will be required to survey and identify those trees to be protected within the development site. A safeguarding distance should be retained between mature trees and proposed developments.

When imposing planting or landscaping conditions on certain developments especially in rural areas, the Council will specify the use of native species of trees and will prioritise the re-establishment and extension of hedgerows and/or shelterbelts.

#### **JUSTIFICATION:**

The aim of this policy is to give protection to trees and woodlands which are considered to be of significant amenity value to the community as a whole and to trees within Conservation Areas. Trees and woodland contribute to the character of the area, provide important natural habitat areas and have a recreational value. It is important that a sufficient buffer zone is left between mature trees and new development to avoid interference with the roots during construction. Additional policy guidance has been prepared on the protection of trees, including identifying safeguarding distances on a sliding scale according to the size of the trees.

#### **CONFORMS TO:**

The policy conforms to NPPG14 Natural Heritage, the Council's Environmental Charter, and Development in Woodlands Policy.

#### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Trees and Development Supplementary Planning Guidance.

## POLICY E4: GREEN SPACES

Development which would cause the loss of, or impact on, areas identified in the settlement statements under the ENV designation as green spaces will be refused unless:

- a. the proposal is for a public use that clearly outweighs the value of the green space, and
- b. the development is sited and designed to minimise adverse impacts on the recreational, amenity and biodiversity value of the site.

### JUSTIFICATION:

The aim of the policy is to protect “green spaces” identified in the settlement statements. Green spaces in the built environment provide opportunities for social contact and recreation and provide biodiversity and landscape benefits. It is therefore important that they are safe, secure, accessible and well maintained. Green spaces have been categorised as follows in the settlement statements.

- ENV1 Public Parks and Gardens
- ENV2 Private Gardens and Grounds
- ENV3 Amenity Greenspace
- ENV4 Playspace for Children and Teenagers
- ENV5 Sports Areas
- ENV6 Green Corridors/Natural/Semi Natural
- ENV7 Civic Space
- ENV8 Foreshore Areas
- ENV9 Other Functional Greenspaces
- ENV10 Regeneration Proposals

The Council will prepare an Open Space Strategy to identify opportunities for improving and linking existing greenspaces and to meet future demands for greenspace provision.

### CONFORMS TO:

This policy conforms to PAN65 Open Space, and the Council’s Environmental Charter.

### POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:

- Policy CF4: Golf Courses and Driving Ranges,
- Policy IMP1: Development Requirements,
- Policy IMP4: Action Plan.

## **POLICY E5: ENVIRONMENTAL IMPROVEMENTS**

The Council will implement a rolling programme of environmental improvement projects in partnership with other funding bodies to improve Moray's built environment. These projects should promote community regeneration and the Council will involve the communities concerned in the design and implementation process. Hard and soft landscaping, lighting, street furniture provision, road and pavement design, recreation provision, signage, biodiversity, water features and long term maintenance will be addressed.

### **JUSTIFICATION:**

The Council recognises the benefits of maintaining a high quality environment for residents and tourists. The Council will continue to carry out environmental improvements to upgrade the environment of Moray, particularly at important focal points such as town squares and harbours. The Council will apply for match funding from external sources such as the Lottery and Europe for these projects and work closely with local community groups.

### **CONFORMS TO:**

This policy conforms to the Council's Environmental Charter

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP4 Action Plan.

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## **POLICY E6: NATIONAL PARKS AND NATIONAL SCENIC AREAS (NSA)**

Development proposals which adversely affect National Parks or National Scenic Areas will be refused unless the developer demonstrates to the satisfaction of the Planning Authority that:

- a. the overall objectives of the designated area would not be compromised, and
- b. any adverse impact is significantly outweighed by the national benefits resulting from the development.

### **JUSTIFICATION:**

The aim of this policy is to safeguard areas of nationally important landscapes from inappropriate development. The Cairngorm Mountain National Scenic Area is one of about 40 in Scotland which are nationally important areas of outstanding natural beauty and the Cairngorms represents one of Scotland's best examples of mountains and lochs landscapes. The Cairngorms National Park became operational in September 2003 and is Scotland's second National Park and the largest in Britain. This policy is concerned with development proposals outwith the National Park but which may still be considered to have an impact upon the designation. The Cairngorms National Park Authority and the Council should be jointly consulted at the earliest stage to assess the impacts of any proposal.

### **CONFORMS TO:**

This policy conforms to NPPG14 Natural Heritage, and the Cairngorms National Park Designation Order National Park Act (Scotland) 2000

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements, Policy IMP2: Development Impact Assessments.

## **POLICY E7: AREAS OF GREAT LANDSCAPE VALUE (AGLV)**

Development proposals which would have an adverse effect on an Area of Great Landscape Value will be refused unless:

- a. they incorporate the highest standards of siting and design for rural areas,
- b. they will not have a significant adverse effect on the landscape character of the area,
- c. they are in general accordance with the guidance in the Moray and Nairn Landscape Character Assessment.

The Council will require full detailed planning applications covering site layout, landscaping, boundary treatment, building design and material finishes for all proposals within AGLVs.

### **JUSTIFICATION:**

The aim of this policy is to protect areas of strategically important landscapes from inappropriate development. The policy also aims to promote the highest standards of design (set out in the Housing in the Countryside guidance) to retain the traditional character of these areas. There are 8 AGLVs in Moray shown on the Proposals Map. These will be reviewed.

### **CONFORMS TO:**

The policy conforms to NPPG14 Natural Heritage, and the Council's Environmental Charter

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements, Landscape Character Assessment of Moray and Nairn.

Policy IMP4: Action Plan.

## POLICY E8: COASTAL PROTECTION ZONE

Development proposals within the Coastal Protection Zone (CPZ) as identified on the proposals map will be refused except:

- a. where there is an existing use,
- b. it is an appropriate extension or change of use to existing buildings, or replacement of existing buildings,
- c. for low intensity recreational or tourist use e.g. golf courses, driving ranges, sports fields,
- d. for uses directly related to agriculture, forestry and fishing.

Proposals that are appropriate within the policy must not prejudice the objectives of the CPZ or adversely affect the ecological, geomorphological or landscape importance of the area.

### JUSTIFICATION:

The objective of the policy is to protect and enhance the Moray coast for its landscape, nature conservation, recreation and tourism benefits. NPPG13 Coastal Planning requires general protection policies for isolated, developed and undeveloped areas of the coastline. The undeveloped coastline is safeguarded through identification of a Coastal Protection Zone (see Proposals Map) within which only certain types of development will be acceptable. The Coastal Protection Zone has been extended West to include Culbin Forest.

### CONFORMS TO:

This policy conforms NPPG13 Coastal Planning, PAN53 Classifying the Coast for Planning, and the Council's Environmental Charter

### POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements, Moray Firth Partnership Management Plan

## POLICY E9: SETTLEMENT BOUNDARIES

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

### JUSTIFICATION:

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

### CONFORMS TO:

This policy conforms to the Council's Environmental Charter

### POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:

None.

## **POLICY E10: COUNTRYSIDE AROUND TOWNS**

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Development proposals within the Countryside Around Towns (CATs) areas identified around Elgin, Forres, Buckie, Keith and Lossiemouth will be refused unless it:

- a. involves the rehabilitation, conversion, limited extension, replacement or change of use of existing buildings, or
- b. is necessary for the purposes of agriculture, forestry, low intensity recreational use or specifically allowed under the terms of other Local Plan policies within these areas.

### **JUSTIFICATION:**

The five main towns of Elgin, Forres, Buckie, Keith and Lossiemouth are subject to the highest development pressures and CAT's have been designated to prevent development sprawl into the countryside. Only certain types of developments are appropriate within CAT's to protect their special character and preserve the distinction with the built up area.

### **CONFORMS TO:**

This policy conforms to the Council's Environmental Charter

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements.

Policy ER6 on Agriculture and Policy ER4 on Forestry Consultations.

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## BUILT ENVIRONMENT

### Introduction

Moray's townscape and buildings have distinctive characters and provide variety across the area including examples such as the features of the north east coast and the distillery villages of the coastal hinterland.

### Context

National Planning Policy Guidelines 5 (NPPG5) on Archaeology and NPPG18 on Planning and the Historic Environment provide the national policy background. NPPG18 deals with listed buildings, conservation areas, historic gardens and designed landscapes and seeks their protection and enhancement. Similarly, NPPG5 seeks to encourage the preservation of sites of archaeological and historic interest.

There is also an important role for the Council in the protection and enhancement of areas of open space for public amenity.

## **POLICY BE1: SCHEDULED ANCIENT MONUMENTS AND NATIONAL DESIGNATIONS**

### **National Designations**

Development proposals will be refused where they will adversely affect Scheduled Ancient Monuments and nationally important archaeological sites or their settings unless the developer proves that any significant adverse effect on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

### **Local Designations**

Development proposals which will adversely affect sites of local archaeological importance, or their settings, will be refused unless it can be demonstrated that;

local public benefits clearly outweigh the archaeological value of the site, and

there is no suitable alternative site for the development, and

any adverse effects can be satisfactorily mitigated at the developers expense.

Where, in exceptional circumstances, the primary aim of preservation of archaeological features in situ does not prove feasible, the Council shall require the excavation and researching of a site at the developers expense.

The Council will consult Historic Scotland and the Regional Archaeologist on development proposals which may affect Scheduled Ancient Monuments and archaeological sites.

### **JUSTIFICATION:**

The aim of this policy is to protect archaeological sites and scheduled ancient monuments from any developments which could adversely affect them.

Moray's archaeological heritage contributes greatly to the area's character and provides a sense of place and contact with the past. The Council recognise the educational and tourism value of archaeological resources and wishes to conserve and enhance all archaeological sites of interest and their settings

Moray Council has a Service Level Agreement with Aberdeenshire Council's Regional Archaeologist to administer the Sites and Monuments Record for Moray. The Council will consult the Regional Archaeologist and Historic Scotland as appropriate to determine a sites significance in terms of national, regional and local terms when determining planning applications on or near archaeological sites. Proposals affecting Scheduled Ancient Monuments will require consent from Historic Scotland.

### **CONFORMS TO:**

This policy conforms to NPPG5 Archaeology and Planning, NPPG18 Planning and the Historic Environment, The Council's Environmental Charter, and PAN 42 Archaeology

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements.

## POLICY BE2: LISTED BUILDINGS

The Council will encourage the protection, maintenance, enhancement and active use of listed buildings.

Development proposals will be refused where they would have a detrimental effect on the character, integrity or setting of the listed building(s). Alterations and extensions to listed buildings or new developments within their curtilage must be of the highest quality, and respect the original structure in terms of setting, scale, materials and design.

The demolition of listed building(s) will not be permitted unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of retaining the building and that the community would benefit from the redevelopment. All applications for the demolition of listed buildings should be supported by a report on the condition of the building, a study on the viability of retaining the building in active use a report on the steps taken to advertise and market the building and, the proposals to recycle existing building materials into the future use of the site. Any proposed replacement of a demolished listed building should be of comparable quality in terms of construction and design.

Buildings which are allowed to fall into a state of disrepair may be placed on the Buildings at Risk Register and remedial works to buildings in disrepair may be enforced in the public interest.

Proposals should be in accordance with guidelines laid out in Historic Scotland's Memorandum of Guidance of Listed Buildings with regard to listed building consent applications.

### **JUSTIFICATION:**

The aim of the policy is to protect listed buildings from inappropriate development proposals. Listed buildings are an important part of Moray's heritage and should be safeguarded for future generations.

Proposals to extend or convert listed buildings should retain their character as should proposals within the curtilage of listed buildings. The council wish to ensure that every effort is made to safeguard listed buildings and demolition will only be considered as a last resort.

Applications for the demolition of listed buildings should be supported by evidence of the buildings structural state of repair and by evidence of attempted sale on the open market. Comparative costings for demolition and new build and repair to existing buildings should be provided, as should any proposals for the incorporation of existing building materials into any future development of the site.

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

### **CONFORMS TO:**

This policy conforms to NPPG18 Planning and the Historic Environment, the Council's Environmental Charter Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 – section 14(2) and 59(1), and the Memorandum of Guidance on Listed Buildings and Conservation Areas – 51 and 52

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements.

## **POLICY BE3: CONSERVATION AREAS**

Development proposals within Conservation Areas will require to be submitted as full detailed planning applications and will be refused if they adversely affect the character or appearance of the Conservation area in terms of scale, height, materials, colour, detailed design and use.

All development within a Conservation Area should preserve or enhance the established traditional character and appearance of the area.

Development proposals involving the demolition of buildings within a Conservation area will be refused unless the building is considered not to make a positive contribution to the character and appearance of the area and an immediate replacement has been approved with contracts let for the redevelopment of the site.

Boundary walls, fences and ground surfaces must relate to the individual building and to the established amenity of the Conservation area. Boundary walls and fences will not be permitted over the height of 1 metre in the interests of existing character, amenity and safety unless the character of the area suggests otherwise.

### **Shop Fronts and Security Devices**

Shops in conservation areas should retain original signs where possible. Where archive drawings and/or photography exists the Council will encourage the reinstatement of the original shop fronts which have been lost. New shop fronts must be designed in relation to the whole elevation of a building so that the new shop front relates to established doors and windows; floor height and vertical alignment of buildings. They should be constructed in materials appropriate to the original building and be of painted timber construction. Security devices in the form of removable and/or fold away grilles are preferred although perforated roller shutters will be permitted provided that box devices do not project beyond the building line.

### **Satellite Dishes and Other Fittings**

The Council will approve in principle external fixtures to important buildings, which are deemed to be essential to the use of that building e.g. satellite equipment, TV aerials, telecommunication cables, security boxes, CCTV where they do not adversely affect the character or fabric of the building.

### **Advertisements**

Advertising within Conservation Areas will be permitted where it is sensitive to the historic nature of the area. New signage should respect the historic fascia line and height on the adjoining properties and be finished in a matt non reflective finish.

Illumination will only be permitted where an appropriate discreet projecting light source can be provided. No internally illuminated signage will be permitted. Projecting hanging signs should be fixed at fascia level and if illuminated this should be provided with a discreet projecting light source. Projecting light sources and internal illuminated signs will not be permitted. Internal illuminated plastic fascias will only be permitted if no alternative solution can be found.

### **Article 4 Directions**

The Council may apply to the Secretary of State for Article 4 Directions for its conservation areas which will permit the Council to require planning applications for matters otherwise classed as permitted development.

**JUSTIFICATION:**

Conservation areas are areas of special architectural or historic interest where it is desirable to preserve or enhance the character or appearance of the area. The aim of this policy is to preserve and enhance Moray's Conservation Areas. There are Conservation areas in Archiestown, Berryhillock, Buckie, Cullen, Elgin, Findhorn, Findochty, Fochabers, Forres, Garmouth, Keith, Kingston, Portknockie and Whitemire. Conservation Area guidelines are provided on development in these areas.

The demolition of even a single building and construction of a new building in its place could result in the character or appearance of a Conservation Area being affected.

The Council may apply for Article 4 Directions in Conservation Areas to control permitted development rights such as replacing traditional windows and doors and painting external walls. These works if carried out unsympathetically can erode the character of a Conservation area.

If a building in a Conservation area has fallen into a state of disrepair then a positive attempt should be made to retain, restore or convert the building before proposals to demolish are seriously investigated.

**CONFORMS TO:**

This policy conforms to NPPG18 Planning and the Historic Environment.; Planning (Listed Building's and Conservation Areas) (Scotland) Act 1997 – Part II Section 64; and the Memorandum of Guidance on Listed Buildings and Conservation Areas

**POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements.

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## POLICY BE4: GARDENS AND DESIGNED LANDSCAPES

Development proposals which will adversely affect Gardens and Designed Landscapes or their settings will be refused unless:

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

The Council will consult with Historic Scotland and Scottish Natural Heritage on any proposal which may affect the sites in the Inventory of Gardens and Designed Landscapes.

### JUSTIFICATION:

An inventory of Gardens and Designed Landscapes in Scotland is compiled and maintained jointly by Historic Scotland and Scottish Natural Heritage. The aim of this policy is to protect Gardens and Designed Landscapes from development that would damage their special character.

Gardens and Designed Landscapes are integral parts of the Moray culture and heritage and are identified as meriting protection. There are seven sites currently recorded as being of national importance (Cullen House, Brodie Castle, Darnaway Castle, Gordon Castle, Gordonstoun, Innes House and Pluscarden Abbey).

### CONFORMS TO:

This policy conforms to S55 of the Memorandum of Guidance on Listed Buildings and Conservation Areas, NPPG18 Planning and the Historic Environment, and the Council's Environmental Charter

### POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements, Inventory of Gardens and Designed Landscapes.

## POLICY BE5: PLUSCARDEN AREA OF SPECIAL 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. 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.

### JUSTIFICATION

Pluscarden Abbey, the monastic buildings and precinct walls are Category A listed buildings. The Abbey is in active use and enjoys a peaceful and tranquil setting, appropriate to its use and purpose as a place of worship and sanctuary. Strict control over new development is required to safeguard the visual setting of the Abbey, and to retain the character and environment of the surrounding area.

### CONFORMS TO

Memorandum of Guidance on Listed Buildings and Conservation Areas; NPPG 18 Planning and the Historic Environment.

### POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE

None.

## ENVIRONMENTAL PROTECTION

### Introduction

It is important for the Local Plan to recognise and provide a responsive policy framework related to those areas of activity that could have an adverse impact on the environment. This includes dealing with waste, water supplies and drainage run-off, river engineering and flooding, pollution and contamination.

### Context

National Policy on waste is set by National Planning Policy Guideline 10 (NPPG10): Planning and Waste Management and Planning Advice Note 63 (PAN63) on Waste Management Planning, both of which emphasise the priority to reduce and recycle waste instead of landfill.

PAN 61 on Planning and Sustainable Urban Drainage Systems (SUDS) provides advice on dealing with drainage run-off through SUDS.

Flooding is an important issue in Moray with the Council currently engaged in developing and delivering flood schemes for a number of towns – Elgin, Forres, Lhanbryde and Rothes. SPP7 on Planning and Flooding and PAN69 on Planning and Building Standards Advice on Flooding set out the precautionary approach to development required by national policy.

PAN 51 on Planning and Environmental Protection , PAN33 on the Development of Contaminated Land and PAN 56 on Planning and Noise set out advice on the role of the planning system in the control of pollution and its relationship to statutory environmental protection regimes.

## POLICY EP1: WASTE MANAGEMENT AND DISPOSAL FACILITIES

Proposals for the development of new facilities for the management or disposal of waste will be permitted if the following criteria are met:

- any location must have acceptable, safe access arrangements and be close to an existing primary road, railhead or suitable harbour facilities and be capable of satisfactorily accommodating the potential transport impacts within the surrounding road network; and
- proposals should be strategically located within the existing waste collection network and be close to the principal sources of waste arising to accord with self-sufficiency and proximity principles.

In preparing the SOC, site searches have been carried out in the Highland, Moray, Aberdeenshire and Aberdeen City areas and potential locations have been identified. Appropriate sites within the Moray search areas will be subject to the following criteria.

### Site Assessment Criteria

- Any proposal should be suitably located, preferably within an existing or proposed industrial area.

Assuming that proposed operations will be carried out in buildings or alternative forms of enclosure, where appropriate, then;

- the proposal is required as part of the implementation of the area waste plan or the council waste plan or objectives of national waste strategy/ National waste plan;
- The proposal should be located where it will not generate a significant adverse impact on international, national, regional or locally significant designated areas;
- where appropriate, initial preference should be given to a brownfield site, derelict or degraded land unless adverse ground conditions pose an unacceptable risk;
- greenfield sites should only be considered for development if it can be demonstrated that the impacts arising are in accord with criterion 5. Any greenfield site also needs to take into account the impact on the surrounding landscape;
- proposals should not generate adverse impacts on ground water resources and surface waters and should not be located within an area subject to flooding (1:200 year event);
- energy from waste recovery facilities should be located adjacent to suitable National Grid infrastructure or close to users of heat and power;
- criterion 5 should take preference over other criteria and factors, such as the presence of appropriate infrastructure e.g. if the required National Grid infrastructure e.g. if the required National Grid infrastructure can only be found in a location that has since been designated as an SSSI, then that site can be discounted;
- the proposal should be compliant or consistent with other physical and policy requirements in the approved and emerging development plan;

## **POLICY EP1: WASTE MANAGEMENT AND DISPOSAL FACILITIES cont.**

- where proposals can offer additional benefits for the locality or community then these factors should be taken into account in the finalisation of the location;
- Land restoration, after care and after use is covered by an appropriate planning condition or agreement and
- that any adverse impact can be demonstrated as minimal on residential amenity by noise, dust or air pollution.

### **JUSTIFICATION:**

The National Waste Strategy: Scotland was issued in 1999. It sets out the principles for dealing with waste in a sustainable manner. This was followed by the North East Area Waste Plan which was prepared by SEPA, Aberdeen, Aberdeenshire and Moray Council. The Area Waste Plan sets out the proposals to meet the land fill diversion targets. The Area Waste Plan puts emphasis on waste reduction through education, as well as through recycling and composting. The Moray Waste Plan sets out detailed proposals for dealing with waste in Moray.

Proposals for new waste management facilities or for new or extended landfill sites must conform with the Area Waste Plan and the Moray Waste Plan covering the area and be justified in terms of their local need. Equally, it is essential that such proposals do not adversely impact on the surrounding environment or impact directly on local residential or business amenity. The impact on the surrounding roads network must also be acceptable. Only by meeting the laid out criteria will a proposal be able to demonstrate that it contributes to the overall sustainability of the area. A potential search area for a waste transfer station is identified at Cloddach, near Elgin.

### **CONFORMS TO:**

The policy conforms to the National Waste Strategy: Scotland, North East Area Waste Plan, The Moray Waste Plan, and NPPG10 on Planning and Waste Management.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements,  
Policy IMP2: Development Impact Assessments.

## **POLICY EP2: RECYCLING FACILITIES**

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Proposals for new development over 10 houses or non residential buildings of over 500 square metres must include provision for glass, metal, paper and other recycling materials. The recycling facilities must be in a convenient and suitable location to serve the development. The location should not detract from the amenity, appearance or character of the site.

### **JUSTIFICATION:**

Recycling is one of the key elements of the Area Waste Plan. It promotes the sustainable use of materials and reduces the amount of waste that has to be dealt with by landfill.

All new significant developments must contribute towards the sustainable use of waste and this can be best achieved by requiring the provision of recycling points in accessible locations within the development.

### **CONFORMS TO:**

The Policy conforms to the National Waste Strategy: Scotland, North East Area Waste Plan, Moray Waste Plan, and NPPG10 on Planning and Waste Management.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements.

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## **POLICY EP3: PRIVATE WATER SUPPLIES**

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The Council will require all applicants who propose to use a private water supply, to mark the supply (and all works associated) to the site e.g. the well, holding tank, and supply pipe, accurately on the application plan to enable the appropriate authorities to advise on the environmental impact, adequacy, wholesomeness, capacity of supply and pollution risks.

### **JUSTIFICATION:**

The aim of the policy is to ensure safe water supplies where a private source is to be used as advised by the Council's Environmental Health Section. This will safeguard the health of the population.

### **CONFORMS TO:**

The policy conforms to the Private Water Supply (Scotland) Regulations 1992.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements.

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#### **POLICY EP4: SURFACE WATER DRAINAGE: SUSTAINABLE URBAN DRAINAGE SYSTEMS (SUDS)**

Surface water from development should be dealt with in a sustainable manner that avoids flooding and pollution and promotes habitat enhancement and amenity. A Drainage Assessment incorporating SUDs will be required for development of 10 houses or 1,000 square metres of non residential development land. Applicants must agree provisions for long term maintenance to the satisfaction of the Council, SEPA and Scottish Water.

##### **JUSTIFICATION:**

The aim of the policy is to encourage the use of SUDs at appropriate developments to deal with surface water run-off. SUDs must be implemented to the satisfaction of the regulatory authorities to ensure that they do not adversely impact on the wider environment.

SUDs also provide an opportunity to encourage the creation of new habitats for wildlife.

##### **CONFORMS TO:**

The policy conforms to PAN61 on Planning and Sustainable Urban Drainage Systems

##### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements, SUDS Design Manual for Scotland and Northern Ireland

#### **POLICY EP5: WATERCOURSES**

The Council will approve proposals affecting watercourses where the applicant provides a satisfactory report that demonstrates that any impact (including cumulative) on river hydrology, sediment transport and erosion, nature conservation, fisheries, water quality, quantity and flow rate, recreational, landscape, amenity, and economic and social impact can be adequately mitigated. The report should consider potential impacts up and downstream of the works particularly in respect of potential flooding. Opportunities for the enhancement of biodiversity and nature conservation should be considered. SNH and SEPA will be consulted on proposals

##### **JUSTIFICATION:**

There are a number of works to watercourses and land drainage which fall outwith the General Permitted Development Order including fisheries management, erosion control or flood prevention which can have a significant impact on the management or ecology of watercourses.

The Water Environment and Water Services (Scotland) Act 2003 implements the EC Water Framework Directive (2000/60/EC) which aims to maintain and improve the quality of aquatic ecosystems and requires that any ecological risks associated with development in rivers, tidal and coastal waters be identified and controlled.

##### **CONFORMS TO:**

The policy conforms to the Spey Catchment Management Plan.

##### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements, River Works on the Spey and its Tributaries – who to contact and how to proceed.

## POLICY EP6: CONTROL OF DEVELOPMENT IN FLOOD RISK AREAS

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 National Guidance and to be satisfactory to both SEPA and the Council is provided by the applicant. The assessment must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere. New development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. 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. The following limitations on development will also be applied to take into account the degree of flooding as detailed in National Guidance;

- a) in areas of little or 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. However, these areas will generally not be suitable for essential civil infrastructure such as hospitals, fire stations, emergency depots etc. Where such infrastructure has to be located in these areas or is being substantially extended, they must be capable of remaining operational and accessible during extreme flooding events.
- c) in areas of medium to high risk (0.5% or above)
  - i) in built up areas most development may be acceptable if flood prevention measures exist, are under construction, or are planned.
  - ii) essential civil infrastructure will generally not be permitted.
  - iii) undeveloped and sparsely developed areas are generally not suitable for additional development. Exceptions may arise if a location is essential for operational reasons.

### JUSTIFICATION:

The aim of the policy is to direct development away from areas at risk from flooding, and ensure that potential risk from flooding is adequately considered in terms of planning applications. Where impacts are identified they should be satisfactorily mitigated without passing on the problem elsewhere.

The policy specifies limitations on the type of development within potential flood risk areas and seeks to ensure that essential civic infrastructure is not placed at undue risk on the grounds of public safety.

Wet woodlands can contribute positively to flood alleviation.

### CONFORMS TO:

The policy conforms to SPP7 on Planning and Flooding.

### POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements.

Policy IMP4: Action Plan.

**POLICY EP7: POLLUTION**

Planning applications that are subject to significant pollution including noise, air, water and light will only be approved where a detailed assessment report on the levels, character and transmission of the potential pollution is provided by the applicant to show how the pollution can be appropriately mitigated. Where the Council applies conditions to the consent to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

**JUSTIFICATION:**

This policy aims to ensure that new developments do not create pollution, which could adversely affect the environment or local amenity. Pollution can take various forms including run off into watercourses, noise pollution, air pollution and light pollution.

The policy therefore regulates the effects of development in terms of pollution and allows the Council to effectively monitor and control development proposals.

**CONFORMS TO:**

The policy conforms to PAN51 Planning and Environmental Protection, PAN56 Planning and Noise, and the Council's Environmental Charter.

**POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements.

**POLICY: EP8: CONTAMINATED LAND**

Development proposals on potentially contaminated land will be approved if:

- a. appropriate site investigations and assessments are undertaken by the applicant to identify any actual or possible significant risk to human health or safety, or to the environment and that any previous historic uses are not continuing to impact on any controlled waters arising from the proposals, and
- b. effective remediation measures are agreed to ensure the site is made suitable for any new use granted consent, and
- c. appropriate measures for the disposal of any contaminated material is agreed with the Council.

The Council will consult SEPA in respect of pollution of controlled waters and licensing issues arising from remediation works

**JUSTIFICATION:**

This policy aims to support proposals for new development on contaminated land, while ensuring that public health and safety is not compromised. Land is classed as contaminated because of the current or historical use of the site including sewage treatment plants, waste tips and engineering works. The safe removal of contaminated material, as well as the restoration and redevelopment of these sites is to be encouraged. Contamination is a material planning consideration. Contamination may also have migrated from nearby land uses and site

investigations may become necessary even if the site has no previous contaminative use. The Council have a Contaminated Land Inspection Strategy and will provide information and guidance to developers on contaminated land issues.

**CONFORMS TO:**

This policy conforms to SPP2: Economic Development, the Council's Environmental Charter, PAN 33: Development on Contaminated Land, and Circular 1/2000.

**POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements. Supplementary Planning Guidance on Development Requirements.

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**POLICY: EP9: FOUL DRAINAGE**

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All new development within settlements will require to be connected to the public sewerage system unless;

- there is no public drainage system or the public system only serves a few houses and connection to the public system is not achievable.
- Connection to the public sewer is not permitted due to lack of capacity, but where measures to remove this constraint (through Scottish Water investment programme or developer contributions) have been confirmed by Scottish Water.

Drainage systems must not pose an environmental risk and must;

- be designed and built to a standard which is acceptable to be adopted by Scottish Water
- designed so that they can be easily connected to a public sewer in the future.

**JUSTIFICATION**

This policy aims to achieve satisfactory disposal of sewage. The policy encourages new development to connect to the mains system wherever possible but recognises that in some settlements this will not be possible. The policy seeks to ensure that drainage systems can be designed to a standard which can be adopted by Scottish Water and which could be connected to a public system in the future.

**CONFORMS TO:**

This policy conforms to NPPG10 Planning and Waste Management.

**POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:**

Supplementary Planning Guidance on Development Requirements.

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## ENVIRONMENTAL RESOURCES

### Introduction

Moray has a wealth of natural resources including good quality agricultural land, significant areas of forestry and woodland, hardrock and sand and gravel deposits and opportunities for renewable energy, particularly wind energy. The Local Plan provides a framework to optimise the benefits of these natural resources to the area.

### Context

Circulars 18/1997 and 25/1994 set out the position in relation to the protection of prime agricultural land.

NPPG14 on Natural Heritage proposes the use of forestry strategies to identify suitable areas for new forestry planting. NPPG4 on Land for Mineral Working sets out the considerations in relation to minerals planning for both local plans and development control. NPPG6 on Renewable Energy Developments sets out national policy in relation to renewable energy.

### ER1: RENEWABLE ENERGY PROPOSALS

Renewable energy proposals will be considered favourably where they meet the following criteria:

- a. they are compatible with policies to safeguard and enhance the built and natural environment
- b. they do not lead to the permanent loss or permanent damage to, prime agricultural land,
- c. they are compatible with tourism/recreational interest and facilities, they do not interfere with aircraft activity,
- d. they do not result in an unacceptable impact in terms of visual appearance, landscape character, noise, electro-magnetic disturbance, watercourse engineering, peat land hydrological impacts, pollution, traffic generation or damage to the local ecology, and
- e. they do not result in an unacceptable cumulative impact.

Proposals are required to provide “decommissioning arrangements” to illustrate how the site will be reinstated if and when the plant ceases to operate. This may be enforced through a section 75 agreement.

Commercial wind energy developments should be located within a Preferred Search area identified in the Wind Energy Policy Guidance and meet the above criteria.

#### **JUSTIFICATION:**

Renewable energy proposals can be in a variety of forms, including wind, hydro, solar, geothermics and biomass and bring a new technology approach to provision. Moray offers the potential for renewable energy proposals and this policy provides a range of criteria to consider applications against.

This policy should be read in conjunction with the Council's Wind Energy Policy Guidance.

Wind energy proposals vary considerably from single, small turbines to major wind farms covering several kilometres. There is an important distinction to be made between developments that are primarily intended to supply electricity to the national grid and contribute to the Scottish Executive's renewable energy targets and those that are intended for local demand or need. Proposals for local community demand will be much smaller in terms of numbers, size and power generation.

Preferred search areas are those with the greatest scope for further investigating the feasibility of developing a wind farm. Preferred search area status does not imply a presumption in favour of granting planning consent within these areas.

**CONFORMS TO:**

This policy conforms to NPPG6 – Renewable Energy Developments, PAN45 Renewable Energy Technologies, and the Council's Environmental Charter.

**ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements,

Policy IMP2: Development Impact Assessments, Landscape Potential for Windfarms in North and East Highland and Moray Study, and Supplementary Planning Guidance on Development Requirements and Wind Energy.

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**POLICY ER2: RENEWABLE ENERGY REQUIREMENTS IN NEW DEVELOPMENT**

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Proposals for new development of over 10 houses or non residential buildings of over 500 square metres must include provision for renewable energy generation, to reduce CO<sub>2</sub> emissions by 10%. The location of the renewable energy generation equipment should not significantly detract from the amenity, appearance or character of the site.

**JUSTIFICATION:**

This policy aims to promote the use of small scale renewable energy technology at a domestic scale. This could be provided through a variety of methods including solar panels or domestic scale turbines.

**CONFORMS TO:**

This policy conforms to NPPG6 Renewable Energy Developments, PAN45 Renewable Energy Technologies and the Council's Environmental Charter.

**POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements,

Policy IMP4: Action Plan.

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## **POLICY ER3: DEVELOPMENT IN WOODLANDS**

Development proposals within woodlands will be refused where it would adversely affect the biodiversity or recreational value of the woodland or prejudice the commercial value or management of the forest.

### **JUSTIFICATION:**

Moray's woodlands are an important economic, recreational and ecological resource. This policy aims to protect woodlands from inappropriate developments.

The Forestry Commission Scotland will be consulted on proposals within woodlands to ensure proposals do not pose a danger (e.g. through fire risk/windblow) to remaining trees. Scottish Natural Heritage will be consulted on the biodiversity value of the woodland. The Moray Access Manger and Forestry Commission Scotland will be consulted in the recreational value of the woodland.

### **CONFORMS TO:**

This policy conforms to the Council's Environmental Charter

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements.

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## **POLICY ER4: FORESTRY CONSULTATIONS**

All new woodland planting proposals will be guided by the Moray Forestry Strategy.

The Council will submit observations on planting proposals based upon the following:-

- a. conformity to the Moray Forestry Strategy,
- b. an assessment of the landscape and visual impacts of the planting Scheme, taking particular account of contouring edges and species mix,
- c. the effect on water quality and water quantity,
- d. the likelihood of hillside tracks being formed and the implications of future forestry management on road and path access,
- e. the effect on natural vegetation and bird life (if identified as a SINS) and areas of significant biodiversity importance, and
- f. opportunities for recreational use, access to agreed forestry extraction routes.

### **JUSTIFICATION:**

This policy aims to set out the criteria against which the Council will respond to new planting proposals. The Council, in partnership with a range of organisations, approved the Moray Forestry Strategy in 2002. The Strategy attempts to ensure that woodlands proposals are balanced with landscape nature conservation, soil quality and recreational objectives.

### **CONFORMS TO:**

The Policy conforms to the Moray Forestry Strategy, and the Council's Environmental Charter.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy E3 on Tree Preservation Orders and Controls on Trees.

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## **POLICY ER5: MINERALS**

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The Council will operate a four tier policy for controlling proposals for mineral extraction, based on the environmental circumstances of the site. The four tiers and their policy approach are set out in Table 1 below. Maps of the four tiers are held within the Environmental Services Department and are available for public reference.

Proposals conforming to the tier approach will be permitted where applications:

- a. are submitted in detail
- b. include proposals for phased land restoration, after care and after use to the satisfaction of the Council, and
- c. submit an Environmental Assessment where required, and arrangements are made for monitoring of the proposal by the Council to ensure compliance with planning conditions and details of consent.

### **JUSTIFICATION:**

The policy aims to facilitate the provision of a supply of building materials required to support the construction sector.

The local availability of construction materials will provide jobs and support the economy; retain local character through the use of local natural materials, and contribute to sustainability by avoiding the import of products from other areas. The visual effect of quarries and mineral workings can be significant and environmental interests must be safeguarded.

The aim of this policy is to guard against the negative impacts of mineral excavation on valuable natural reserves. The policy is separated into 4 tiers define areas to protect differing landscapes and to provided a guide for mineral applications.

Proper restoration and after-care provision is fundamental to the policy to help restore the land to acceptable levels and protect against any adverse effects of excavation. Where impacts have occurred they can be identified by monitoring, and allows further effects to be avoided or mitigated.

### **CONFORMS TO:**

The policy meets the provisions of NPPG4 on Land for Mineral Working, and PAN50 on Controlling the Environmental Effects of Surface Mineral Workings.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements, Policy IMP2: Development Impact Assessments.

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**Table 1: Minerals Policy**

<b>Tiers</b>	<b>Designations</b>	<b>Policy</b>
1 International	Tier 1 designations relate to Special Protected Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites.	Permission will only be granted for mineral extraction in or adjacent to Tier 1 areas if: <ul style="list-style-type: none"> <li>a. there are exceptional circumstances, where it can be demonstrated that the existing habitats and species will be safeguarded from the proposed development, and</li> <li>b. there is an outstanding national requirement for material and no reasonable alternative exists.</li> </ul>
2 National	Designations categorised under Tier 2 are National Nature Reserves, National Scenic Areas, Sites of Special Scientific Interest (Excluding SPAs and SACs), Environmentally Sensitive Areas, Natural Heritage Areas, Scheduled Ancient Monuments and their settings, Historic and Designated Landscapes, Listed Building and their settings, prime agricultural land Classes 1, 2 and 3.1).	Permission will only be granted to the extraction of minerals both within and adjacent to Tier 2 areas where: <ul style="list-style-type: none"> <li>a. it can be demonstrated that the overall integrity of the designated area will not be compromised, and</li> <li>b. adverse effects on the qualities of the environmental designation are clearly outweighed by national benefits of additional mineral extraction.</li> </ul>
3 Local	Tier 3 designations include the CATs, Coastal Protection Zone, Archaeological Sites on the Regional Sites and Monuments Record, Sites of Interest to Natural Science, Areas of Great Landscape Value, built-up areas, buffer zones 400m from settlement boundaries, operational land at RAF Lossiemouth and RAF Kinloss, Milltown and Dallachy airfield sites, Forres Enterprise Park and the landfill site at Dallachy.	Mineral extraction in Tier 3 areas will only be permitted if the integrity of the local environment is not compromised.
4 Preferred Areas	General development proposals in Tier 4 will, where possible, be redirected to alternative locations in order to safeguard future access to workable mineral reserves.	Permission will be considered: <ul style="list-style-type: none"> <li>a. on the merits of the proposal, with environmental implications forming a significant part of their overall assessment,</li> <li>b. to extensions to mineral workings unless there are significant environmental constraints.</li> </ul>

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

## **POLICY ER6: AGRICULTURE**

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The Council will support the agricultural sector by

- a. presuming against irreversible development on prime agricultural land (classes 1, 2 and 3.1).
- b. supporting farm diversification proposals in principle, and generally looking favourably on business proposals which are intended to provide additional income/ employment on farms.

Proposals for agricultural buildings, despite having a locational requirement, will still be subject to visual impact and amenity considerations, and will be subject to relevant environmental policies.

### **JUSTIFICATION:**

The policy recognises that prime land is a scarce asset and should be protected from development on sustainability grounds despite a current surplus of agricultural produce.

Farm incomes are often very marginal and changes to the methods of Common Agricultural Policy payments is likely to have an added adverse impact. Therefore proposals which will enhance the long term viability of farms will be supported.

The visual impact of farm buildings and activities (e.g. slurry pit) can be significant, and need to be controlled in the same way as any other development in the countryside.

### **CONFORMS TO:**

The policy conforms to Scottish Executive Circulars 18/1987, 25/1994 on Agricultural Development and 5/1992 on Permitted Development. It also conforms to SPP15 on Rural Development, and PAN39 on Farm and Forestry Buildings.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Policy IMP1: Development Requirements. Supplementary Planning Guidance on Development Requirements.

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## 5. IMPLEMENTATION

### IMPLEMENTATION

#### Introduction

Local Plans contain implementation policies to:

- achieve sensitive development through the development control process,
- respond to the identified impacts from development in relation to the environment, transport, town centres and drainage,
- provide appropriate infrastructure and facilities to service the development,
- ensure that the plan and its supplementary guidance is monitored and reviewed where required.

The approach to implementation is therefore to achieve high quality well-designed and appropriately serviced development in both urban and rural areas.

#### Context

National policy guidance promotes the concept of sustainable development. This seeks to promote economic and social development and to safeguard the environment. The Scottish Executive have also in recent years put more emphasis on the achievement of good design as part of the development process.

## **POLICY IMP1: DEVELOPMENT REQUIREMENTS**

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate,
- f. there must be adequate availability of social, educational and community facilities,
- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.

### **JUSTIFICATION**

The quality of development in terms of its siting, design and servicing is a priority consideration within the Plan. In the first instance development needs to be suitable to the surrounding built and natural environment. Development should be adequately serviced in terms of transport, water, drainage, power, facilities. Particular emphasis is placed on providing pedestrian, cycle and public transport access to the development, and the use of sustainable urban drainage systems and the incorporation of renewable energy equipment and systems, and sustainable design and construction into the development in order to promote sustainability within Moray. Flooding is an important consideration particularly within the Laich of Moray and needs to be adequately addressed. Similarly, pollution issues in relation to air, noise, ground water and ground contamination must be adequately addressed to provide proper development standards.

### **CONFORMS TO:**

The policy conforms to SPP1 on the Planning System and to national planning guidance and advice generally

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

Supplementary Planning Guidance on Development Requirements.

## POLICY IMP2: DEVELOPMENT IMPACT ASSESSMENTS

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

- a. an Environmental Assessment (EA) will be required for all developments within or adjacent to international or national natural heritage designations, and for other major proposals that are likely to have significant environmental affects under the terms of the EA regulations.
- b. a Transport Assessment (TA) is required for developments that raise significant transport implications such as additional peak hour traffic, traffic late at night in a residential area or road safety concerns
- c. a full Retail Impact Assessment (RIA) will be required for all retail proposals of 1000 square metres gross or more. For smaller developments the Council may require a retail statement to be prepared by the applicant.
- d. where appropriate, applicants will be asked to carry out other assessments e.g. noise; air quality; flood risk; badger or bat surveys to confirm the compatibility of the development proposal.

### **JUSTIFICATION:**

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

### **CONFORMS TO:**

EAs are required as part of the Environmental Assessment regulations and PAN58 on Environmental Impact Assessment provides advice on the process.

TAs are required as part of the guidance from the Scottish Executive set out in SPP17: Planning for Transport.

RIAs are a requirement set out in NPPG8 on Town Centres and Retailing.

As protected species, badgers and bat surveys can be required under nature conservation criteria.

### **POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

None.

### **POLICY IMP3: DEVELOPER CONTRIBUTIONS**

Where a development proposal is considered to have a measurable impact on the provision of infrastructure, community facilities, or amenities related to that development, the Council will seek appropriate contributions from the developer to redress that impact by funding provision of, or contributing towards such mitigating measures as are reasonably necessary to allow the development to proceed. In particular circumstances at the discretion of the Council a developer may be allowed to make the contribution in the form of a commuted payment.

The contribution or commuted payment should be achieved by condition of consent or by agreement to be concluded prior to the grant of consent.

**JUSTIFICATION:**

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

**CONFORMS TO:**

The policy conforms to Circular 12/1996 on Planning Agreements.

**POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

None.

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### **POLICY IMP4: IMPLEMENTATION DEVELOPMENT PLAN MONITORING**

The Council will work in partnership with agencies and organisations active within the Moray area to implement the provisions of the Development Plan. As part of this process an Action Plan is set out in Table 1. The Council will prepare a regular Development Plan Monitoring Report to assess progress, and dependent on progress will amend or review the Plan within 5 years or adoption.

**JUSTIFICATION:**

The Plan can only be successfully implemented if it receives support from the development industry and a wide variety of organisations responsible for services and infrastructure within the area.

As well as implementing the Plan policies, an Action Plan is set out to focus attention and support on key activities within the Plan Area.

Monitoring is an essential component of the plan making process and allows a regular assessment of the progress of the Plan to be undertaken.

**CONFORMS TO:**

The policy conforms to SPP1 on the Planning System, and PAN49 on Local Planning.

**POLICY CROSS REFERENCE/ ADDITIONAL GUIDANCE:**

None.

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**TABLE 1 - ACTION PLAN**

**ECONOMIC DEVELOPMENT**

Action	Organisations Involved	Timescale
Promote provision of serviced sites for general business in Elgin, Forres, Buckie, Keith.	TMC, HIEM, MPDC, Private Sector	Short/Medium
Prepare strategy to promote provision of a strategic business park in Elgin.	TMC, HIEM, MPDC, Private Sector	Short
Promote the marketing of the strategic business park in Forres for inward investment, and civil service relocation.	HIE, HIEM, TMC	Short
Promote provision of small scale business parks at Lossiemouth, Buckie and Keith.	TMC, HIEM, MPDC, Private Sector	Short/Medium
Prepare a masterplan for Buckie Harbour area to promote new activities, redevelopment and regeneration.	TMC, HIEM, Private Sector	Short
Promote the improved marketing of the Moray area for business and tourism.	HIE, HIEM, Visit Scotland, TMC, MCC	Short

**RETAIL DEVELOPMENT**

Action	Organisations Involved	Timescale
Clarify development potential within Elgin Town Centre to promote opportunities to the market.	TMC, Private Sector	Short
Establish potential to promote and manage the opportunities within Elgin Town Centre, and the areas' secondary centres.	TMC, MCC, Private Sector	Short/Medium

**RESIDENTIAL DEVELOPMENT**

Action	Organisations Involved	Timescale
Further investigate and promote comprehensive master planning approach to the potential longer term allocations for residential development at Elgin North, Forres South, Lossiemouth, Buckie and Keith.	TMC, SEPA, Scottish Water	Short/Medium

## TRANSPORT AND ACCESSIBILITY

Action	Organisations Involved	Timescale
Promote upgrade and/or dualling of the A96 from Inverness to Fochabers.	Scottish Executive, Transport Scotland, TMC	Medium
Elgin by-pass – Prepare strategy to Identify key tasks including feasibility appraisal, timetable and monitoring of progress.	TMC, HIEM, Scottish Executive and Transport Scotland	Short
Promote provision of By-passes for Fochabers/Mosstodloch and Keith.	Scottish Executive, Transport Scotland, TMC	Medium/Long
Provide route improvements to A941 and A98.	TMC	Medium
Promote increased capacity and improved timetables for the Inverness to Aberdeen rail line for freight and passenger services.	Scottish Executive, Transport Scotland, Network Rail and Rail operating companies	Medium
Promote diversification of the commercial harbours at Buckie and Burghead.	TMC, HIEM, Harbour Boards, Private Sector	Short/medium
Promote improved access to Air Services.	HIAL, BAA, Scottish Executive, TMC, Highland Council, Aberdeen Council, Aberdeenshire Council	Short/Medium
Produce a Roads Hierarchy Plan for Elgin and Moray to identify a strategic approach to development capacity.	TMC	Short/Medium
Produce a parking strategy for Elgin, Forres and Buckie.	TMC	Short/Medium
Provide a Core Path Network Plan for Moray.	TMC, Public Partners	Short

## ENVIRONMENT

Action	Organisations Involved	Timescale
Produce a Greenspace Strategy for Moray.	TMC, Public Partners, SNH, Private landowners	Short
Provide a long term Environmental Improvement Strategy Programme for implementation.	TMC, Public Partners, Private Landowners	Short
Review AGLVs and CATs.	TMC, SNH, Public Partners	Short
Prepare and implement flood alleviation scheme for Elgin, Forres and Rothes.	TMC, Scottish Executive, Private Landowners	Short/Medium
Further investigate the potential for renewable energy and sustainable development at the domestic scale.	TMC	Short
Serve TPOS identified in the Plan.	TMC	Short
Investigate the potential for Conservation Area status at Duffus and the North Quay, Burghead	TMC, HS	Short

## SUPPLEMENTARY PLANNING GUIDANCE (SPG)

Action	Organisations Involved	Timescale
Finalise SPG on Design of Housing in the Countryside.	TMC	Short
Finalise SPG Parking Standards.	TMC	Short
Finalise SPG on Trees and Development.	TMC	Short
Finalise SPG on Development Requirements.	TMC	Short
Review SPG on Affordable Housing.	TMC, developers agents	Short
Review SPG on Forestry.	TMC, Forrestry Commission, Forest Enterprise	Short/Medium
Review SPG on Wind Energy.	TMC	Short

<b>Notes</b>	Short time scale equates to	0 – 3 years
	Medium time scale equates to	4 – 7 years
	Long time scale equates to	8+ years

**Abbreviations**

TMC	The Moray Council
MPDC	Moray Property Development Company
HIE	Highlands & Islands Enterprise
HIEM	Highlands & Islands Enterprise Moray
MCC	Moray Chamber of Commerce
SEPA	Scottish Environment Protection Agency
HIAL	Highlands and Islands Airports Ltd
BAA	British Airports Authority
HS	Historic Scotland
SNH	Scottish Natural Heritage



# SETTLEMENT STATEMENTS

