

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

Under the provisions of the Environment Act 1995, the Scottish Environment Protection Agency was vested with the preparation of a National Waste Strategy for Scotland, which was published in December 1999, and the National Waste Plan, published in February 2003, forms the keystone in the implementation of the National Waste Strategy. The subsequent Area Waste Plan, published in March 2003, forms part of the National Waste Strategy, and sets out a framework for sustainable waste management.

National Policy on waste is set by Scottish Planning Policy 10: Planning for 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.

PAN61 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.

PAN51 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 supported if the following criteria are met:

1. 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
2. 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.
3. the proposal is required as part of the implementation of the Area Waste Plan or the Council Waste Plan (for municipal waste proposals) and helps deliver the objectives of National Waste Strategy/National Waste Plan;
4. The proposal should be located where it will not generate a significant adverse impact on international, national, regional or locally significant designated areas;
5. Any proposal should be suitably located, preferably within an existing or proposed industrial area; a brownfield site, (policy ED6) derelict or degraded land (unless adverse ground conditions pose an unacceptable risk) or existing waste management site;
6. Greenfield sites should only be considered for development if it can be demonstrated that there are no other suitable locations. Any greenfield site also needs to take into account the impact on the surrounding landscape;
7. 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);
8. Energy from waste recovery facilities should be located adjacent to suitable National Grid infrastructure and close to users of heat and power;
9. 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.
10. The development has no adverse on impact residential and environmental amenity and that where appropriate (e.g. landfill) satisfactory details of restoration are provided.

JUSTIFICATION:

The National Waste Strategy: Scotland sets out the principles for dealing with waste in a sustainable manner. This was followed by the Northeast Area Waste Plan which was prepared by SEPA, Aberdeen, Aberdeenshire and Moray Council. The North East Area Waste Plan sets out the indicative proposals to meet the landfill diversion targets, setting out the Best Practicable Environmental option for dealing with municipal (Council collected) waste. The Area Waste Plan puts emphasis on waste reduction through education, as well as through recycling and composting.

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. However, these documents only set out options for dealing with municipal waste. More than 75% of waste arisings are commercial and industrial and it is therefore important that the Waste Management Policy sets out clear criteria for the siting of all facilities. 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. In relation to dealing with municipal waste, the three North East Councils (Aberdeenshire, Aberdeen City and Moray) together with Highland Council have been working together to consider the joint procurement and sharing of strategic waste management facilities for the treatment of residual municipal waste in order to meet the landfill diversion targets. This work considered site selection criteria, which has been used to inform this policy. A potential search area for a waste treatment facility is identified in the inner Moray Firth area to the west of Elgin.

CONFORMS TO:

The policy conforms to the National Waste Strategy: Scotland, North East Area Waste Plan, The Moray Waste Plan, and SPP10 on Planning for Waste Management.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

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

POLICY EP2: RECYCLING FACILITIES

Proposals for new retail, business and residential development must include appropriate provision for storage of recycling facilities for the collection of recyclates. The waste strategy document (prepared by the Council's Waste Manager) will be referred to for use in planning applications and the scheme should be designed in consultation with the Waste Manager.

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 SPP10 on Planning for Waste Management.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements.

POLICY EP3: IDENTIFYING AND SAFEGUARDING KEY WASTE SITES

The impact on surrounding land at Dallachy, Gollachy, Moycroft and Waterford from approved or safeguarded sites for the disposal and/or treatment of waste will be assessed before any planning permission is granted for development of that adjacent land. Development on adjoining land may not be able to be approved if unacceptable conflict with a waste management site arises.

JUSTIFICATION

The aim of this policy is to safeguard and ensure waste sites are protected from any conflicting development.

CONFORMS TO

The policy conforms to the National Waste Strategy: Scotland
North East Area Waste Plan
The Moray Waste Plan
SPP10 on Planning for Waste Management

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE

Policy EP1: Waste Management and Disposal facilities
Policy IMP1: Development Requirements.

POLICY EP4: PRIVATE WATER SUPPLIES

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 for existing and proposed users 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.

POLICY EP5: 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. All sites should be drained by a SUDS system or equivalent. A Drainage Assessment will be required for developments of 10 houses, or greater than 100 sq metres for non residential proposals. 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 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 EP6: WATERBODIES

The Council will approve proposals affecting waterbodies where the applicant provides a satisfactory report that demonstrates that any impact (including cumulative) on river hydrology, sediment transport and erosion, nature conservation, ecological status or ecological potential, 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 EP7: 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. The source of information used to determine flood risk areas are the SEPA flood maps which are accessible on the SEPA website.

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 EP8: POLLUTION

Planning applications that are subject to significant pollution such as noise, including RAF aircraft 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 decision as to whether a proposed development is likely to create 'significant' pollution and require a detailed assessment report will be made in consultation with Environmental Health; SEPA; SNH and other interested regulatory bodies.

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, Environmental Protection and Regulation; PAN56 Planning and Noise; Environmental Protection Act (Part IIA).

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements.

POLICY EP9: CONTAMINATED LAND

Development proposals on potentially contaminated land will be approved if:

- a. site specific risk 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 cause significant pollution to the water environment, 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, PAN 33: Development of Contaminated Land, and Circular 1/2000.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements; Operational Guidance – "Contaminated Land within the Development Control Process".

POLICY EP10: FOUL DRAINAGE

All development within or close to settlements (as defined in the Local Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed that investment to address this constraint has been specifically allocated within its current Quality and Standards Investment programme and the following requirements apply:

- i) systems shall not have an adverse impact on the water environment;
- ii) systems must be designed and built to a standard which will allow adoption by Scottish Water;
- iii) systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Plan) of less than 2,000 population equivalent will require to connect to the public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include the size and dispersal of the settlement, the size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add to a risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or the amenity of the general area. Consultation with SEPA will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small-scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with the Technical Handbooks (which set out guidance on how proposals may meet the Building Standards set out in the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

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 SPP10 Planning for Waste Management.
PAN79 Water and Drainage.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

None.

POLICY EP11: HAZARDOUS SITES

The Council will have regard to the presence of major hazard sites, and apply the PADHI (Planning Advice for Development near Hazardous Installations) methodology for planning applications within the consultation distances around these sites. Formal consultation with the Health and Safety Executive will take place as appropriate.

JUSTIFICATION

Development proposals in proximity to hazardous installations (e.g. pipelines; gas storage compounds; distilleries) may be subject to an element of risk, and consultation with the Health and Safety Executive will confirm this. An inventory of sites is held by Moray Council (Development Management Section of Environmental Services Department).

CONFORMS TO:

Health and Safety procedures for hazardous sites.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

None

POLICY EP12: AIR QUALITY

Development proposals which, individually or cumulatively, may adversely affect the air quality in an area to a level which could cause harm to human health and wellbeing or the natural environment must be accompanied by appropriate provisions (deemed satisfactory to the Local Authority and SEPA as appropriate) which demonstrate how such impacts will be mitigated.

Some existing land uses may have a localised detrimental effect on air quality, any proposals to locate development in the vicinity of such uses and therefore introduce receptors to these areas (e.g. housing adjacent to busy roads) must consider whether this would result in conflict with the existing land use. Proposals which would result in an unacceptable conflict with the existing land use to air quality impacts will not be approved.

JUSTIFICATION

The National Air Quality Strategy sets out objectives and standards for the review and assessment of air quality to ensure that set levels of certain pollutants are not exceeded in areas where the public might be exposed. This policy aims to protect air quality and thereby human health and the natural environment. The policy applies to all land uses which through the generation of traffic, for example, could result in the deterioration of local air quality. This policy also seeks to direct sensitive developments away from areas of poor air quality.

CONFORMS TO:

This policy conforms to "Air Quality and Land Use Planning"; PAN51 Planning, Environmental Protection and Regulation; and Part IV of the Environment Act 1995: Local Air Quality Management, Progress Report Guidance LAQM (PRG) 03.

POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy EP8: Pollution.