

## 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. SPP4 Planning for Minerals sets out the considerations in relation to minerals planning for both local plans and development control. SPP6 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 SPP6 – Renewable Energy, PAN45 Renewable Energy Technologies.

### 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.

## POLICY ER2: ENERGY REDUCTION REQUIREMENTS IN NEW DEVELOPMENT

Proposals with a cumulative floorspace of 500 m<sup>2</sup> or more must include on site zero and low carbon equipment contributing at least an extra 15% reduction in CO<sub>2</sub> emissions beyond the 2007 Building Regulations carbon dioxide emissions. The location of the equipment should not significantly detract from the amenity, appearance or character of the site. Applications should only be exempt from the above targets where developers are able to demonstrate that technical constraints exist. In those cases, equivalent carbon savings elsewhere in the area would require to be secured from the applicant by agreement.

PAN 84 will be used as guidance for the implementation of this policy.

### JUSTIFICATION:

This policy takes forward the National objective of reducing the carbon dioxide (CO<sub>2</sub>) emissions from new developments, by seeking the incorporation of zero or low carbon energy systems at the outset.

To move towards a low carbon position, more clean energy must be created to produce the heat and electricity in buildings. Low and zero carbon equipment comprises a broad range of technologies (for example biomass; solar power; photovoltaic cells; micro wind).

Planning Advice Note 84 (Reducing Carbon Emissions in New Development) provides guidance these technologies; how to achieve the target; how to calculate the % reduction.

### CONFORMS TO:

This policy conforms to SPP6 Renewable Energy, PAN45 Renewable Energy Technologies; PAN84 Reducing Carbon Emissions in New Development.

### POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements,  
Policy IMP4: Action Plan.

## POLICY ER3: DEVELOPMENT IN WOODLANDS

Development proposals within woodlands will be refused where this development would adversely affect the biodiversity or recreational value of the woodland or prejudice the 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 issues arising from proposals, in relation to the management of the forest. Scottish Natural Heritage will be consulted on the biodiversity value of the woodland. The Moray Access Manager and Forestry Commission Scotland will be consulted on the recreational value of the woodland.

### CONFORMS TO:

N/A

### POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy IMP1: Development Requirements.

## 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.

### POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

Policy E3 on Tree Preservation Orders and Controls on Trees.

## POLICY ER5: MINERALS

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 2 opposite. Maps of the four tiers are held within the Environmental Services Department and are available for public reference.

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

- a. are submitted in detail
- b. include proposals where possible for phased land restoration, after care and after use to the satisfaction of the Council, or
- c. provide for monitoring of the proposal by the Council to ensure compliance with planning conditions and details of the 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 extraction on valuable natural reserves. The policy is separated into 4 tiers to protect differing landscapes and to provide 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 extraction. 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 SPP4 Planning for Minerals, and PAN64 on Reclamation of Surface Mineral Workings.

### POLICY CROSS REFERENCE/ADDITIONAL GUIDANCE:

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

Tiers	Designations	Policy
1 International	Tier 1 designations relate to Special Protected Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites. (Natura Sites)	Development that is likely to have a significant affect on a Natura 2000 site, will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where; <ul style="list-style-type: none"> <li>a) there are no alternative solutions; and</li> <li>b) there are imperative reasons of overriding public interest. These can be of social or economic nature where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons of overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).</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 Buildings 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 the developer proves that; <ul style="list-style-type: none"> <li>a) the objectives of designations and overall integrity of the site will not be compromised, or</li> <li>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.</li> </ul> Development proposals which will affect Sites of Special Scientific Interest (SSSI's) or National Nature Reserves will be refused unless the above criteria are complied with.
3 Local	Tier 3 designations include the Countryside Around Towns, 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, operational land at RAF Lossiemouth and RAF Kinloss, Milltown and Dallachy airfield sites, Forres Enterprise Park and the landfill site at Dallachy. This will be dependant on locational considerations and will be decided on a case by case basis.	Mineral extraction in Tier 3 areas will only be permitted if the integrity of the local environment is not compromised. Permission will be considered to extensions to mineral workings unless there are significant environmental constraints.
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

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.