

PLANNING APPLICATION: 07/02419/FUL

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

The Proposal

- Detailed application for planning consent to develop land for business/industrial uses at Bluehill, by Craigellachie.
- Six units proposed: four small units at 288m², one unit at 600m², and one unit at 888m².
- Parking and service areas associated with each unit.
- All units proposed to be finished in profiled metal cladding and render for the walls, and profiled metal cladding for the roofs. Colours are not specified.
- Ridge height of the smaller units is to 8m, ridge height of the 600m² unit is to 8.4m, and ridge height of the largest unit is to 8.3m.
- All units incorporate office, store and staff facilities within the main building, although in the largest unit this is shown in a separate extension to the eastern gable of the building.
- Post and wire fencing proposed for the site boundaries.
- Proposed new access to the public roadway to be formed.
- Proposed mains water supply.
- Proposed connection to mains public sewer.
- SUDs proposed for the disposal of surface water.

The Site

- The site extends to around 2.34 hectares (5.8 acres) in area. It is presently covered in existing woodland, a mixture of birch and coniferous trees.
- The site exhibits overall a gradual slope down hill to the north.
- Boundaries of the proposed site are at present undefined.
- To the north the site is bounded by the minor road which connects to the A941 road at Moor Cottage in the east, and to the A95 Craigellachie to Aberlour road at its western extreme. On the opposite side of the road lies land associated with the Speyside Cooperaage.
- To the east and south the site is bounded by existing woodland within the applicants' ownership.
- To the west the site is bounded partly by existing woodland, and partly by an existing access track; both of which are within the applicants' ownership.
- The storage yard area and workshops for the Speyside Cooperaage lie immediately to the north-west of the site, and on the opposite side of the existing roadway.
- Overhead power lines pass over the north-eastern corner of the site.

Policy / Objections-Representations / Consultations - See Appendix

History

- 88/00580/OUT** - Refusal for single dwelling on part of site on grounds related to policies for development in countryside and within forest/woodland, unplanned piecemeal development and precedent.
- 89/00510/OUT & 89/00511/OUT** - Refusal for two dwellings on part of site on grounds related to policies for development in countryside, unplanned piecemeal development, build up of housing detrimental to amenity and precedent.
- 87/00846/FUL** - Refusal for quarrying beside existing working at Bluehill to south west of site.
- 90/00927/FUL** - Approval of detailed application for erection of ten holiday chalets following consideration by Committee and call-in by Grampian Regional Council. The consent has since lapsed.
- 05/00789/FUL** - Detailed application for ten dwellinghouses on part of current application site, refused under delegated powers March 2006. Subsequent appeal to Inquiry Reporters unit withdrawn by appellant.

Advertisement

Advertised as a departure from development plan policies 1(e), 2(a), 2(b) (Structure Plan), and L/ED1, L/ED13, L/ED15, L/ENV7, L/T4 (Local Plan).

Observations

The main planning issues are: -

Industrial Development in the Countryside (Policies 1(e), L/ED1, L/ED13, L/ED15, ED1, ER3, ED8)

There are a number of policies relating to the provision of new industrial development in rural areas. In general terms, the policies of the Structure and Local Plans (both current and emerging) are supportive of industries which are indigenous to rural areas, such as agriculture, forestry, distilling, fishing and food processing. The current application is none of these. It is, however, made equally clear that support for any new development will be subject to strict controls over the siting and design of new development, to possible locational justification, the capacity of local infrastructure, and impact upon natural heritage interests. Further to this the re-use and rehabilitation of existing properties will be encouraged. In spite of the supporting case for the location submitted by the applicants (see below), the case for approval of a new industrial estate in this rural location has not been sufficiently proven, and conflicts with the development plan policies as noted above.

Landscape and Environment (Policies 2(a) & (b), L/ENV1, L/ENV2, L/ENV7, E1, E2, E7)

As noted in the consultations section of this report, Scottish Natural Heritage have not objected to this application. To address concerns about the potential presence of badgers and breeding birds, and to ensure the application does not conflict with these policies, conditions would be recommended in event of any approval.

However, policies L/ENV7 of the current Local Plan and E7 of the Emerging Local Plan refer to Areas of Great Landscape Value. The whole of the application site sits within one such designation. The application has been advertised as a departure to the current policy. Whilst a degree of landscape planting has been indicated in mitigation of impact upon the landscape resulting from the new development, this will be insufficient to adequately screen the development. The proposals if implemented would have a cumulative impact upon the landscape when considered alongside the Speyside Cooperage buildings, detracting from the overall character and amenity of the AGLV. It would thus be contrary to the provisions of the Local Plan policies for AGLVs. Further comment on this matter is given at the end of this section of the report.

Drainage (Policies 2(i), L/ENV24, EP5)

These policies require that all new development be provided wherever possible with SUDs for the disposal of surface water. SEPA was consulted on this application and responded to this stating that they object on the grounds of insufficient information being provided. Additional information is sought to demonstrate that satisfactory SUDs, with no unacceptable adverse impact on the water environment can be accommodated on site. This response was copied to the applicants, but to date this matter remains unresolved and therefore SEPA's objection still stands. On this basis the application is not in accordance with the policies of the Structure Plan and the Current and Emergent Local plans as noted above.

Access and Parking (policies L/T4, L/T7, L/T9, T2, T5)

The above noted policies are designed to ensure that all new development is provided with vehicular and pedestrian access and vehicular parking to an appropriate standard.

Consultation response comments from the Transportation Manager indicate that the level of parking provision shown on the application plans is appropriate for the development, and the scheme is therefore in compliance with policy L/T7 of the current Local Plan (and policy T5 of the Emerging Local Plan). However, it is further stated that the access onto the public roadway is not acceptable due to the existing use of this substandard carriageway by large numbers of HGVs. Adding to this is not considered acceptable in terms of road safety, and the proposal is therefore in conflict with policies L/T4 and T2.

Developer Contributions (Policies 1(i), L/F1, IMP3)

The aim of these policies is to ensure that new development which would result in adverse impact on services and infrastructure, but which would otherwise be acceptable contributes either in payment or in kind toward the improvement of the services affected. In this instance none of the consultees has identified any areas where planning gain should be sought to address affected services or infrastructure. The proposals are thus in compliance with these policies.

Building Design (policies L/IMP2, L/IMP3, L/IMP4, IMP1)

The aim of the above noted policies is to ensure that all new development is in keeping with its surroundings in terms of design and the use of materials.

The new buildings are to be finished in render and profiled metal cladding for the walls, with the latter material also being used to form the roofs. No colours have been specified for the materials, although in the event of an approval being recommended for this proposal, approval of material finishes could be made a condition of consent. The buildings themselves are of functional and utilitarian design appropriate to their intended purpose. By using appropriate finishes (allied to acceptable siting and landscape planting) these may be acceptable.

Supporting Information:

Further comment

The applicants have submitted information in support of their application. Not least amongst this is a supporting statement from an Engineering company currently based in nearby Craigellachie who would wish to move into any new industrial units at the application site where expansion of their business would be possible. Statements from other businesses are also provided. Reference is also made to the Macallan Distillery warehouses which are presently under construction on the opposite side of the Spey Valley.

Turning first to the matter of the supporting information and statements from other businesses it must be pointed out that this application was not submitted at the suggestion of this Council as Planning Authority. There had been contact between the applicants and the Planning and Development Section of this Service during preparation of the new Local Plan, as the applicants wished the site to be designated for business/industrial development in the new plan. This Council did not support the inclusion of the site in the new Local Plan, and this stance has been vindicated by the findings of the Inquiry Reporter who has recommended that the site should not be designated for development:

"Whilst the objector has provided some evidence of potential demand for small scale business units, this in itself is not sufficient reason to allocate an otherwise inappropriate site such as the one at Bluehill.... I conclude that there is no justification to designate the objection site for industrial use and to do so would set an unfortunate precedent which would be likely to put development pressure on other inappropriate sites in countryside locations elsewhere in Moray".

Turning secondly to the matter of the Macallan Distillery, for which new warehousing is presently under construction on the opposite side of the Spey Valley, the bulk of that site lies outwith the AGLV. Only a very small part of that application site as defined fell within this designation, and that part was not due to be developed. In contrast, the whole of the current application site which lies wholly within the AGLV designation. Furthermore, policy L/ED15 of the current Local Plan (Rural Business Operations) makes specific reference to distilling as being an indigenous industry which will be generally supported in principle. The same cannot be said for the current application, irrespective of the statements in support of the application.

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Signature (Alan Short, Development Control Manager)

R A STEWART
DIRECTOR OF ENVIRONMENTAL SERVICES

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2000

Policy 1: Development and Community

The policy set out below identifies the strategic community development requirements for the delivery of the structure plan strategy-

The Moray Structure Plan Strategy will be supported by:

- e) the encouragement of low impact, well-designed development in the countryside to support local communities and rural businesses.
- i) the inclusion within Local Plans of a policy requiring appropriate developer contributions towards healthcare and other community facilities.

Policy 2: Environment and Resources

The Moray Structure Plan Strategy will be supported by: -

- a) protecting international, national and local nature conservation and scenic designations from inappropriate development;
- b) protecting the wider natural environment and local biodiversity from inappropriate development and promote opportunities for environmental enhancement and restoration where possible.
- i) promoting sustainable urban drainage systems(SUDS) in all new developments.

Policy L/ED1: Supply of Serviced Industrial Land

In accordance with the Structure Plan Policy S/ED2, the Local Plan provides for minimum quotas of industrial land for industrial and business use, in Elgin, Forres, Buckie and Keith and at other locations including Lossiemouth, Mosstodloch, Lhanbryde, Aberlour, Rothes, and Dufftown. Site identification and conditions of development relating to these industrial sites are contained in Town and Village Statements.

Given the concentration of manufacturing industry in the Rothes/Aberlour/Dufftown area (primarily whisky and bakery products) and the resultant transport requirements, there may be a need for a site to accommodate the warehousing/distribution activity generated. The Council in association with other economic agencies will undertake a site search for such a facility to provide an initial area of up to 5 hectares to meet the "strategic" needs of Speyside. By implication, this may have to be outwith identified settlement boundaries.

Policy L/ED13: Development in Woodlands

For development proposals within or adjacent to woodlands, the commercial resource of forestry is to remain the primary consideration, and development which is considered to prejudice the commercial management of the forest, is likely to be refused. However, non-native woodlands may be suitable for certain developments such as holiday chalets, and, in appropriate circumstances, the location of individual house plots. In order to ensure that the new use neither conflicts with, nor poses a danger (e.g. through fire risk) to remaining trees, the Forestry Authority will be consulted in such cases.

All new planting proposals are guided by the locational criteria set out in the Grampian Indicative Forestry Strategy.

Policy L/ED15: Rural Business Operations

Recognising their role as traditional, established land uses in rural areas, proposals related to indigenous industries (e.g. agriculture, forestry including forest and timber products, distilling, fishing and food processing), will generally be supported in principle.

New business developments in all sectors will be subject to:-

- i) strict control over siting, design, visual impact and emissions. In view of the rural location, industrial estate/urban design may not always be appropriate; (Full details on the relevant criteria are contained in Chapter 8 (Implementation)).
- ii) a possible locational justification for the site concerned if serviced industrial land is available nearby.
- iii) the capacity of the local infrastructure, (roads, drainage, water supply etc).
- iv) environmental considerations including the impact upon natural heritage.

Where regulations require, an Environmental Impact Assessment will be carried out in order that full account is taken of the potential impact of major developments. When the criteria requiring a formal EIA are not reached the Council may still request some supporting economic justification be submitted in support of any adverse environmental impact.

Proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business premises will be encouraged, provided access and parking arrangements are acceptable. Where noise, emissions or any other aspect are considered to present "bad neighbour" circumstances, there will be a presumption to refuse development proposals.

Policy L/ENV1: Statutory Nature Conservation Sites

International Designations

Development proposals which may adversely affect a designated or proposed Special Area of Conservation, Special Protection Area or Ramsar site should be assessed in terms of its implications for the site's conservation properties and will only be permitted where 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 for the development. Where a priority habitat or species would be affected, prior consultation with the European Commission is required unless the development is necessary for public health or safety reasons.

National Designations

Development proposals which may adversely affect SSSI's or NNR's will only be permitted where:-

- i) the objectives of designation and overall integrity of the site will not be compromised; or
- ii) 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.

Policy L/ENV2: Non Statutory Nature Conservation Sites

Local Designations

Development proposals which will have an adverse effect on Local Nature Reserves, SINS or conflict with the objectives of Local Biodiversity Action Plans, will only be permitted if they incorporate specific measures to minimise impact and conserve the site's ecological interest and moreover, where significant adverse impacts are involved, a locational need must be clearly established.

Policy L/ENV7: Areas of Great Landscape Value (AGLV)

Development proposals within AGLV's will only be permitted where they incorporate high standards of siting and design for rural areas and where they will not have a significant adverse effect on the landscape character of the area (see policies L/IMP2 and L/IMP3 in chapter 8). The Council will require detailed proposals covering site layout, landscaping, boundary treatment, building design and material finishes to be provided with planning applications.

The Council will seek a Direction from the Scottish Ministers to restrict the formation of vehicle tracks above the 150m level within AGLV's.

Policy L/ENV24: Surface Water Drainage: Sustainable Urban Drainage System

In consultation with SEPA, NOSWA and the Council's Road Service, Sustainable Urban Drainage Systems (SUDs) will be sought on all development sites as identified in the settlement plans and on all 'windfall' sites (i.e. redevelopments and undesignated sites) accommodating in excess of 10 residential units or measuring in excess of 2,000 sq. m of non-residential development land.

Settlement statements and development briefs shall identify sites where an explicit surface water management plan requires to be submitted and approved as part of the planning application.

Where SUDs are proposed applicants must specify provisions for long term maintenance to the satisfaction of the Council and the regulatory authorities.

Policy L/T4: Provision of Road Access

The Council will require that a suitable and safe access from the public highway is provided.

(i) Design of Road Access

Since the formation of a new access by unmade track or surfaced private road (particularly in rural areas) can often result in a scar on the landscape (e.g. if it dissects an agricultural field,

involves extensive tree felling or traverses a hillside), then unless a proposed new access is carefully designed within the landscape the proposal will be unacceptable.

(ii) Road Access Standards

Where access to the site is by unmade/private track the Council may require it to be surfaced to a specified standard. If the access is of significant length and may serve more than one development site, some widening and the provision of passing places may additionally be imposed as a condition of any consent.

Policy L/T7: Parking Standards

Proposals for different forms of development must comply with the Council's 'Car Parking Standards' (available from the Council's Roads Service).

Where development (including housing) within the defined town centre cannot reasonably supply parking on site, (or where it is appropriate not to include parking), the developer will require to comply with the Council's system for 'commuted payments' for parking. Housing development in town centres which need not provide residential parking on site, must make provision for vehicular access for deliveries and emergencies.

In housing developments of over 30 houses, provision must be made for communal off-street parking, in addition to in-curtilage in order to permit the parking of large commercial vehicles away from road frontages.

L/T9: Transport Impact Mitigation

Where a transport assessment identifies necessary off-site improvements for the development to be able to proceed the developer will be expected to fund them by entering into a formal agreement with the Council. In addition to normal developments this will also apply to situations such as the need to upgrade off-site infrastructure related to forestry planting or harvesting.

Policy L/F1: Developer Contributions

Where a development proposal is considered to have a measurable and potentially negative impact on the infrastructure, community facilities or amenities related to that development, the Council will seek an agreement with the developer that he redress the elements of impact by funding the provision of, or contributing towards, such mitigating works as are reasonably necessary to enable the development to proceed.

If this cannot be achieved by conditions of consent, then agreements must be concluded before a consent is granted.

Policy L/IMP2: Development in Rural Areas

The Council will seek to ensure that all proposals for development in the rural area (i.e. all areas in Moray outwith town settlement and rural community boundaries) are compatible in terms of character, amenity and design, integrate sensitively into the environment and, where possible, located within easy walking range of public transport (this latter requirement will particularly apply to large scale developments). The Council will, therefore, pay special regard to matters such as traffic and landscape impact, accessibility, loss of productive or biodiverse land, siting,

scale, colour and energy conservation. The Council will consult relevant organisations such as Scottish Natural Heritage, the Scottish Environmental Protection Agency etc. on significant development proposals and 'The Moray Landscape Character Assessment' report as prepared by Scottish Natural Heritage will be utilised to inform decisions on siting and locating within the landscape.

Policy L/IMP3: New Building Design

(i) Design Principles

All building development must be designed to respond adequately to the locality. Applications must meet the following requirements:-

- a) appropriate location in landscape or townscape
- b) careful placement on a site, particularly in relation to character, amenity and energy conservation
- c) appropriate size and form in relation to existing buildings, sky line and landform
- d) appropriate density, layout and orientation in relation to character, amenity, privacy of neighbouring properties and energy conservation
- e) sensitive use of materials and colours in relation to existing setting and environmental impact

Standardised solutions to building design are not encouraged and will not be acceptable unless existing context (the design and character of the existing surroundings) suggests otherwise. Design solutions which seriously compromise the amenity and character of the area will not be permitted.

Highly innovative, experimental solutions will be encouraged but may not be suitable in every situation. In certain circumstances, the Council may request written design statements explaining various aspects of design solution e.g. explaining why a particular approach has been taken, and expect applications to show new buildings in their wider relationship with surrounding properties and the site (plans and elevations/perspective/ photomontages showing adjacent buildings, trees, landform etc)

(iii) High Profile/Landmark Sites

Where a building is either high profile or will have high impact within the townscape or open countryside, i.e. along the A class road network and high street frontages, within defined town centres, and at major visitor attractions and prominent rural locations, The Council will expect high quality solutions and may consult with bodies such as The Royal Fine Arts Commission, the Royal Institute of Architects in Scotland, the Scottish Civic Trust, Historic Scotland and the Association for the Protection of Rural Scotland, to assist with the assessment of the design impact.

On sites considered to be high profile, the Council will encourage applicants and landowners to sponsor design competitions prior to the submission of a planning application under the rules and procedures as advised by the RIAS Competitions Unit.

(iv) Materials

The Council will particularly encourage the use of materials which are sustainable. The use of salvaged or recycled material is encouraged in most circumstances subject to local situation and there is a strong expectation that traditional materials will be used on heritage structures. The Council will discourage the over use of high energy materials (i.e. those which require high energy levels to make and dispose) where alternatives can be used and is also concerned about the potential long term affects of using Tropical Hardwoods, from non-managed sources.

Policy L/IMP4: Maintenance of Landscaped and Amenity Areas

Applicants must demonstrate that satisfactory arrangements have been made to secure the maintenance of all landscaped and amenity space in perpetuity. Such arrangements must be put in place prior to any planning consent being issued. These arrangements shall be to the satisfaction of the Council and limited to:-

- i) a Section 75 Agreement (under the terms of the Town & Country Planning (Scotland) Act 1997) with a Bond in perpetuity, or
- ii) an Agreement leading to adoption by the Council (normally involving a capital sum equal to 1 year's maintenance x 20 with transfer of title), or
- iii) an Agreement to transfer title and responsibility for the provision and maintenance of the amenity and landscaped spaces to a maintenance company such as the Scottish Greenbelt Company or such other similar company constituted to secure maintenance in perpetuity, as is acceptable to the Council.

Policy L/IMP8: Departures From The Local Plan

Departures from the local plan will be managed in accordance with advice as laid down in Planning Advice Note 41: Development Plan Departures (The Scottish Executive). Proposals which involve substantive or significant policy changes or which are judged to involve major social, environmental or economic impacts, will be the subject of formal alteration procedures to amend the local plan. Such procedures will allow for a structural community participation input and may include a Public Local Enquiry.

Emerging Moray Local Plan 2008 - Material Consideration

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.

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 management of the forest.

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, provided access and parking arrangements are acceptable. Where noise emission or any other aspect is considered to be incompatible with surrounding uses, there will be a presumption to refuse.

E1: Natura 2000 Sites and National Nature Conservation Sites

Natura 2000 Designations

Development likely to have a significant effect 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:-

- a. there are no alternative solutions; and
- b. there are imperative reasons of over-riding public interest. These can be of a social or economic nature, except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for over-riding 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).

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

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.

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.

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.

T2: Provision of Road 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.

SPP17 details that there is a presumption against new accesses onto a trunk road and that the Scottish Executive will consider the case for such justifications, where nationally significant growth or regeneration benefits can be demonstrated.

T5: Parking Standards

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

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. The indicative thresholds contained in the related guidance to SPP17 will be used. However it should be noted that Transport Assessments could be required no matter the size of the site. Moray Council will develop its own thresholds and promote these through Supplementary Guidance. The Moray Council's Roads Service can assist in providing a screening option on whether a Transport Assessment will be sought.
- 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.

IMP3: Developer Contributions

Where a development proposal is considered to have a measurable impact on the provision of infrastructure, community facilities, healthcare 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.

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, in all new developments
- f. there must be adequate availability of social, educational, healthcare 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.

n. where appropriate, arrangements for waste management should be provided.

OBJECTIONS-REPRESENTATIONS

Letter of representation received from: -

- Speyside Cooperage per Grigor and Young, 1 North High Street, Elgin Moray, IV30 1UA

The main grounds of representation are as follows: -

- **Water supply:** It is stated that a private water supply pipe serving the cooperage runs along the verge of the road which fronts the development site.
Applicant's response: The applicants are aware of the water supply pipe and will take care not to damage this during any construction works. Any inadvertent damage will be made good by the applicants.
Comment: The issue of water supply in this instance is a private matter between the parties concerned.
- **Surface water:** It is stated that water from the application site frequently spills across the Bluehill Road and onto land in the correspondents' ownership. Measures will be required within the site to deal with surface water disposal.
Applicant's response: The flooding issue is believed to be due to a blocked ditch, which the applicants intend to clear, and it is anticipated that this will resolve the matter.
Comment: Full SUDs details for the treatment and disposal of surface water will be a requirement of any grant of planning permission. As has been noted in the 'Consultations' section of this report below, SEPA has commented that insufficient detail of the means for disposal of surface water has been provided, and SEPA therefore objects to the scheme.

CONSULTATIONS

Scottish Water - No objections, although it is noted that there are possible water pressure issues within the water supply network.

SEPA - SEPA objects to the application on the basis that insufficient information has been provided on the disposal of surface water.

Environmental Health Manager, Development Services - A final response from the Environmental Health Manager is still awaited at the time of writing. Additional information on noise levels has been sought from the applicants.

Environmental Protection Manager, Direct Services - No objections.

Contaminated Land, Development Services - No objections.

Transportation Manager, Direct Services - Recommend refusal of the application on the grounds that the carriageway serving the site is of substandard width with limited forward visibility at a number of locations.

Transport Scotland – No objection to impact of traffic associated with the site on the A95 trunk road.

SSE Power Distribution - No objection, provided that appropriate safety measures are in place for works close to the power line which crosses the site, or that the line is moved as necessary.

Scottish Natural Heritage - While SNH does not object to the application per se, concerns are noted about the potential for badgers to be present on site, and the need for a badger survey to be carried out and approved by the Council prior to the commencement of development works (in the event that the application is to be permitted). Further comment is made with regard to avoidance of tree felling during the breeding season for wild birds.