

PLANNING APPLICATION: 16/00083/APP

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

- This application has been submitted under the terms of Section 42 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act). Section 42 applications are for the variation or removal of planning conditions placed on a previous planning consent which is still extant.
- In this case the applicants have applied to vary conditions 5, 6, 11 and 15 of planning permission 10/01267/APP and the current application was submitted and made valid prior to the original consent expiring.
- Annex I of Circular 3/2013: Development Management Procedures details the procedure for considering section 42 applications and amongst other things allows planning authorities to widen the scope of the application to consider the overall effect of granting a new planning permission. With this in mind and given a new Local Development Plan has been adopted in the intervening time between the original grant of consent and the submission of this application, this represents a significant change in material circumstances and as such it is necessary to not only consider the proposed variations to conditions but also essentially assess the application afresh to consider compliance with the up to date Moray Local Development Plan 2015.
- This application proposes the same layout and house types as previously approved, which includes the erection of 59 residential units together with associated infrastructure including service loop road, two access junctions onto Stynie Road, footways/cycleway, landscaping and a central open space.
- The houses will be of traditional design and include a variety of types, ranging from 1 bed flats, 2 and 3 bed roomed semi-detached and terraced properties, to 3 and 4 bed roomed detached properties.
- Materials proposed are blue/black slate roofs with wet dash render finished with some external timber boarding.
- The houses will be connected to the public water supply and foul sewerage system. Surface water will be disposed of via soakaways located to the north of the site.

THE SITE

- The application site is located in the north-eastern part of the settlement and covers an area of 3.84ha. It is currently used as agricultural land, is generally flat and low lying with a gentle slope at the northern boundary of the site.
- The site is designated as R1 within the Moray Local Development Plan 2015 and has been identified as having an indicative capacity for 50 houses.
- The site is bounded to the south-west by a residential estate, to the north-west by a public road (Stynie Road) and to the south-east by a field boundary onto an

adjacent area of agricultural land. There is no physical boundary to the north-east as the site forms part of a larger field.

HISTORY

10/01267/APP - Detailed application for the erection of 59 residential units at Stynie Road, Mosstodloch - approved at committee and subsequently issued with permission following conclusion of the legal agreement on 8/2/13.

POLICY - SEE APPENDIX 1

ADVERTISEMENTS

- Advertised as a departure from the development plan.
- Advertised for neighbour notification purposes.

CONSULTATIONS

Planning & Development - Amendments sought to ensure fuller compliance with quality audit aims. Various revisions sought to bring fuller compliance with placemaking policy PP3 (see observations section).

Moray Flood Risk Management - Input into surface water drainage arrangements and following further submissions, no objections subject to conditions.

SEPA - No objections subject to conditions and informatives.

Developer Obligations - Developer Obligations assessment carried out in relation to current Local development plan policy and associated supplementary planning guidance. Contributions are sought towards provision of healthcare facilities. A new legal agreement will be required to secure these contributions.

Moray Access Manager - No objections.

Aberdeenshire Council Archaeology - No objections, the site has already been the subject of a programme of archaeological works.

Scottish Water - No response received. (It is noted that they did not object to the previous approval).

Environmental Health - No objections.

Contaminated Land - No objections.

Transportation Manager - No objections subject to conditions and informatives.

Transport Scotland - No objections.

Housing Strategy and Development Manager - No objections, subject to conditions regarding provision of affordable units and accessible housing.

Innes Community Council - No response received.

OBJECTIONS-REPRESENTATIONS

None.

OBSERVATIONS

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Plan 2015 (MLDP) unless material considerations indicate otherwise. The main issues are considered below.

Although this is a major application as it is for the erection of over 50 residential units, under the terms of section 42, there is no requirement for pre- application consultation.

As covered previously within this report, this application has been submitted under section 42 of the Act and proposes to vary 4 of the conditions placed on the original consent. Under the provisions of Annex I of Circular 3/2013: Development Management Procedures planning authorities can where appropriate widen the scope of the application to consider the overall effect of granting a new planning permission. As a new Local Development Plan has been adopted since the approval of the original application it is considered necessary to not only consider the amendments to the conditions but also assess the application under the new Local Development Plan policy. This will ensure that if approved for a further 3 years the development will be in compliance with up to date planning policy. These matters are discussed below.

Variation of conditions

The proposed variations of conditions affect the implementation and timing of relatively minor aspects of landscaping and access details. Each of the existing and proposed conditions has been copied below, followed by a brief explanation of the impact of the variation on the overall development.

Existing condition 5

That all planting, seeding or turfing forming part of the approved landscape scheme shall be carried out in accordance with the agreed timing and phasing arrangements agreed under condition 8 above...'

Proposed condition 5

That all planting, seeding or turfing forming part of the approved landscape scheme shall be carried out in accordance with the agreed timing and phasing arrangements agreed under condition 4 above...'

Explanation - This variation addresses an error in cross referencing between conditions contained within the original decision notice and is therefore considered acceptable.

Existing condition 6

That a Schedule of Maintenance for the landscape areas and recreational areas shall be submitted to and approved by this Council (as Planning Authority) prior to work commencing. This Schedule of Maintenance shall include a written undertaking which includes arrangements for the implementation of the Landscape Scheme and future maintenance.

Proposed condition 6

Prior to works commencing, a landscape management statement shall be submitted for the approval in writing of this Council (as Planning Authority) which clarifies responsibilities for the ongoing and future maintenance of on-site landscaping, and implementation of the landscape scheme.

Explanation - The applicants have outlined the following in relation to this landscaping condition, "We agree that it is important that overall arrangements for the implementation of the landscape scheme and responsibility for its future maintenance be agreed before works begin on site. However, in a practical sense works to maintain the landscaping may be carried out by a third party rather than by the developers themselves. Accordingly the ongoing day-to-day maintenance regime may not be known at the time work commences on the housing element of the scheme, as any third party taking responsibility for this activity is likely to draw up its own regime of maintenance once it has been instructed.

Accordingly we would like to amend this condition to make it fit the reasonableness and necessity tests in terms of the Circular, as the detail of any day-to-day maintenance can more appropriately be agreed prior to the landscaping works themselves commencing."

To ensure the enforceability of this condition, the condition would however require further adaption and therefore as per the recommendation the above proposed condition would need to be modified to say that the landscape management statement must be "submitted to and approved in writing by the Council (as Planning Authority)" rather than just be submitted. This statement would provide a higher level commitment which would outline the level of commitment required by any subsequent maintenance provider in the subsequent condition providing a specific schedule of maintenance.

This request is considered reasonable and will not affect the final position reached in relation to landscaping of the site and as such is considered acceptable.

An additional condition is to be added to cover the Schedule of Maintenance that is required to be submitted.

Additional condition 7

A schedule of Maintenance for the landscaping areas and recreational areas shall be submitted to and approved by this Council (as Planning Authority) prior to works commencing to implement the landscaping scheme detailed under condition 4.

Existing condition 11

Prior to the commencement of construction of the 5th housing unit, infrastructure for non-motorised road users to the south of the site (items i to vi) inclusive in condition 14c shall be constructed in accordance with the approved plans. The infrastructure along the frontage of the site (condition 14d) shall be constructed in accordance with the agreed Phasing Plan.

Proposed condition 11 (now condition 12 on recommendation due to additional condition 7)

Prior to the commencement of construction of the 5th housing unit, infrastructure for non-motorised road users to the south of the site (items i to vi) inclusive in condition 11c shall be constructed in accordance with the approved plans. The infrastructure along the frontage of the site (condition 11d) shall be constructed in accordance with the agreed Phasing Plan.

Explanation - This variation addresses an error in cross referencing between conditions contained within the original decision notice and is therefore considered acceptable.

Existing condition 15

No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

Proposed condition 15 (now condition 16 on recommendation due to additional condition 7)

Prior to development commencing, measures to prevent water and loose material from being carried onto the public footway/carriageway shall be agreed in writing with the Planning Authority and thereafter implemented in accordance with the agreed details.

Explanation - The applicants have outlined that they "consider that the current condition is neither reasonable nor enforceable under the terms of the Circular. Critically however the continuing presence of the condition will create a public expectation that this is a matter that can be controlled through enforcement action. Accordingly if this condition remains and the site is developed, it has the potential to create an unwelcome and intractable problem for the Council's enforcement staff, which will need to be seen to act on a condition that cannot be strictly enforced. On the other hand, the condition as currently drafted is also disadvantageous to house builders, as the solicitors of any prospective purchasers to the completed houses are likely to interpret condition 15 as an onerous burden on the purchaser, and this in itself could inhibit interest in the site."

The proposed amendment still achieves the required outcome, however, addresses the applicants concerns in relation to enforceability and legal matters and is considered acceptable.

Existing Condition 16

Parking Provision shall be as shown on the approved plans and retained for parking purposes.

Proposed condition 16 (now condition 17 on recommendation due to additional condition 7)

Parking provision shall be provided and made available for use at all times at the following level(s) of provision:

Private housing:

3 bedrooms - 2 spaces

4 or more bedrooms - 3 spaces

Private Flats:

2 bedrooms - 1.5 spaces per flat

Cycle parking at a rate of 1 stand/locker plus 1 stand per 20 flats

Affordable housing/flats:

2 bedrooms - 1 space

3 or more bedrooms - 2 spaces

Garage spaces must have internal clear dimensions of not less than 3m by 7m to be counted within the parking provision.

Explanation - The current recommendation gives greater clarity on the parking requirements for the different types of housing proposed.

There has been some other minor amendments to the wording of other conditions to bring them in line with current standard wording of conditions but these are not significant and do not alter the conditions meaning or intent.

Appraisal of application in terms of compliance with Moray Local Development Plan 2015

R1 Stynie Road (H1, IMP1 and Mosstodloch R1) and departure issues (E9)

This is a large residential designation with an indicative capacity of 50 houses. The text accompanying the designation outlines that a 15m landscaped strip should be provided along the northern boundary and the avenue of trees along Stynie Road should be extended along the site frontage. In addition structural landscaping will be required within the site to ensure visually discrete groupings of houses. Road improvements to Stynie Road will be required, including widening of the road, provision of footways/cycleway, extension of street lighting and speed limits. 2 points of access should be provided onto Stynie Road. Due to the proximity of the River Spey SAC, information should be provided in support of proposals to ensure measures can be put in place to avoid adverse impact on water quality.

With regard to the indicative capacity of the site being 50 units, policy H1 and the designation text outlines that the designation capacities are indicative only and proposed capacities will be considered against the characteristics of the site and conformity with policies PP3, H8 and IMP1. With this in mind the application for 59 units is not considered to be a departure in this regard as outlined in the design and layout section later in this report.

The 15m landscaping strip required along the northern boundary of the site has not been provided as the applicants have proposed additional planting along Stynie Road which is considered to be more effective in screening the development from the main viewpoint along Stynie Road. The applicant also considers that a tree belt along the northern boundary would reduce views from the houses, effect natural light levels and could be a security risk. Individual trees are also proposed within the gardens along the northern boundary to assist with integrating the development with its surroundings. Conditions regarding the landscaping details and long-term maintenance of these areas will be imposed along with a requirement for a native hedgerow to be planted along the northern and eastern boundaries. In light of the above it is considered that the departure issue in relation to the omission of the 15m landscaping strip is considered to be acceptable.

The road, footpath and cycleway improvements have all been accommodated within the development and these incorporate 2 access points onto Stynie Road and as such the proposals are considered acceptable in this regard.

In terms of the potential impact on the water quality of the River Spey SAC, SNH have no objection to the approval of the application and SEPA have recommended that conditions be attached to the consent to control and treat surface water run-off both during and after the construction of the development. Taking into account the conditions as recommended the interests of the River Spey SAC are protected.

As with the previous approval on this site, the SUDs will be located outwith the settlement boundary and designation; this will not be readily visible from the public road and given it will take the form of filtration trenches planted over with a wild meadow this will maintain the appearance of a rural location. Taking this into account, the high quality of design within the development and the associated land take of the central greenspace it is considered that a departure from policy E9 can be justified.

With all of the above in mind the application represents an acceptable departure from the northern landscaping strip requirements of the R1 Stynie Road designation.

Place-making: Design and Site Layout (PP3, PP2, H8, H9, E5 & IMP1)

During formal consideration of the application, discussions with the applicant have sought to promote an acceptable form of development in terms of good design and place-making principles as advocated by policy PP3 and the related Supplementary Planning Guidance (SPG). As a material consideration, a quality audit (QA) process, covering both design and site layout issues, has been agreed to assess the conformity of residential development with Policy PP3 place-making and Urban Design SPG principles.

The QA approach examines 12 criteria considered to contribute to place-making principles i.e. connections, public transport, safer environment, car parking, legibility/street hierarchy, character and identity, housing mix, access to facilities and amenities, natural features, open space, biodiversity, and landscaping. The QA adopts a "traffic light" approach to assess the criteria where:

- "red" means 'significant place-making issues where mitigation is required and if not addressed refusal would be recommended';
- "amber" means 'design principles within PP3 and the Urban Design Guide have been met, however further quality improvements could be made'; and
- "green" means 'PP3 principles and Urban Design Supplementary Guidance are fully met'.

A QA was undertaken for this application which identified a number of points requiring attention, such as an increase of affordable and accessible units required, amendments to car parking arrangements and detailed landscaping plans. The applicants have subsequently submitted amended plans to show the required level of affordable and accessible units. The parking arrangements remain unaltered, however, taking into account the exceptionally high level of house design and overall layout, which will create a development with an excellent sense of place, any further amendments are not considered necessary.

In summary, the amended proposals have incorporated some but not all of the mitigation improvements highlighted in the QAs, and maintain and/or sometimes improve upon the proposal's compliance with place-making principles. These improvements included additional path links, improvements to open space area and additional landscaping. In not being considered to adversely detract from the character, appearance and amenity of the

development and the surrounding area, the application is acceptable and satisfies relevant planning policy and supplementary guidance including Policy PP3, H1 and IMP1.

The proposal is also considered to be compliant with Policy PP2. The submitted 'Sustainability Checklist' considers that, in terms of site layout and design, including a number of passive low energy design measures which are incorporated. These are regarded as being of potentially greater value and are more user-friendly than technologically driven techniques. Together with a number of resource efficiencies, the proposal will adopt sustainable surface water management and flooding principles, and in terms of climate change adaptation, the submitted 'checklist' confirms that all house types are designed to offer adaptable/flexible living spaces within the site and to create an inclusive environment and community spirit catering for the needs of all people whilst also being compliant with accessible housing and Building Standards requirements.

The style and finishes of houses and flats are of a very high standard and replicate the design and style of traditional vernacular properties within Mosstodloch and nearby Fochabers. The presence of the central green and landscaped avenue along Stynie Road will provide a softer and welcoming development and ensures compliance with policy E5, in that, over 20% of the site area has been given over to open space.

Affordable/Accessible Housing (H8, H9, PP3, IMP1)

Following consultation with the Housing Strategy and Development Manager and in accordance with policies H8 and H9, there is a requirement for the provision of 15 affordable units to be provided on site along with a further 5 accessible units. The applicants have confirmed that they are agreeable to this provision and subject to the conditions as recommended the proposal is considered compliant with policies H8, H9, PP3 and IMP1.

Transportation (Mosstodloch designation R1, T2, T5, T7, PP3, IMP1, IMP2)

The applicants have incorporated all of the transportation requirements as set out within text accompanying the designation. The Transportation service has confirmed that they have no objection to the approval of the application subject to conditions as recommended.

Drainage and Water Supply (EP5, EP10, IMP1)

Policy EP5 requires surface water drainage to be dealt with in a sustainable manner using SUDs with a DA required for developments of 10 or more houses, together with consideration to be given to the impact of construction phase run-off.

The DA confirms that the development will be served by separate foul and surface water drainage systems, the latter to incorporate SUDs and be designed in accordance with sustainable development principles, thereby reflecting the requirements of policy EP5.

Both SEPA and Moray Flood Risk Management (MFRM) have reviewed the surface water drainage information provided and have no objection to the approval of the application subject to conditions as recommended.

Policy EP10 requires a public connection for development located within settlements. Scottish Water has not responded to the consultation of the application, however, had no objection to the approval of the previous application on this site and have their own powers to ensure the site is served by adequate foul sewerage infrastructure without adversely impacting on the remainder of the village.

Impact Upon Cultural Heritage (BE1, IMP1)

There are no built heritage assets near the site, but given the presence of archaeology in close proximity to the site, consultation was carried out with the Aberdeenshire Archaeological Service who has no objection to the development on the basis that the site has already been the subject of a programme of archaeological works.

Impact on Natural Heritage (E3, IMP1)

There are no international, national or local environmental designations covering the site. A protected species survey was submitted in support of the application, which identified that the proposals will have no impact on the protected species.

Developer Obligations (IMP3)

A Developer Obligations assessment has been carried out in accordance with current Local Development Plan policy and associated supplementary planning guidance and has identified the need for contributions towards healthcare of £55,477.49. The applicants have confirmed that they are agreeable to the contribution, which will need to be secured via legal agreement prior to the grant of permission. For the avoidance of doubt, those contributions towards transportation and sports and recreation facilities as agreed by legal agreement in relation to the previous application can no longer be justified via current planning policy and as such are not being sought in accordance with this application. It is noted for information that there had been discussion over the provision of 'real time' information bus stops but this has now been superseded by the presence of electronic information elsewhere on Stynie Road, in Mosstodloch.

Conclusion

On the basis of the above and subject to the conditions recommended the proposal is acceptable.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are: -

The proposed variations to conditions are considered acceptable. In terms of the wider effects of the development, the application represents an acceptable departure from the Mosstodloch R1 designation in that, the proposed layout does not allow for the planting strip along the northern boundary, as required by the designation, however, taking into account the high standard of design, layout and landscaping achieved, this planting strip is no longer deemed necessary. The application also departs from policy E9 in that the SUDs are located out with the designation and settlement boundary, however again based on the high standard of the design, layout and landscaping achieved and the nature of the SUDs area which will include filtration trenches and be planted with a wild meadow on top, this area will not look out of place with the surrounding countryside. In all other respects the proposal accords with the Moray Local Development Plan 2015 and there are no material considerations that indicate otherwise.

APPENDIX

POLICY

Adopted Moray Local Development Plan 2015

Primary Policy PP1: Sustainable Economic Growth

The Local Development Plan identifies employment land designations to support requirements identified in the Moray Economic Strategy. Development proposals which support the Strategy and will contribute towards the delivery of sustainable economic growth and the transition of Moray towards a low carbon economy will be supported where the quality of the natural and built environment is safeguarded and the relevant policies and site requirements are met.

Primary Policy PP2: Climate Change

In order to contribute to reducing greenhouse gas emissions, developments of 10 or more houses and buildings in excess of 500 sq m should address the following:

- Be in sustainable locations that make efficient use of land and infrastructure
- Optimise accessibility to active travel options and public transport
- Create quality open spaces, landscaped areas and green wedges that are well connected
- Utilise sustainable construction techniques and materials and encourage energy efficiency through the orientation and design of buildings
- Where practical, install low and zero carbon generating technologies
- Prevent further development that would be at risk of flooding or coastal erosion
- Where practical, meet heat and energy requirements through decentralised and local renewable or low carbon sources of heat and power
- Minimise disturbance to carbon rich soils and, in cases where it is agreed that trees can be felled, to incorporate compensatory tree planting.

Proposals must be supported by a Sustainability Statement that sets out how the above objectives have been addressed within the development. This policy is supported by supplementary guidance on climate change.

Primary Policy PP3: Placemaking

All residential and commercial (business, industrial and retail) developments must incorporate the key principles of Designing Streets, Creating Places and the Council's supplementary guidance on Urban Design.

Developments should;

- create places with character, identity and a sense of arrival
- create safe and pleasant places, which have been designed to reduce the fear of crime and anti-social behaviour
- be well connected, walkable neighbourhoods which are easy to move around and designed to encourage social interaction and healthier lifestyles
- include buildings and open spaces of high standards of design which incorporate sustainable design and construction principles
- have streets which are designed to consider pedestrians first and motor vehicles last and minimise the visual impact of parked cars on the street scene.
- ensure buildings front onto streets with public fronts and private backs and have clearly defined public and private space
- maintain and enhance the natural landscape features and distinctive character of the area and provide new green spaces which connect to green and blue networks and promote biodiversity
- The Council will work with developers and local communities to prepare masterplans, key design principles and other site specific planning guidance as indicated in the settlement designations.

Policy H1: Housing Land

Designated sites

Land has been designated to meet the strategic housing land requirements 2013-2025 in the settlement statements 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 allows consideration of all servicing, infrastructure and landscaping provision to be taken into account at the outset. It will also allow an assessment of any contribution or affordable housing needs to be made. Proposals must comply with the site development requirements within the settlement plans and policies and the Council's policy on Place- making and Supplementary Guidance, "People and Places".

Windfall sites within settlements

New housing on land not designated for residential development within settlement boundaries will be acceptable if;

- a) The proposal does not adversely impact upon the surrounding environment, and
- b) Adequate servicing and infrastructure is available, or can be made available
- c) The site is not designated for an alternative use
- d) The requirements of policies PP2, PP3 and IMP1 are met.

Housing Density

Capacity figures indicated within site designations are indicative and proposed capacities will be considered against the characteristics of the site, conformity with policies PP3, H8 and IMP1.

R1: Stynie Road

This is an existing designation carried forward, and planning consent has previously been granted for a development on site. A 15m landscaped strip should be provided along the northern boundary, and the avenue of trees along Stynie Road should be extended along the site frontage. In addition, structural landscaping will be required within the site to ensure visually discrete groupings of houses.

Road improvements to Stynie Road will be required, including the widening of the road; provision of footways/cycleway; extension of street lighting; relocation of speed limit. 2 points of access from Stynie Road will require to be provided.

Due to proximity to River Spey SAC information should be submitted to support proposals demonstrating that adequate protection measures can be put in place to avoid impact on water quality.

Policy H8: Affordable Housing

Proposals for new housing developments of 4 or more units (including conversions) must provide 25% of the total units as affordable housing.

A higher percentage contribution may be appropriate subject to funding availability as informed by the Local Housing Strategy. A lesser contribution or alternative in the form of off-site provision or a commuted payment will only be considered where exceptional site development costs or other project viability issues are demonstrated.

Supplementary or other guidance will provide further details of this policy including the proportion of provision, the specification of wheelchair accessible housing and the exceptions that may apply.

Policy H9: Housing Mix/Accessible Housing

Proposals for multiple houses must meet the needs of smaller households, older people and other needs (e.g. extra care housing) identified in the Council's Housing Need and Demand Assessment.

All new residential developments must provide a range of housing of different types and sizes which should reflect the requirements of the Local Housing Strategy. Different house types should be well integrated, ensuring that the siting and design is appropriate to the location and does not conflict with the character of the local area.

Housing proposals of 10 or more units will be required to provide a proportion of wheelchair accessible housing. Flexibility may apply on less accessible sites and/or where an alternative acceptable housing mix is proposed.

Off-site provision may be acceptable where sites do not have good access to local services and facilities and are not considered appropriate for housing for older people.

Supplementary or other guidance will provide further details of this policy including the proportion of provision, the specification of wheelchair accessible housing and the exceptions that may apply.

Policy BE1: Scheduled Monuments and National Designations

National Designations

Development Proposals will be refused where they will adversely affect Scheduled 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 the integrity of their settings will be refused unless it can be demonstrated that;

- a) Local public benefits clearly outweigh the archaeological value of the site, and
- b) There is no suitable alternative site for the development, and
- c) Any adverse effects can be satisfactorily mitigated at the developer's 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 Monuments and archaeological sites.

Policy EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development should be dealt with in a sustainable manner that has a neutral effect on the risk of flooding or which reduces the risk of flooding. The method of dealing with surface water should also avoid pollution and promote habitat enhancement and amenity. All sites should be drained by a sustainable drainage system (SUDS). Drainage systems should contribute to enhancing existing "blue" and "green" networks

while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives.

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 sq metres and above.

The Council's Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

Policy EP9: Contaminated Land

Development proposals on potentially contaminated land will be approved provided that:

- a) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment; and
- b) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/or treatment of any hazardous material.

The Council recommends early contact with the Environmental Health Section, which can advise what level of information will need to be supplied.

Policy T2: Provision of Access

The Council will require that new development proposals are designed to provide the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location. Development must meet the following criteria:

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.
- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.

- Provide appropriate mitigation/modification to existing transport networks where required to address the impacts of new development on the safety and efficiency of the transport network. This may include but would not be limited to, the following measures, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.
- Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

Developers should give consideration to aspirational core paths (under Policy 2 of the Core Paths Plan) and active travel audits when preparing proposals.

New development proposals should enhance permeability and connectivity, and ensure that opportunities for sustainable and active travel are protected and improved.

The practicality of use of public transport in more remote rural areas will be taken into account however applicants should consider innovative solutions for access to public transport.

When considered appropriate by the planning authority developers will be asked to submit a Transport Assessment and Travel Plan.

Significant travel generating proposals will only be supported where:

- Direct links to walking and cycling networks are available;
- Access to public transport networks would involve walking no more than 400m;
- It would not have a detrimental effect on the capacity of the strategic road and/or rail network; and
- A Transport Assessment identifies satisfactory mechanisms for meeting sustainable transport requirements and no detrimental impact to the performance of the overall network.

Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

Policy T5: Parking Standards

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

Policy IMP1: Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with 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) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

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 developments that are likely to have significant environmental affects under the terms of the regulations.
- b) A Transport Assessment (TA) will be sought where a change of use or new development is likely to generate a significant increase in the number of trips being made. TAs should identify any potential cumulative effects which would need to be addressed. Transport Assessments should assess the effects the development will have on roads and railway infrastructure including stations and any crossings. Transport Scotland (Trunk Roads) and Network Rail (Railway) should be consulted on the scoping of Transport Assessments. Moray Council's Transportation Service can assist in providing a screening opinion on whether a TA will be sought.

- c) In order to demonstrate that an out of centre retail proposal will have no unacceptable individual or cumulative impact on the vitality and viability of the identified network of town centres, a Retail Impact Assessment will be sought where appropriate. This may also apply to neighbourhood shops, ancillary retailing and recreation/tourism retailing.
- d) Where appropriate, applicants may be asked to carry out other assessments (e.g. noise; air quality; flood risk; drainage; bat; badger; other species and habitats) in order to confirm the compatibility of the proposal.

Policy IMP3: Developer Obligations

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity, and such contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

The Council will prepare supplementary guidance to explain how the approach will be implemented in accordance with Circular 3/2012 on Planning Obligations. This will detail the necessary facilities and infrastructure and the scale of contributions likely to be required.

In terms of affordable housing, developments of 4 or more units will be expected to make a 25% contribution, as outlined in policy H8.

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 Development Plan period. Development proposals immediately outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term development site which is being released for development under the terms of Policy H2.

(In accordance with policy H11, for proposals involving Gypsy/Traveller sites, a distance of 1km will be applied as being "immediately outwith").