

MORAY FINALISED STRUCTURE PLAN- PROPOSED MODIFICATIONS

Modification	Reference	Deletion	Addition/Replacement	Reason	Proposed Council Responses
DEVELOPMENT & COMMUNITY					
1 Retail	Page 18, paragraph 2 Retailing and Commercial Development	Delete – “National Planning Policy Guideline 8 (Revised) ‘Town Centres and Retailing’ set out the need to identify the capacity of existing town centres to accommodate additional retail development , to identify opportunities for new retail development outwith town centres and ensure	Replace with the following text:- “SPP8 states development plans should identify a network of town centres, commercial centres and out-of-town shopping centres and set out policies to support and enhance town centres. The SPP advocates focusing development in town centres and the adoption of a sequential approach to site selection for all retail and commercial uses.”	To demonstrate that the plan is in line with the latest national policy guidance in SPP8.	Agreed
2 Lossie Green	Page 19 Proposal 1	Delete reference to Lossie Green “The Moray Council (and partners) will carry out a study to establish if the redevelopment of the Lossie Green area, in conjunction with adjoining areas in Elgin Town Centre, for retail and associated commercial and civic uses would be feasible.”	Replace with the following text:- “The Moray Council (and partners) will carry out a study to consider potential areas within Elgin town centre and the feasibility of their development for retail and associated commercial and civic uses.”	To remove a specific site reference which is inappropriate for a Structure Plan.	Agreed
3 Commitment to Strategic Infrastructure Schemes	Page 22 Schedule 3 First row of the table relating to Strategic Trunk Roads		Insert in the fourth column of the first row of Schedule 3 underneath the existing text the following wording: “Transport Scotland has made no programming or funding commitment to the Fochabers to Aberdeenshire boundary measure.”	To clarify that Transport Scotland has made no commitment to this proposal.	The Council consider this statement to be premature as there is an ongoing Inverness to Aberdeen Transport Corridor Study which may influence the future development of this route.

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ENVIRONMENT & RESOURCES					
4 Natura 2000	Page 26, before last para insert new paragraph		<p>Insert the following wording “Development likely to have a significant effect on the qualifying interests of a Natura 2000 site will be subject to an appropriate assessment, to ascertain whether there will be adverse effects on the integrity of the site. 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</p> <ul style="list-style-type: none"> (a) there are no alternative solutions; and (b) there are imperative reasons of overriding 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. <p>Consent can only be issued in such cases where the reasons for 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).”</p>	To ensure the Plan is compliant with Natura 2000, regarding appropriate assessment.	Agreed

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5a Waste Management	Page 27 last paragraph, first line		Replace “The North East and Highland Area Waste Plan sets out...” with “The North East and Highland Area Waste Plans set out...”	To clarify that there are two separate Area Waste plans.	Agreed
5b	Page 28 second para		Add after “identified in the Area Waste” the following text “ <u>Plans and provide locational guidance for other waste management facilities</u> ”	To ensure an appropriate context for non-municipal waste is provided in the Local Plan.	Agreed
5c	Page 31 Policy 2 (h)		Insert after “ensuring that new development is designed to facilitate” the word ‘sustainable’ i.e. “to facilitate sustainable waste management practices”	To bring the plan in line with the National Waste Plan.	Agreed
6 SEPA name	Page 29, first para		Change text to read “the Scottish <u>Environment Protection Agency</u> ”	To refer to the correct full name of SEPA	Agreed
7 Aggregates	Page 30, para 6 first sentence	Delete ‘ National Planning Guidance states that planning authorities should make available a 10 year supply of aggregates with planning permission for the construction industry’	Replace with the following text:- “ <u>Scottish planning policy states that planning authorities should make available a minimum of a 10 year supply of construction aggregates</u> ”	To ensure that the plan accords with current Scottish Planning Policy 4.	Agreed
8a SUDS	Environmental protection Page 28 para 4		After “sustainable urban drainage systems (SUDS)” insert “ <u>in all new developments</u> ”	To ensure the plan accords with the Water Environment (Controlled Activities) (Scotland) Regulations 2005.	Agreed
8b	Page 31; Policy 2 (i)		After “promoting sustainable urban drainage systems (SUDS)” insert “ <u>in all new developments.</u> ”	To ensure the plan accords with the Water Environment (Controlled Activities) (Scotland) Regulations 2005.	Agreed
9a Flooding	Page 28 last para, after penultimate sentence		After “Scottish Planning Policy 7 requires that flood risk is taken properly into account in planning for new development.” Insert “ <u>It also requires that built development should not take place on functional flood plains and new development should therefore be located outwith areas at risk of flooding.</u> ”	To ensure that full account is taken of flood risk.	Agreed

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9b	Page 31 Policy 2(j)	Delete text “and considering development proposals against the Flood Risk Framework set out in Table 4.”	Insert after “where possible” the following text: “ <u>and also restricting development within flood risk areas following the guidance set out in the Risk Framework in SPP7: ‘Planning and Flooding’ and promoting flood risk management schemes to tackle flooding that threatens existing development.</u> ”	To ensure that full account is taken of flood risk.	Agreed
IMPLEMENTATION					
10 Transport Assessments	Page 32 Implementation Section First paragraph, last sentence	At end of last sentence delete “traffic and retail impact assessments”	Insert after “through mechanisms such as flooding, environmental” the following “ <u>retail and transport impact assessments including the impact of additional residential development in Elgin on the A96(T).</u> ”	To provide for further information regarding transport assessments and making reference to transport impact assessments to consider the impact of additional residential development in Elgin on the A96 (T).	This is a “site specific” reference which seems to contradict the terms of modification 2. The Council recognise that residential development in Elgin and Forres will have an impact on the A96(T). However, the Council consider the final part of this sentence is too specific and the wording “including the impact of additional residential development in Elgin on the A96(T)” should be deleted.
KEY DIAGRAM					
11 Legend	Legend	Delete references to “Recommendation 1”.	Replace all references in the Legend (7 occurrences) to “Recommendation 1” with “Proposal 2”.	For correct reference with the text.	Agreed