

**REPORT TO: SPECIAL MEETING OF ENVIRONMENTAL SERVICES
COMMITTEE ON 12 APRIL 2007**

**SUBJECT: MORAY LOCAL PLAN REVIEW: REPORT ON POLICY
OBJECTIONS; STRATEGIC ENVIRONMENTAL ASSESSMENT:
NATURA COMPLIANCE**

BY: DIRECTOR OF ENVIRONMENTAL SERVICES

1. REASON FOR REPORT

- 1.1 This report asks members to consider further matters relating to the Review of the Local Plan.
- 1.2 This report is submitted to Committee in terms of Section D(2) of the Council's Administrative Scheme relating to the Review and Preparation of Strategic and Local Plans.

2. RECOMMENDATION

2.1 It is recommend that the Committee:

- i) agrees to the responses proposed to objections submitted in respect of the Finalised Version of the Local Plan.**
- ii) agrees to any changes to plan content being incorporated into the Strategic Environmental Assessment.**
- iii) notes the position regarding NATURA compliance and that any resulting amendments to policy be advertised as modifications.**
- iv) considers the representations made in respect of Supplementary Planning Guidelines at a future date.**

3. BACKGROUND

3.1 The Committee considered objections to settlement proposals at a Special Meeting on 9th February 2007. The balance of objections and other outstanding issues are now reported. These are contained in the supporting document at Appendix 1, and comprise:

- Settlements: Some objections relating to sites in Elgin and Lossiemouth were still subject of negotiation at the February Committee, and are reported now, as is an update on the Community Association's objection at Hopeman. Objections relating to the Elgin TSP proposals will still require to await the outcome of the Elgin STAG/Traffic Model Studies.

- Policies: There were 126 objections to the policies contained in the Finalised Plan. These are quite spread out with no particular policies dominating.

3.2 Other related material to Local Plan preparation has also been finalised:

- (i) Strategic Environmental Assessment: All public body policy documents are now required to undergo a Strategic Environmental Assessment (SEA) in order to consider the environmental implications that might arise. This was done for the Plan at its Draft stage, but requires to be re-visited each time significant changes are made to policy or land use designations. A supplementary appendix to the original SEA report has been prepared to address comments by the SEA consultation authorities (SEPA, SNH and Historic Scotland) and to consider significant changes to, or new, policies included in the Plan.

The Appendix specifically;

- identifies the criteria considered in making land use allocations;
- assesses the “whole” finalised Local Plan policies and proposals;
- identifies alternatives, options and key environmental issues for each of the first, second and third tier settlements;
- assesses new policies and proposals and significant changes introduced in the finalised Local Plan and as a result of objections to the finalised Local Plan.

The Appendix concludes that the new and significantly amended policies perform well against the environmental objectives in the SEA.

Some of the policy changes (eg Air Quality) make a positive contribution towards specific objectives. In terms of the settlement designations the Council have considered alternative sites against a range of criteria, including environmental, before deciding upon preferred sites for inclusion in the Plan.

- (ii) NATURA: The European Court of Justice ruled in October 2005 that all Development Plans which are likely to have a significant effect on Special Protection Areas (SPA's) or Special Areas of Conservation (SAC's) can only be approved after an appropriate assessment of the policies and proposals on the sites has been carried out.

The Council have worked in partnership with SNH to complete the NATURA Assessment which consists of a 140 page assessment. To ensure that the Local Plan is “NATURA” compliant the modifications set out in Appendix 1 are proposed.

Copies of the SEA and NATURA documents have been placed in the Members Library.

3.3 Also to be completed are the “Supplementary Planning Guidelines” on

- Developer Requirements;
- Housing in the Countryside Design;
- Parking Standards;
- Trees and Development.

- 3.4 Supplementary guidelines are intended to support policies and to provide additional, explanatory material. These are non statutory, but can be used as material considerations for assessing planning applications once adopted by the Council. Guidelines on the above topics were issued for consultation along with the Draft Plan in 2005 and attracted a number of representations.
- 3.5 These have yet to be reported to the Committee, and this will take place at a future date. Due to the different “adoption” procedure for the Local Plan, and Supplementary Guidelines, these “representations” are not regarded as objections, and thus will not be heard at the Public Inquiry.
- 3.6 A further report on proposed amendments resulting from these representations will be reported to a future meeting of this Committee, once the “mother” policy to which they apply, has been confirmed.

4. **SUMMARY OF IMPLICATIONS**

(a) Corporate Development Plan/Community Plan/Service Improvement Plan

The Review and Replacement of the Moray Local Plan 2000 is a priority. The new Local Plan will be instrumental in implementing the Council's planning policies and assisting strategies such as Moray 2020.

(b) Policy and Legal

The preparation of the Local Plan is a statutory requirement of the Council. Any unresolved objections will be referred to a Public Local Inquiry. This will require significant legal resources to be available. The Chief Legal Officer is aware of this and has been asked to make staff available.

(c) Resources (Financial, Risks, Staffing and Property)

The volume of objections, and related administration (SEA and NATURA) has created a significant workload for Local Plan Officers, and has had to be prioritised over other tasks and duties. This will continue up until the Inquiry (October date anticipated). Other services (eg Roads) will be required to participate in the Inquiry.

Financial resources will be required to cover the costs of the inquiry; expert witnesses; specialist advice. This cost was recognised when the budget for 2007/08 was approved and it was agreed that expenditure on the Inquiry would be met from the Reserves.

(d) Consultations

The Principal Solicitor (Commercial and Conveyancing); Head of Direct Services; Principal Accountant have been consulted and their views incorporated into this report.

5. CONCLUSION


- 5.1 Objections to settlement proposals have already been considered by Committee.**
- 5.2 Proposed responses to Policy objections; some outstanding settlement objections; other administrative aspects are contained in Appendix 1. Elgin TSP objections are awaiting the outcome of the STAG and traffic model studies.**
- 5.3 Any changes agreed by Committee will be advertised as modifications.**
- 5.4 In the period between now the Public Local Inquiry (October 2007) there will be a significant pressure of staff workloads, across a number of services.**
- 5.5 A further report on Supplementary Planning Guidelines will be submitted to future meeting of the Committee.**

Author of Report: Mark Cross, Principal Planning Officer

Background Papers:

Ref: MMC/BDH

Signature:



Designation: Director of Environmental Services

Name: Robert Stewart