

## APPENDIX 3

### PLANNING POLICY

#### *a) MORAY STRUCTURE PLAN 2007*

##### **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:

- a) the identification within the local plan of the business and industrial land allowances set out in Schedule 1 and the provision of strategic business locations at Elgin and Forres Enterprise Park and business park opportunities at Buckie, Keith and Lossiemouth;
- b) the encouragement of tourism development opportunities;
- c) the identification within the Local Plan of the housing allowances set out within Schedule 2;
- d) the provision of affordable housing in association with new housing development where a demand is identified in the Local Housing Strategy;
- e) the encouragement of low impact, well-designed development in the countryside to support local communities and rural businesses;
- f) sustaining the vitality and viability of town centres through the support of opportunities and proposals for retail and commercial development in accordance with the sequential approach;
- g) promotion of the strategic transport links as set out in Proposal 2;
- h) the protection and enhancement and new provision of facilities for community use, healthcare, sport and recreation;
- 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;
- c) working in partnership with the Cairngorms National Park Authority and other interested parties to implement the objectives of the National Park;
- d) restricting development within coastal areas outwith settlements to only that in which social and economic benefits outweigh environmental impact;
- e) providing protection from development to the countryside around the towns of Elgin, Buckie, Keith, Forres and Lossiemouth;
- f) conserving and enhancing the areas built heritage resources and their settings;
- g) supporting proposals aimed at regenerating the area's natural and built environment including good design;
- h) providing waste management facilities to deliver Area Waste Plan and National Waste Plan objectives and ensuring that new development is designed to facilitate waste management practices and promotes the minimisation of waste;
- i) promoting sustainable urban drainage systems (SUDS) in all new developments;

- j) promoting schemes to alleviate flooding in a sustainable and sensitive way using natural ecosystems and features where possible 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 and considering development proposals against the Flood Risk Framework set out in Table 5;
- k) safeguarding the area from pollution and contamination;
- l) promoting opportunities for the sensitive development of renewable energy and promoting renewable energy in new development;
- m) safeguarding resources for the production of minerals, preferred forestry areas, and prime agricultural land.

**b) MORAY LOCAL PLAN 2000**

***Roths Settlement Statement***

**Established Business Areas (L/ED4)**

**I2 Back Burn**

This piece of ground lies between two former railway lines and is unused rough ground at present. Although the access requires improvement, the route is in use at present, and it could serve as a lorry park, there being problems with lorries parked overnight around the town. Further investigations are required before this area could be formally designated and signposted as a lorry park.

**I3 The Distilleries**

These areas at Glenspey, Glenrothes, Capperdonich, Glengrant distilleries and at the dark grains plant area are reserved for the use of the distilleries, and related business uses.

**Mixed Use Business Area (L/ED5)**

**I5 Station Yard**

This site comprises the area of the former station yard, most of which has been developed for various industrial activities over the years. Part-owned by the Moray Council, a section of the site has had consent for further advance factory units, and would be suitable for business use, the planned land use for the area being industrial/commercial, in terms of policy L/ED5. A wastewater sewer is available although some upmaking between levels may be required.

**ENV2 Castle**

The Council is owner of the ruins of Roth's Castle, and thereby has assumed responsibility for its repair and maintenance. As an extension to this obligation, the surrounding grassed areas and play park will be given appropriate treatment to ensure that this area, which serves as a superb viewpoint, remains managed as a public open space. The paths and walks through the woodland are included in this designation and a programme of replanting/underplanting of trees will be prepared. Some interpretation boards would be a useful facility.

**ENV3 Public Park**

Although unlikely to be under any serious threat of being lost to development, there may be pressures to extend car parking areas into the park (e.g. for adjacent coppersmiths business; in connection with Roth's FC football ground; or general park related provision). Should this be the case, then any land taken should be compensated for by the addition of an equal amount from an adjoining field. This may require a section 75 agreement to be put into effect. The Council will carry out tree planting as appropriate within the park.

### **ENV7 The Back Burn/GlenGrant, Rothes Burn/Glen Rothes**

The setting of the distillery buildings and related uses in the wooded valley is a major amenity attraction of Rothes, and its unique "orchard" like character should be retained. The distillery operations are an important element of both the local economy and the tourist industry, and it is recognised that there may be a need to expand these operations in the future.

### **ENV8 Agricultural Fields at The Football Ground and at Rear of Dark Grains Plant**

To be kept as such, within the town. Subject to I4 at the Dark Grains Plant and R2 at the Football ground.

### **ENV9 High Street/Seafield Square**

Although only a small area of grass, this site provides a valuable open space at an important location in the townscape. Development on this site (including any proposals to site telephone kiosks; post boxes; or any other public utility) will be strongly resisted.

### **R2 Field Adjacent to Football Ground**

In agricultural use at present, this area is enclosed by development. Poor access restricts its development, as do overhead electricity wires. If however access was improved to site I2, this area would have development potential, most suitably for housing, by extension of the 6m access road to I2 and a new bridge over the burn. For the duration of the Plan the bulk of the field is expected to remain as farmland and is designated as such (ENV8). Possible pressure on this area may also come from additional parking space in connection with the football ground. Wastewater and surface water sewers cross this site imposing a constraint upon development. These will require to be accommodated or diverted onto new routes.

### ***Flood Prevention***

*The Moray Council will pursue the preparation of a Flood Prevention Scheme for Rothes under the terms of the Flood Prevention (Scotland) Act, 1961 as amended. This scheme will be prepared in line with statutory process under the Act, require extensive hydrological research and will be subject to public consultation and environmental assessment.*

### **Policy L/ED4: Established Business Areas**

Within 'Established Business/Industrial Areas' as identified in the Town Maps the Council will presume in favour of business redevelopment and expansion (subject to environmental considerations). Proposals which may conflict, such as residential or retail uses, will normally be resisted.

### **Policy L/ED5: Mixed Use Areas**

In areas defined under this policy on Town or Village Maps, the Statement will define the character of the area and its predominant business uses. Redevelopment of "other uses" to the "business use" will normally be permitted. Only if a substantial geographical part of the defined area is proposed for a comprehensive alternative use (e.g. residential or leisure) will the proposal be favourably considered. In such instances landscape and design features will be sought to provide separation between the proposed development and neighbouring business uses.

### **Policy L/ED12: Developments on Agricultural Land**

In line with National Planning advice (SDD Circular 18/87) and Structure Plan Policy S/ED5 there will be a presumption against "irreversible" development on prime agricultural land (Classes 1, 2 and 3.1). Proposals involving over 10 hectares of prime land, or 20 hectares of non prime land will require to be notified to the Scottish Office Environment, Agriculture and Fisheries Department.

In light of the current surpluses in agricultural output, the Council will support the principle of farm diversification and generally look favourably on business proposals which provide additional income/employment on farms (this will not include housing sites).

The Council will ensure that in common with other agricultural activities, agricultural developments are assessed against visual impact and amenity concerns, and will be subject to the environmental policies as contained elsewhere in the Plan.

#### **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/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.

##### **n) National Designations**

- o) Development proposals which may adversely affect SSSI's or NNR's will only be permitted where:-
- j) 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/ENV4: Tree Preservation Orders and Controls on Trees**

The Council will serve Tree Preservation Orders (TPO) on potentially vulnerable trees which are of significant amenity value to the community as a whole.

Within Conservation Areas the Council will not normally agree to the felling or removal of trees and advice will be sought to determine when there is a need to serve a TPO.

The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced. An applicant may be required to survey and identify those trees to be protected within the development site.

When imposing planting or landscaping conditions on certain developments especially in rural areas, the Council will specify the use of native species of trees and will prioritise the re-establishment and extension of hedgerows and/or shelter belts.

#### **Policy L/ENV10: 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 Plan period. Development proposals immediately outwith the boundaries of these settlements will not normally be acceptable.

Countryside Around Towns (CAT's) have been designated within undeveloped countryside areas around Elgin, Forres, Buckie, Lossiemouth and Keith to preserve the distinction with the built up environment and to protect their special character.

Development in the countryside policies will be applied with greater restrictions within the CAT's. These are shown on the Proposals Map.

#### **Policy L/ENV12: Archaeological Sites**

The Council shall seek to protect and preserve, and where appropriate, enhance all important sites of Archaeological interest and their settings. The Council will not permit development which will adversely effect significant Archaeological Sites and when determining applications on or near such sites, the Regional Archaeologist, and other relevant bodies (e.g. The Moray Society) will be consulted to establish a site's significance in national, regional and local terms.

Where, in exceptional circumstances, the preservation of Archaeological features does not prove feasible, the Council shall require the excavation and the recording of a site where the primary aim of preservation has not been achieved.

Where new development is proposed which will effect national or regionally important archaeological sites, developers will be required to carry out an Archaeological assessment prior to commencement of works and fund subsequent intervention.

#### **Policy L/ENV13: Scheduled Ancient Monuments**

The Council will seek to protect, preserve and where appropriate enhance the site and setting of Ancient Monuments. In doing so, the Council will consult with Historic Scotland (which has responsibility for Ancient Monuments) over development proposals which may affect these structures.

#### **Policy L/ENV14: Listed Buildings**

The Council will adhere to the guidelines laid out in Historic Scotland's Memorandum of Guidance of Listed Buildings with regard to listed buildings consent applications.

- i) Applications for development which affects a listed building will require to be submitted in detail and will be advertised.
- ii) Demolition of Listed Building will not normally be permitted unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it.
- iii) Development on a site adjacent to a Listed Building will not be permitted to prejudice the character and setting of the Listed Building.

- iv) Traditional building material will be specified for any alterations or extension of a Listed Building and utilised sensitively to ensure that existing quality is not compromised.
- v) Buildings which are allowed to fall into a state of disrepair may be placed on the Buildings at Risk Register and remedial work to buildings in disrepair may be enforced in the public interest.

**Policy L/ENV16: Local Buildings (not protected by statute)**

The Council will generally seek the retention and reuse of vernacular buildings in preference to their demolition and re-development. In its assessment of the merits of retaining such buildings the Council will have regard to:-

- i) the condition and suitability of the building for re-use; and
- ii) the contribution of the building to its existing setting i.e. the value of the building to the character of its location.

The Council may request evidence in support of an application to demolish such a building and may also request as a condition of demolition that building materials are recycled and a measured and/or photographic survey be taken prior to demolition. The Council may refuse a subsequent application if demolition is carried out without prior consultation.

**Policy L/ENV18: Public Amenity and Open Spaces**

The Council will protect existing 'green' space within its towns and villages which are deemed to contribute to the amenity and environment of built up areas. Within these areas there will be a general presumption against development which threatens to diminish the amenity value of individual locations.

This policy should be read in conjunction with S/ENV6 and L/IMP4.

**Policy L/ENV22: Pollution Conditions**

Where there is a risk of pollution from a proposed development, which is the subject of a planning application, the council will apply conditions to a consent, or enter into an agreement with a developer, to ensure a specified reduction or removal of the pollution element and will require subsequent independent monitoring of pollution levels.

**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/ENV25: River Engineering**

The Council will require proposals for river management works, other than for agricultural purposes, to state the nature of the work and assess the impacts upon the hydrology of the river, sediment transport and erosion, nature conservation and fisheries interests within and adjacent to the river and the impact upon landscape and amenity. Potential impacts up and downstream of the works (particularly in respect of flooding) should be assessed. The Council will also have regard to matters of economic development and social impact.

## **Policy L/ENV26: Control of Development in Flood Risk Areas**

### **(i) High Risk Exclusions**

The Council (advised by SEPA, NOSWA and the Council's Roads Service) will direct developments considered of 'high risk' away from areas, known to be at risk from flooding and will presume to refuse applications for such proposals that fall within such areas. Proposals will be considered a high risk if they fall within areas considered by the Council to be liable to flooding and;

- a) represent an unacceptable threat to public safety, or
- b) are likely to cause unacceptable levels of pollution or contamination of flood waters if inundated, or
- c) may give rise to high levels of public expenditure on flood protection works.

Examples of developments considered as 'high risk' would include; hospital, medical and the emergency services; special care residential developments for the physically impaired or elderly; commercial developments that involve polluting or contaminating processes such as sawmills, furniture restoration, unsecured chemical or fuel storage and distribution etc.

### **(ii) Managed Risk Proposals**

The Council will seek to manage the threat from flooding for developments not considered as 'high risk'. Within this approach there is an acceptance of risk on the basis that developments must adopt appropriate mitigation measures and have the potential to make a contribution to the improvement of flood water management within the area at risk. Applications will only be approved where they can demonstrate that the development;

- a) has been designed to minimise risk of inundation and will not contribute to or increase the risk of flooding elsewhere.
- b) has adopted all reasonable measures to improve the management of flood waters on and adjacent to the site and to assist the protection of properties within the vicinity of the site.
- c) does not impede the flow of flood water or the ability of the floodplain to store water and to flood naturally and takes account of the impact on riparian habitat and wetland.
- d) incorporates building design measures and materials to assist evacuation and minimise damage from inundation.
- e) employs, where possible, the use of Sustainable Urban Drainage Systems in the disposal of surface water run-off to the satisfaction of SEPA and the Council, and provides for their maintenance.
- f) can provide for the maintenance of any approved privately funded flood defence measures, to the satisfaction of the Council, (river engineering works associated with flood protection must also meet the requirements of policy L/ENV25).

The Council will be advised on the acceptability of risk/mitigation measures by its Planning, Roads and Building Standards Services together with SEPA and NOSWA on the basis of the precautionary principle as defined in NPPG7.

Applicants may be required to submit hydrological survey and assessment information in support of their proposals and may be required to make a contribution to flood defences under the terms of policy L/F1.

## **Policy L/T2: A95/ A941 and A98**

Outwith the Settlement and Rural Community boundaries, there will be a presumption against new accesses and against development on new sites within 50m of these roads, in order to allow for extensive straightening and widening opportunities. Road improvements should seek to minimise or mitigate their potential impact on the natural environment.

#### **Policy L/T4: Provision of Road Access**

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

#### **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.

#### **Policy L/CF2: Replacement of Community Facilities**

The Council will presume against development which removes an existing community facility unless it is in need of replacement, or an alternative provision is being made as part of the development proposal.

#### **Policy L/CF3: Recreation in Built-up Areas**

Sport Scotland standards for sports fields and playing fields will be applied to local provision and there will be a general presumption against redevelopment of these and parks except in the following circumstances:-

- i) where such would not affect sporting potential and amenity value;
- ii) where there is a clearly identified long term excess of facilities in the wider area, taking into account long term strategy, and the recreational and amenity value of such provision;
- iii) where existing facilities will be replaced by new ones of an equivalent or better quality, which are more accessible to the community that was served by the original (see also policy L/H3).

#### **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/F2: Commuted Payments**

Where the Council has planned proposals to provide facilities related to, and in the neighbourhood of a proposed development, contributions by a developer justified under the terms of Policy L/F1 may be made in the form of a commuted payment to a Bond set up for that purpose.

## **Policy L/IMP1: Development in Built-up Areas**

In areas covered by this policy, (i.e. all land within settlement boundaries and rural communities), the Council will, in considering applications for planning permission, try to ensure that proposals for development do not harm the general character of the surrounding area. Applications will therefore take account of the main uses of land and buildings in the vicinity, the mix of such uses and the architectural quality of the area. The main concern of the Council is to ensure that development proposals should neither conflict with nor detract from the character, amenity and design of an area. This policy will not preclude appropriate new development and is not intended solely to maintain the status quo.

In interpreting and clarifying this policy, the Council will take into account the guidelines on Character, Amenity and Design.

### **Guidelines on Character, Amenity and Design (L/IMP1)**

#### **a. Character**

The character of an area is assessed by the;

- (i) main uses;
- (ii) appropriateness of a diversity of uses; and
- (iii) desirability of introducing a development which may detrimentally alter the existing balance of usage
- (iv) architectural style of the area.

#### **b. Amenity**

The amenity of an area is assessed in terms of both the people who will occupy the development site, and the adjoining occupiers. In short, new developments should be "good neighbours". Where there is an inherent incompatibility of neighbouring developments, or where remedial action cannot be made effective, applications are likely to be refused.

The important aspects of amenity which the Council considers are worth protecting are:-

- (i) **Privacy** - for both the occupants of a proposed development and surrounding neighbours. Loss of privacy can be minimised by re-orientation, reducing the densities of development reducing the size of buildings, and attention to building levels or by design modifications, for example, window proportion and size.
- (ii) **Traffic** - the introduction of increased traffic movement and resulting noise, can significantly detract from the amenities of an area.
- (iii) **General Disturbance** - protection from activities which create unreasonable levels of noise, smells and other discomforts including wheeled bin locations.
- (iv) **Sunlight/Daylight** - adequate levels of sunlight and daylight, and to a lesser extent, outlook, should be safeguarded for surrounding properties and afforded to new developments.

#### **c. Design**

Design of new development should not only relate to the type of development in the immediate vicinity but also to the wider issues of context and setting. This need not be restrictive to new or innovative architectural expression.

Applicants should, therefore, avoid design proposals which compromise the appearance of design characteristics of the surrounding area.

In considering the appropriateness of a design the Council will have regard to:

- (i) The scale of adjoining development.
- (ii) The materials, finishes and colours used in nearby development.

- (iii) Any features on or near the site worthy of reproduction, protection or enhancement, e.g. trees, hedges, views and other features of public importance.
- (iv) Principles of site sensitive design e.g. that pitched roofs are preferred to flat roofs, pitched dormers to box dormers, vertical windows to horizontal picture windows etc., where these features predominate in an area.

### **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)

#### **(ii) Design Briefs**

For sites where development may have significant local impact; the Council will produce detailed Design Briefs which will provide an analysis of context and existing character and state important design principles, major factors affecting the Development and other material considerations.

#### **(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/IMP5: Environmental Impact Assessment**

The Council will require an Environmental Impact Assessment to be prepared for developments proposed within or adjacent to national and international designations of natural heritage (see L/ENV1), and for other major proposals identified by the Regulations (or by the revised Directive) which are likely to adversely affect the environment.

#### **Policy L/IMP6: Transport Impact**

Developers shall provide transport impact assessments for developments which may have a significant impact on traffic flows, pedestrians and cyclists and contributions shall be sought towards any mitigating transport measures shown to be necessary. All proposals must meet the requirements of policies L/T4 (Access), L/T7 (Parking), L/T9 (Mitigation) and L/T10 (Cycling) in Chapter 4 if relevant.

#### **Policy L/IMP7: Drainage Impact**

New development must connect to a public sewer for the disposal of foul drainage if one is available within a Town, Village or Rural Community. If it is not available alternative forms of treatment may be considered and must meet with the approval of NOSWA and SEPA. The Council will promote the employment of Sustainable Urban Drainage Systems (Sustainable Urban Drainage Systems) in the disposal of surface water run-off, and unless otherwise advised by SEPA, will operate a presumption against the disposal of surface water directly to a watercourse. Proposals must meet the requirements of policies L/ENV21 (Private Waste Water Treatment and Drainage),

L/ENV22 (Pollution Conditions), L/ENV23 (Private Water Supplies), L/ENV24 (Surface Water Drainage) and L/ENV26 (Control of Development in Flood Risk Areas) in Chapter 2, if relevant.

**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.