

DUMFRIES  
AND  
GALLOWAY  
COUNCIL



# Local Development Plan

SEPTEMBER 2014

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## 1. INTRODUCTION

1.1 The Local Development Plan (LDP) covers all of Dumfries and Galloway; it guides the future use and development of land in towns, villages and the rural area. It also indicates where development, including regeneration, should happen and where it should not.

- Nithsdale Local Plan (2006)
- Stewartry Local Plan (2006)
- Wigtown Local Plan (2006)

1.3 The Plan will provide the planning framework for Dumfries and Galloway and will be kept under review and replaced at least every five years.

1.4 The contents of the Plan have been informed through extensive public consultation and engagement with key agencies, members of the public, developers and planning agents. The Main Issues Report (MIR) was published in March 2011, followed by a Further Consultation on Sites and Policies, published in December 2011 and finally the Proposed Plan which was published in January 2013. This went through a Public Examination during the Spring of 2014 and was adopted by the Council in September 2014.

1.5 The Plan has been subject to Strategic Environmental Assessment (SEA), a Habitats Regulations Appraisal (HRA) and an Equality Impact Assessment (EIA). These documents are published alongside the Plan.

*Map 1: Location of Dumfries and Galloway in UK*



1.2 The LDP and accompanying supplementary guidance replaces the following Plans:

- Dumfries and Galloway Structure Plan (1999)
- Annandale and Eskdale Local Plan (2006)





## How to Use the Plan

1.6 The Plan should be read in its entirety, individual policies and land allocations do not set out the whole picture for the various types of development. The Vision and Spatial Strategy are intended to be as much part of the decision making process on development proposals as the detailed policies and supplementary guidance.

1.7 The settlement boundaries shown in Chapter 6 of the Plan indicate the extent of the settlement for the purposes of future development. This may result in areas of the settlement that are considered by the community to be part of the settlement being outside the settlement boundary.

1.8 The Plan has been divided up into several sections: the Vision, Spatial Strategy, Policies, Proposals Maps, Settlement Statements and Inset Maps. The policies have been split into topic groups.



## Overarching Approach to the Plan

1.9 The policies contained in the LDP have been informed by and taken account of a number of other plans and strategies. At the national level they include the Scottish Government's planning policies as set out in the:-

- National Planning Framework 2,
- Scottish Planning Policy (SPP),
- Designing Places,
- Designing Streets,
- various Circulars.

At the regional and local level they include the:-

- Regional Transport Strategy,
- Local Transport Strategy,
- Dumfries and Galloway Council Single Outcome Agreement,
- Dumfries and Galloway Council Priorities and Commitments,
- Dumfries and Galloway Regional Economic Plan,
- Dumfries and Galloway Local Housing Strategy,
- Solway Tweed River Basin Management Plan.

1.10 The Scottish Government's overarching aim is to foster sustainable economic growth. The planning system has a key role to play in helping deliver this. Sustainable development is accepted as contributing to this. Developers are expected and encouraged to embrace sustainable development – and this LDP assumes that 'development' always means 'sustainable development'. Planning has an obligation to contribute towards



sustainable development, sustainable economic growth, reducing the impact of climate change and creating high quality places.

1.11 The need to tackle climate change, and in particular reduce emissions of the greenhouse gases that contribute to it, is a principal challenge to sustainable economic growth. The Climate Change (Scotland) Act (2009) and other recent legislation and associated regulation provides a broader background to factors such as the design and operation of buildings, river basin management, sustainable flood management, conservation of biodiversity, renewable energy development, promotion of active travel and so on.

1.12 Therefore, the **overarching principle** of this Plan is that all development proposals should support sustainable development, including the reduction of carbon and other greenhouse gas emissions. The following broad principles have been followed when identifying sites for development:

- reduce overall flood risk by avoiding areas at risk of flooding and erosion;
- where possible, avoid the use of prime quality agricultural land;
- consider reusing brownfield, vacant and derelict land and buildings instead of greenfield land;
- maximise the use of existing infrastructure including public transport;
- consider opportunities to develop mixed communities.

1.13 The following broad principles should be incorporated into all developments:

- maximise passive solar gain through design, layout and orientation of the building(s);
- use sustainable construction techniques;
- a SuDS scheme;
- maximise the use of existing infrastructure;
- enhance the environment of, and protect access to, open space, green networks and recreational opportunities;
- movement hierarchy as outlined in “Designing Streets” and maximise linkages with existing public transport and other sustainable transport options;
- consider future proofing development to accommodate any future changing requirements such as waste management regimes, technological advancement in telecommunications infrastructure and so on.





## 2. LOCAL DEVELOPMENT PLAN VISION

### **What will Dumfries and Galloway look like in 20 years' time?**

It will be a thriving region with a sustainable economy built on sustainable principles that safeguard the landscape, natural and historic environment, promote growth, maximise the use of existing infrastructure and enhance connectivity. It will have maximised its location to attract investment to create employment and investment opportunities which will in turn attract people of working age to the region. Dumfries will have consolidated its position as the Regional Capital; Stranraer waterfront will have been transformed into a sustainable extension of the town centre; new jobs will have been created within the Gretna, Lockerbie, Annan regeneration corridor; and the other towns across the region will occupy niche positions making the most of their geographical locations. There will be opportunities in the rural area for economic development, housing and recreation. There will also be more opportunities for people to access affordable housing.

***There will also be.....***

### **A viable rural economy and community characterised by –**

- more rural businesses
- more houses in small groups
- more recreational activity

- more woodlands
- high quality distinctive landscapes
- high quality accessible viewpoints, paths and green networks
- a range of renewable energy developments
- a protected and enhanced natural and historic environment
- access to sustainable transport
- ready access to higher education and opportunities for knowledge transfer

### **Vibrant towns and villages that have –**

- more businesses and people working from home
- more opportunities to meet locally arising affordable housing needs
- housing developments of a scale appropriate to their location that incorporate features such as open space, green networks, SuDS and are based around sustainable transport modes
- high quality, affordable housing
- a range of services and facilities that help support the local community
- enhanced historic environment, streetscape and open spaces



- a distinctive landscape setting or sense of place
- more green networks providing a range of environmental, social and economic benefits
- more sustainable developments linked to allotments, waste recycling, energy generation and so on, that are based around sustainable transport modes
- access to a wide range of good quality sport, recreation and leisure facilities
- developments served by district heating systems
- more sustainable developments linked to allotments, waste recycling, energy generation and so on
- access to a wide range of good quality sport, recreation and leisure facilities
- developments served by district heating systems
- a full range of educational opportunities, including a thriving and vibrant university campus at the Crichton as a key economic driver for the regional economy

### **A successful Regional Capital in Dumfries characterised by –**

- attractive office space and business/industry parks to attract inward investors
- housing developments that incorporate features such as open space, green networks, SuDS and are based around sustainable transport modes
- high quality affordable housing choices available
- conservation led approach to regeneration of the historic environment
- a vibrant town centre with a range of uses and enhanced public realm
- visually enhanced town edges, gateways and approach roads





### 3. SPATIAL STRATEGY

3.1 The spatial strategy sets out what the vision means on the ground. The aim of the spatial strategy is to get the right type of development in the right place which meets the needs of the community whilst promoting a more sustainable pattern of development, creating opportunities for sustainable economic growth, reducing carbon emissions and minimising the need to travel.

3.2 SPP supports a settlement strategy which promotes a more sustainable pattern of growth, and the use of policies which encourage the level of development most appropriate to each settlement. Dumfries and Galloway is a large rural region with a dispersed settlement pattern and high levels of private car usage,

therefore the need to reduce carbon and greenhouse gas emissions is challenging.

3.3 The spatial strategy set out in the Plan recognises and responds to this challenge by promoting a pattern of development that seeks to minimise the need to travel and where sustainable transport is integral to development. The spatial strategy also allocates the majority of future development to those settlements with a good range of services and facilities, employment opportunities and which have the physical ability to grow and for the surrounding landscape to absorb the proposed development. In villages and throughout the rural area, the policy framework provides opportunities for people to live and work locally.

Map 2: Spatial Strategy





3.4 Therefore the majority of new development is focused on Dumfries and the District and Local Centres shown on Map 2. A smaller amount of development is proposed in villages and the wider rural area. Development in villages and the rural area should not undermine the spatial strategy. A full list of settlements and where they sit in the settlement hierarchy is contained in Appendix 1.

3.5 This approach should maximise the use of existing infrastructure, promote the efficient use of land and buildings and make travel smarter and more sustainable by providing the opportunity to link trips and promoting a choice of travel modes.

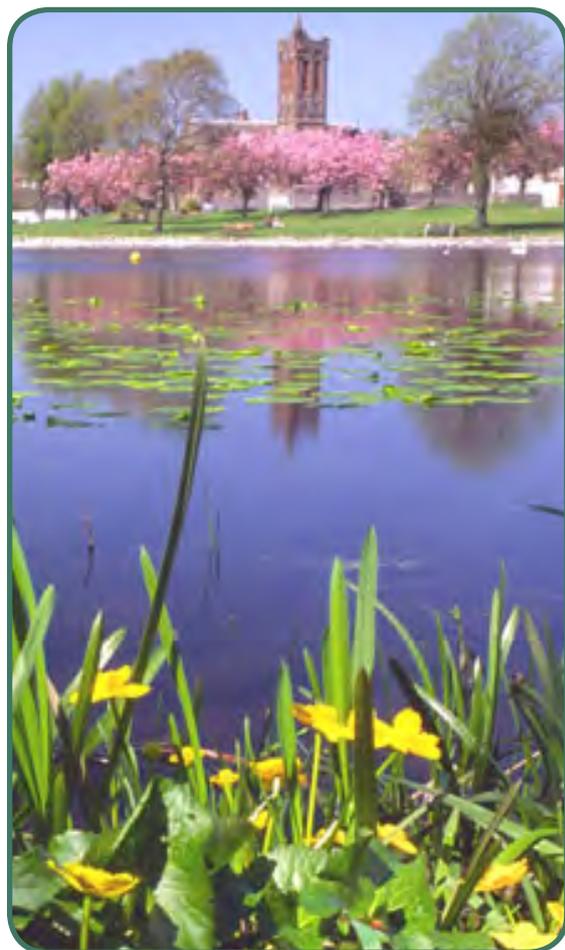
3.6 Where possible, priority has been given to the re-use of previously developed land (i.e. brownfield land) by identifying it for future development, although it must be acknowledged that, compared to other more urban regions, there are limited opportunities for brownfield development in Dumfries and Galloway. Despite this, there are several such sites which may become vacant over the lifetime of the Plan. These opportunities are highlighted in the settlement statements in Chapter 6. There are policies contained in the Plan which allow unallocated sites to be considered favourably for development.

3.7 Some new sites provide the opportunity to create mixed use developments. These sites can accommodate a mixture of land uses such as flexible business units alongside housing and are identified in the settlement statements.

### **Economic Strategy**

3.8 It is important that the LDP acts as a facilitator of economic development and this will be achieved through a policy framework which supports the principles of both the 'South of Scotland Competitiveness Strategy' and 'Dumfries and Galloway's Regional Economic Strategy'.

3.9 Dumfries and Galloway's businesses are the key driver of sustainable economic growth in the region. Maintaining and improving their competitiveness is vital to the local economy therefore the provision of





improved broadband connectivity and promotion of the opportunities arising from low carbon technology are crucial areas for investment.

3.10 Delivery of the region's major strategic projects will require significant private sector investment and the LDP has an important role to play in achieving this. Dumfries and Galloway Council in partnership with Scottish Enterprise and regional business organisations will promote and support sustainable economic development. Proposals which grow and develop the key sectors of Dumfries and Galloway's economy and which introduce new inward investment opportunities such as the development of data centres and telecommunications including broadband will be supported.

3.11 Dumfries is the Regional Capital and investment will be encouraged to strengthen this role. The Crichton Quarter, Whitesands river frontage and the town centre are areas which are recognised as being key to the overall position and performance of Dumfries. A degree of physical change will be required to maximise the benefits these areas bring to the town and the investment required will be delivered through a balanced approach between conservation and new development. The Council will work with all stakeholders to support the Crichton Quarter to become locally, nationally and internationally recognised as a beacon for knowledge and innovation based sustainable development that will benefit Dumfries and Galloway and Scotland as a whole.

3.12 The regeneration masterplan for Stranraer Waterfront seeks to create a mixed use development which will support the overall ambition for the town: to reposition Stranraer and Loch Ryan as a distinctive and successful marine leisure destination. The regeneration proposals set out the vision to develop an attractive seaside town and a high quality service hub for residents, businesses and visitors. To achieve this, public, private and community partnerships will be required to attract investment.



3.13 Regeneration masterplans are being progressed for Gretna, Lockerbie and Annan, the three main settlements in the Gretna-Lockerbie-Annan regeneration corridor. These plans promote opportunities for investment from both the public and private sectors to facilitate a more sustainable future for these towns. The plans promote diversification in town centres including housing, business and community uses.



### **Business and Industry Land Requirement (2012-2032)**

3.14 Employment creation is an important material consideration for the LDP and crucial to this is supporting the availability of appropriate land for business and industry. The business and industry land requirement is based on past take up rates across Dumfries and Galloway of 5.6 hectares a year which gives a requirement of 112 hectares over a 20 year period. SPP requires planning authorities to ensure that there is a range and choice of marketable sites and locations for businesses allocated in development plans.

3.15 In order to meet the requirement of 112 hectares, the LDP will: safeguard established business and industry areas within settlements in which turnover will accommodate new businesses; allocate new sites to accommodate new businesses or enable existing businesses to expand; and provide the opportunity for businesses to develop in the rural area. The majority of new sites are in Dumfries, the District Centres adjacent to the A75 corridor, within the Gretna-Lockerbie-Annan regeneration corridor which includes Chapelcross and a limited number of sites adjacent to the A74(M) corridor. All these sites are close to settlements and have good transportation links thus reducing travel distances.

3.16 The sites adjacent to the A74(M) corridor offer strategic inward investment opportunities over the longer term. They have good access to the A74(M) and have a reduced impact on the environment. Should they not be developed during the Plan period they will be carried forward into future LDPs.

3.17 Chapelcross is a former nuclear power station currently undergoing the process of decommissioning and defueling, that process should be complete within the first five years of the Plan. As it is a large brownfield site within the Gretna-Lockerbie-Annan regeneration corridor it provides expansion potential for existing businesses and opportunities for inward investment projects. Almost 60 hectares of land has been allocated for development within this Plan and the rest of the site will become available for development over the course of future LDPs.

3.18 All business and industry allocations will be reviewed at least every five years to ensure there is an effective land supply throughout the region.





## Retail Strategy

3.19 There is a clear network of centres within Dumfries and Galloway which takes the form of a hierarchy. The role and function of each centre is set out in supplementary guidance. The network comprises the following centres:

Table 1: Network of Centres

<b>Regional Centre</b>	<b>Dumfries</b>
<b>Larger Town Centres</b>	<b>Stranraer, Annan, Castle Douglas, Newton Stewart,</b>
<b>Town Centres</b>	<b>Dalbeattie, Gretna, Kirkconnel/Kelloholm, Kirkcudbright, Langholm, Lochmaben, Lockerbie, Moffat, Sanquhar, Thornhill, Whithorn, Wigtown</b>
<b>Outlet Centres</b>	<b>Gretna Gateway Outlet Centre</b>

There is also a network of centres within Dumfries:

<b>Town Centre</b>	<b>Dumfries Town Centre</b>
<b>Commercial Centres</b>	<b>Cuckoo Bridge, bulky goods Dumfries Retail Park, bulky goods Peel Centre, comparison goods</b>
<b>Neighbourhood Centres</b>	<b>Calside, Georgetown, Heathhall, Lincluden, Locharbriggs, Lochside, Troqueer</b>

3.20 The Dumfries and Galloway Retail Capacity Study (2012) which is published as a technical paper alongside the LDP identifies the potential for additional retail floorspace in particular locations.

3.21 Dumfries is the main shopping centre for the region and has a good range of national and independent retailers. The LDP seeks to support and reinforce this role by supporting a

range of uses in the town centre and by expanding the town centre boundary to include a site (DFS.TC1) at Brooms Road for a town centre use such as a mid-sized supermarket or commercial leisure use. Uses compatible with the role and function of the commercial centres will also be supported. Those uses are outlined in supplementary guidance.



3.22 Stranraer is the main shopping centre for the west of the region and is mainly served by independent retailers. The provision of a supermarket on the waterfront will help support the regeneration of the waterfront and the role of the town centre. The supermarket should be well related to the town centre and be of an appropriate scale not to have an adverse impact on the town centre.

3.23 Town centre boundaries have been defined for the larger town centres and town centres listed in the network of centres. Development proposals in these centres would need to be of a scale compatible with the role and function of that centre.

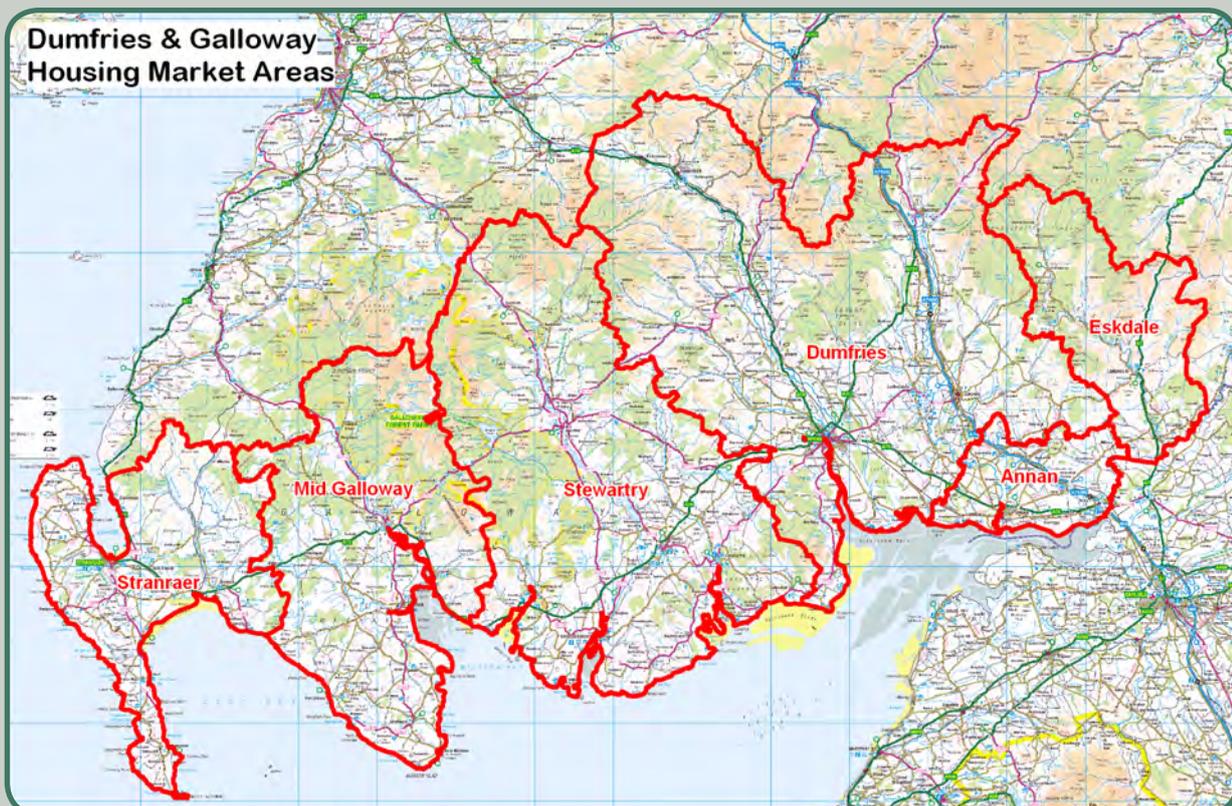
3.24 Long term retail requirements for Dumfries and Galloway are more difficult

to predict due to the future economic uncertainties of the retail market. The supply of retail floorspace will be monitored and if additional allocations are required they will be brought forward in a future review of the Plan.

### Housing Strategy

3.25 The Housing Need and Demand Assessment (HNDA) provides the evidence base for defining housing supply targets in Local Housing Strategies (LHS) and allocating land for housing in development plans. The Scottish Government consider that the HNDA carried out for Dumfries and Galloway is robust and credible. The LHS has identified housing supply targets for each of the six Housing Market Areas (HMAs) in Dumfries and Galloway.

Map 3: Housing Market Areas





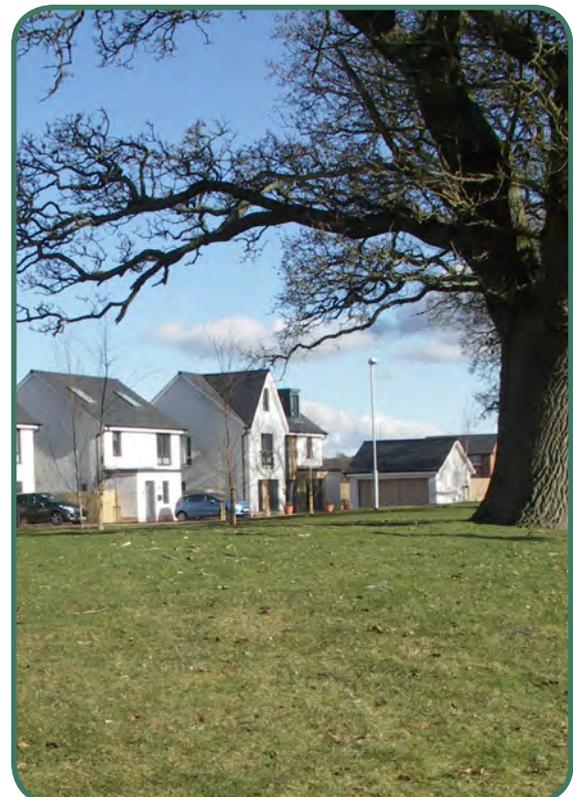
3.26 To ensure that the housing supply has the flexibility necessary for the continued delivery of new housing, even if unpredictable changes to the effective land supply occur during the life of the Plan, a 20% generosity allowance has been added to the LHS target. The housing technical paper contains more detail. Windfall sites provide further flexibility and generosity and are not included in Table 2 below.

*Table 2: Housing Land Requirement*

Housing Market Area	Number of units required 2012 - 2024
Annan	1,450
Eskdale	237
Dumfries	3,267
Mid Galloway	769
Stewartry	709
Stranraer	725
Dumfries and Galloway	7,157

3.27 The majority of the overall housing land requirement identified in Table 2 has been allocated to Dumfries and the District and Local Centres. These are the larger settlements where there are concentrations of facilities, employment opportunities and transport options. At least 20% of the housing land requirement is expected to be delivered in villages and housing in the countryside. This approach will provide the opportunity for housing development in villages and the countryside whilst still supporting housing development in line with the Vision and Spatial Strategy.

3.28 Approximately half of the overall housing land requirement identified in Table 2 is being met from effective housing sites identified in the previous Local Plans. New sites have also been





identified to meet the shortfall and to provide flexibility and choice. The settlement statements in Chapter 6 provide more detail on this. The continuing economic recession has had an impact on the house building industry as both house builders and potential buyers face difficulties accessing finance and mortgages. This has resulted in completion rates falling in Dumfries and Galloway. It is therefore likely that a number of the sites identified in this Plan will take longer than the 10 years covered by this Plan to deliver. However, the demand for housing both in terms of need and aspiration still remains. The generous land supply will help to ensure that the lack of effective housing land does not become a constraint on economic recovery.

3.29 Sites within some of the larger settlements may need the long term comfort of allocated land beyond 2024, especially if there is a need to carry out

costly infrastructure works or the site forms part of a larger planned expansion to the settlement. The inclusion of these sites can give the developer certainty that investment made now in infrastructure to allow any development at all to happen will allow development on the site beyond 2024. The inclusion of longer term land also gives an indication to communities and infrastructure providers the scale and location of housing land being proposed. The phasing of sites is shown in the settlement statements and in Appendix 2.

### Transport Strategy

3.30 Dumfries and Galloway functions as an important western gateway to Scotland and the United Kingdom. The new port development on Loch Ryan provides a modern international gateway between Scotland and Ireland, offering increased freight capacity, reduced journey times and new opportunities for tourism.





3.31 Car ownership and use is higher in Dumfries and Galloway than the national average as many people are dependent on cars for access to services and employment in this large, mainly rural region and therefore the modal share for public transport, walking and cycling is correspondingly low. Whilst private motorised transport will remain critical to the functioning of the regional economy, investment in alternatives such as public transport and associated infrastructure and encouraging and enabling walking and cycling will be necessary to help minimise the impact of the region's transport network on the environment. This will also reduce carbon and other greenhouse gas emissions (road transport remains by far the biggest source of emissions from a selection of transport modes) and help to maintain accessibility for those people without access to a car.

3.32 The spatial strategy supports a pattern of development which reduces the need to travel, facilitates travel by public transport and freight movement by rail or water, and provides safe and convenient opportunities for walking and cycling. The Plan expects good quality development that builds in sustainable transport modes at the beginning of the design process.

3.33 There are also national transport projects which will have an influence on the region. Of the 29 recommended interventions within the Scottish Government's Strategic Transport Projects Review (STPR), three are located or partly located within Dumfries and Galloway:

- Intervention 5 – Route Management on other Road Corridors (this includes a series of initiatives to implement road-based improvements with a combination of network optimisation through route management and targeted local investment. The routes identified within this include the A76 between Ayrshire and Dumfries).
- Intervention 11 – Targeted Programme of Measures to improve Links to the Loch Ryan Port Facilities from the [A75] Trans European Network in order to improve journey time reliability.
- Intervention 27 – Enhancements to Rail Freight between Glasgow and the Border via West Coast Main Line intended to improve capacity for rail freight between Scotland and England.

3.34 The delivery of the above interventions is subject to the transport allocation within the Scottish Government's future Spending Reviews



and affordability, therefore timescales have not yet been confirmed. The Plan will need to recognise that if any developments which rely on these STPR interventions come forward prior to the intervention being identified for delivery in future spending reviews, they will require an alternative funding and delivery mechanism (i.e. they will not receive Scottish Government funding).

### Active Travel and Green Networks

3.35 Improvements to active transport networks, such as paths and cycle routes will support more sustainable travel choices, as well as recreational opportunities. Transport policies contained in this Plan have strong linkages with design / place-making and access route policies, as well as open space and green network policies. The policy section on community facilities and services discusses the other benefits of green networks including their role in enhancing health and well-being, biodiversity, climate change mitigation, tourism and so on.

3.36 Dumfries and Galloway potentially has a vast network of green spaces across its entire area and there is still a considerable amount of work to do to specifically identify a coherent green network. Development of the green network strategy will be on-going throughout the Plan period. For the purposes of this LDP, policy will largely focus on those parts of the network which are within close proximity to settlements where they can be relatively easily accessed by the local population. However, other sites outwith this may also need to be safeguarded and enhanced.

The recent work carried out on both a region-wide open space audit (which identifies and assesses open space within and around settlements) and the Core Path Network, as well as emerging national good practice on green networks, provides an opportunity to develop the green network concept further.



3.37 Open spaces within settlements can contribute to wider green networks and play a role in encouraging and supporting more active travel options but in order to do this, they need to be well connected and this connectivity should be considered in all development proposals. This LDP contains policies on protecting existing open space, providing new and enhanced spaces and also on the protection of green networks.



## Waste Management Strategy

3.38 Our Council is working towards implementing the national Zero Waste Plan objectives in accordance with the waste hierarchy of Prevention, Reuse, Recycling, Recovery and Disposal.

3.39 Annex B to the Scottish Government's Zero Waste Management Plan indicates that additional waste management infrastructure capacity will be required to deal with 100,000 tonnes of mixed waste in Dumfries and Galloway. The following approach will enable the Council to deal with this additional waste.

3.40 The proposed Zero Waste Parks at Blackparks (Stranraer) and Lochar Moss (Dumfries) will be used to manage the waste collected through new source separate collections which will provide additional mixed waste processing



capacity in the Ecodeco Plant. The Zero Waste Park (Dumfries) will also contain new facilities to improve the quality of outputs from Ecodeco through the extraction of recyclates to meet the new requirements associated with thermal treatment and ensure all biodegradable waste is diverted from landfill. The Council, in accordance with the current licensing regime regulated by SEPA, will use its existing waste management facility Ecodeco to process mixed waste collected from households and commercial businesses. In parallel the Council will continue to operate a network of household waste recycling centres and transfer stations.

3.41 Commercial and construction related waste collected by third parties is typically disposed of at privately operated waste disposal sites or transferred outwith the region. Special waste will continue to be transported outside the area for processing and disposal or processed through the Scotgen (Dumfries) gasification facility.

3.42 Proposals for new waste management facilities or extension to existing sites will be supported where they meet the objectives of the Zero Waste Plan. Proposals for waste management facilities will, in principle, be acceptable on sites identified or safeguarded in the LDP for business and industry.

3.43 The location of existing and proposed waste management facilities are identified on the proposals maps in Chapter 5.



## 4. POLICIES

### OVERARCHING POLICIES

4.1 Individual policies and land allocations do not set out the whole picture for the various types of development. The overarching policies set out the key considerations that need to be taken into account when assessing development proposals. The aim of the overarching policies is to deliver a

high standard of development on the ground. All development proposals will be assessed against the policies in this section where considered relevant by the Council. Please note that this list is neither exhaustive, since other additional site-specific issues may require assessment in considering individual proposals, nor should it be treated as a checklist.

#### Policy OP1: Development Considerations

Development will be assessed against the following considerations where relevant to the scale, nature and location of the proposal:

##### a) General Amenity

Development proposals should be compatible with the character and amenity of the area and should not conflict with nearby land uses. The following issues which may result from the development will be a material consideration in the assessment of proposals:

- noise and vibration;
- odour and fumes;
- potential loss of privacy, sunlight and daylight on nearby properties;
- emissions including dust, smoke, soot, ash, dirt or grit or any other environmental pollution to water, air, or soil; and
- light pollution.

##### b) Historic Environment

Development proposals should protect and/or enhance the character, appearance and setting of the region's rich historic environment principally by ensuring they are sympathetic to nearby buildings, sites and features, integrate well and complement the surrounding area. The information contained within the Council's Historic Environment Record and Scottish Historic Environment Policy, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals.



### **c) Landscape**

Development proposals should respect, protect and/or enhance the region's rich landscape character, scenic qualities and features and sites designated for their landscape quality at any level. They should also reflect the scale and local distinctiveness of the landscape. Principles established in the European Landscape Convention and the Dumfries and Galloway Landscape Assessment, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals.

### **d) Biodiversity and Geodiversity**

Development proposals should respect, protect and/or enhance the region's rich and distinct biodiversity, geodiversity and sites designated for their contribution to the natural environment at any level including ancient and semi-natural woodland. The guidance contained within the Local Biodiversity Action Plan, and any subsequent revised or amended document, will be a material consideration in the assessment of proposals.

### **e) Transport and Travel**

Development proposals should minimise the need for travel by car and encourage active and other more sustainable forms of travel whilst avoiding or mitigating any adverse impact on the transport network or road safety.

### **f) Sustainability**

Development proposals should limit the impacts of climate change and promote sustainable development by:

- assisting the development of the local economy through sustainable economic growth;
- minimising adverse impacts on water, air and soil quality;
- reusing and/or regenerating previously used land and property, including derelict and contaminated land;
- making the most efficient use of land;
- integrating with existing infrastructure where possible;
- supporting the Council's waste resource management objectives;
- avoiding areas of significant flood risk;
- using sustainable drainage systems (SuDS);

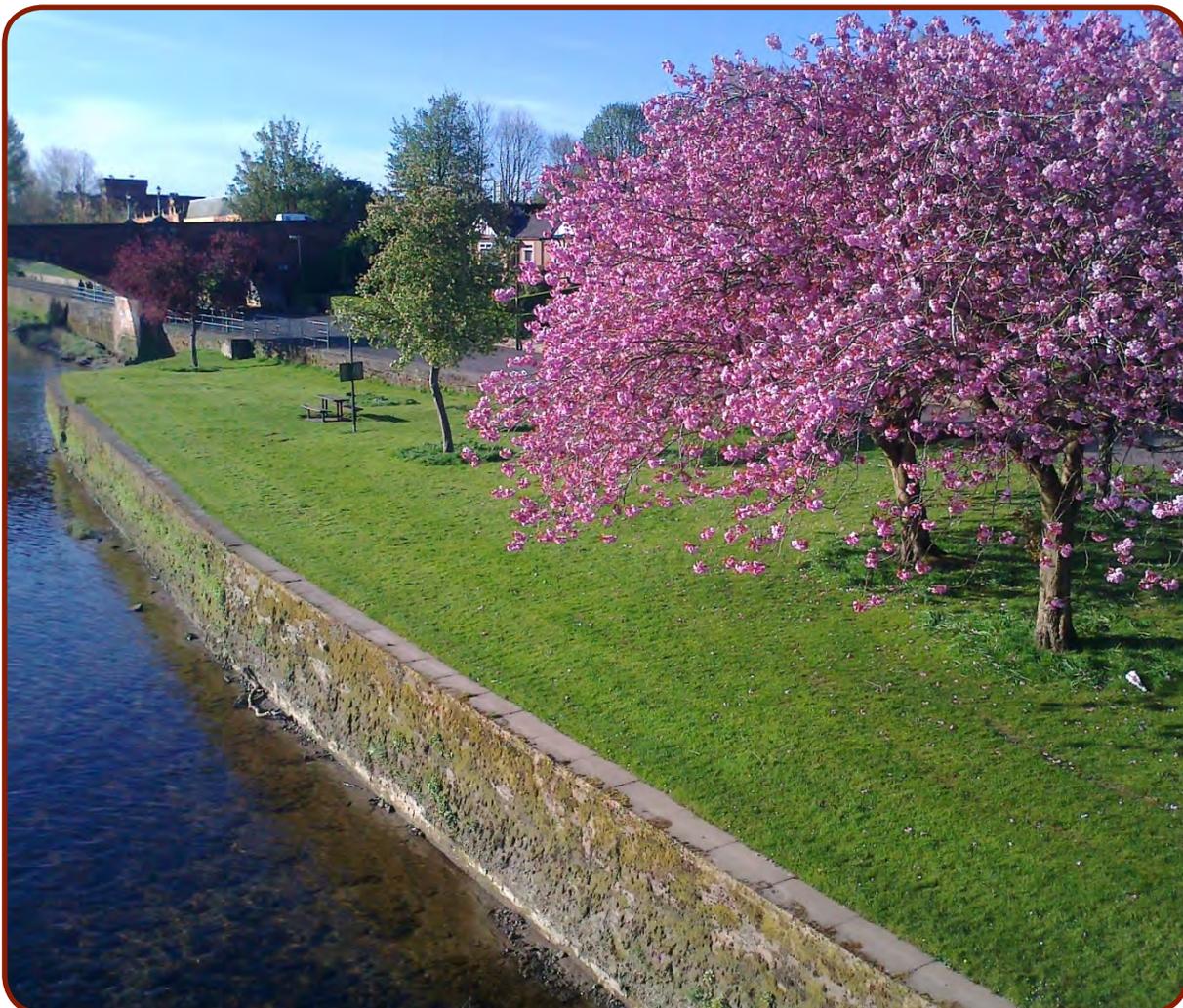


- incorporating sustainable principles by demonstrating that in all new buildings at least 10% of the carbon emissions reduction standard set by Scottish Building Standards has been met through the installation and operation of zero carbon generating technologies. This percentage will increase to 15% from the beginning of 2015 and will be reviewed in 2017.\*

### **g) Water Environment**

Development proposals should maintain or enhance water quality, and take account of the need to manage water quantity, including flooding. In securing these objectives they should also seek to contribute positively to the general environmental quality of their area.

\* Supplementary guidance shall provide further detail on this including its application to existing buildings and the circumstances where exceptions should apply.





## Policy OP2: Design Quality of New Development

Development proposals should achieve high quality design in terms of their contribution to the existing built and natural environment contributing positively to a sense of place and local distinctiveness. Where relevant proposals should:

- relate well to the scale, density, massing, character, appearance and use of materials of the surrounding area and in so doing be sympathetic to the local built forms as well as respecting the important physical, historic and landscape features of the site and its vicinity;
- be designed with people, not vehicle movement, as the primary focus, incorporating the principles set out in 'Designing Streets' and where possible increase connectivity to nearby places, paths, streets and open spaces;
- ensure that any open space required is of high quality, appropriate and integrated to the development and where possible provides linkages to the wider green network;
- incorporate a hard landscaping and planting scheme which includes the proposed treatment of existing trees and other landscape features;
- be designed to create safe, accessible and inclusive places for all people which are well integrated into existing settlements and respect the established historic layout and patterns of development, that are also adaptable to future changes;
- integrate sustainable energy measures.

This policy is supported by supplementary guidance.

A masterplan and/ or development brief may be needed for some sites, the site guidance in Chapter 6 outlines where this is required.





### Policy OP3: Developer Contributions

Developer contributions will be sought where a development proposal (or a combination of developments) creates an identified need: to secure the mitigation required to address an adverse environmental impact; or to provide for new, extended or upgraded public infrastructure facilities or services. Contributions secured through a planning obligation (Section 75 agreement or other legal agreement as necessary) will be consistent with the tests set out in Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Developers will be required to make a fair and reasonable contribution (financial or “in kind”), proportionate to the scale and nature of the development, towards these additional costs or requirements, relative to:

- affordable housing;
- open space and green networks;
- leisure, recreation and tourism infrastructure;
- education;
- community facilities, including health facilities;
- waste management infrastructure;
- offsite infrastructure works including transport infrastructure.

Supplementary guidance shall provide further details on the scale and nature of developer contributions; any exceptions that may apply; and the submission of development appraisal information where development viability issues arise.





## **ECONOMIC DEVELOPMENT**

4.2 Sustainable economic growth is a key element of the Plan's vision. Dumfries and Galloway is primarily a rural economy with agriculture, forestry, tourism and food processing being important sectors. A new and increasingly significant part of the area's economy is generation of renewable energy. The policies set out in the Plan provide opportunities to grow, develop, diversify and regenerate the economy in a sustainable manner whilst at the same time protecting the natural and built environment upon which so much of the region's economy depends.

## **Business and Industry**

4.3 The business and industry land requirement outlined in the spatial strategy has been met by safeguarding existing and allocating new sites for business and industry in Dumfries, the District and Local Centres, Chapelcross and along the A74(M) corridor. Whilst the strategy is for business and industry proposals to locate on identified sites, the Plan acknowledges that for a variety of reasons not all business and industry proposals can be accommodated on the allocated sites. The Plan therefore provides the opportunity for proposals to locate elsewhere should they not be able to locate within either established or allocated sites.

### **Policy ED1: Business and Industry**

#### **a. Established and Allocated Business and Industrial Areas**

The Council will support business and industrial development within established and allocated business and industry sites as shown on inset maps. Development must be compatible with business or industrial uses, and not result in the material loss of business and industrial land.

Alternative uses on individual plots within these sites will only be considered favourably by the Council if:

- the plot contains a building that has previously been used for business or industry;
- the plot has been disused for at least twelve months;
- it is demonstrated that despite marketing of the site for at least twelve months (supplementary guidance provides more detail) there has been no viable interest for other business and industry use; and
- the alternative use would not be materially detrimental to the specific character and amenity of the immediate area.

Proposals for waste management facilities will in principle be acceptable on sites identified or safeguarded for business and industry.



### **b. Business and Industrial Development on Unallocated Land**

Business and industrial development will normally be encouraged to locate on sites allocated or established for such development in the Plan. In exceptional circumstances, it will be possible to support business and industrial development on unallocated land where established or allocated sites are unable to accommodate proposals. Where a proposal is not located on an established or allocated site, the developer will be required to demonstrate the need for the proposal at that location. Planning justification should consider sustainable transportation (i.e. how employees travel to work), impact on the natural environment including landscape, impact on surrounding properties, and any necessary mitigation measures.

Bad neighbour developments should be located where they do not adversely impact the amenity of adjacent land users.

### **Policy ED2: Business Development in the Rural Area**

Proposals which expand existing businesses or create new ones in the rural area will be supported. Proposals will be encouraged to locate within or immediately adjacent to Local Centres, Villages or Small Building Groups or where a traditional building is reused.

Businesses based on recreational activities or with a site-specific need for a rural location will be encouraged.

Farm diversification proposals which support and complement the existing farm business will be encouraged by the Council. Priority should be given to the reuse of existing farm buildings.

This policy is supported by supplementary guidance.

### **Policy ED3: The Crichton Quarter**

The Council will encourage development proposals in the Crichton Quarter which sustain and grow the existing economic and community benefits provided by the houses, offices, business park, education, leisure and cultural uses which currently occupy the site. This will be achieved by protecting, maintaining and enhancing the quality of the setting, the environment and buildings of the Crichton whilst encouraging new investment.

This policy is supported by supplementary guidance.



## Policy ED4: Chapelcross

The Council will encourage business and industrial development proposals at Chapelcross. Proposals should be developed in accordance with the Chapelcross masterplan. Priority will be given to the reuse of brownfield land.

### Retailing and Town Centres

4.4 In order to realise the Plan's vision of vibrant town centres the role and function of town centres needs to be seen as wider than just retail. SPP states that town centres should be the focus for a mix of uses including retail, business, leisure, entertainment, recreation, cultural and community facilities.

4.5 Although the Plan is keen to encourage a range of uses within town centres that will provide economic and social activity during both day and the evening it is acknowledged that certain proposals including restaurants, cafes, snack bars or similar Class 3 uses, public houses and hot food takeaways can have an impact on neighbouring properties in terms of noise, disturbance or odour. Proposals will be assessed on their own merits against Policy ED5.

4.6 Neighbourhood centres typically comprise a group of shops anchored by a small supermarket or convenience store (maximum 500 sq.m. gross floorspace) and tend to serve the immediate residential area that is within a five minute walking or cycling radius. Neighbourhood centres currently exist in Dumfries and Stranraer. New neighbourhood centres will be encouraged where they are of a scale to serve a large new development and are accessible by foot and bicycle.

4.7 Small shops in Local Centres and Villages play an important social and economic role especially to those who do not have access to private transport. Where a settlement does not have a shop, or the facility has been lost, the Council will encourage the development or replacement of the retail use.





## **Policy ED5: Development in Town Centres**

The Council will encourage a range of uses within town centres identified on the inset maps provided they support the role and function of the centre and are of a scale and character appropriate to the centre and its position within the network. The role and function of the centre along with the type of development that will be supported is set out in supplementary guidance.

Subject to the provisos in the preceding paragraph, Class 1 retail proposals will be supported in town centres. Other uses will also be supported if it can be demonstrated that they will add to:

- the vitality and viability of the town centre; and
- the character and amenity of the immediate area or the town centre in general; and
- the general retail role of the area either individually or cumulatively, having regard to the existing balance between retail and non-retail uses; and
- the visual amenity of the area by providing an attractive frontage appropriate to the location.

Class 3 proposals together with public houses and hot food takeaways should not have a detrimental impact on the amenity of adjacent residential properties.

On upper floors, particularly where property is underutilised, the Council will encourage the retention and development of housing and other complementary town centre uses.

## **Policy ED6: Retail Development Outside a Town Centre**

Proposals for new or expanded retail and commercial leisure developments outside an identified town centre must demonstrate that a sequential assessment has been made of the following locations:

- Town centre;
- Edge of town centre;
- Other identified commercial centre; and
- Out of centre locations.



Proposals in edge and out of centre locations must also demonstrate to the satisfaction of the Council:

- why sequentially preferable sites (including brownfield) have been discounted as being unsuitable or unavailable;
- that there will be no significant individual or cumulative adverse effect on the vitality and viability of the town centre where the development is proposed or of any centre within the catchment area;
- that the proposal will address an identified qualitative and quantitative deficiency in provision;
- that the development is of a scale appropriate to the centre; and
- that it can be easily accessed by a range of transport modes.



### **Policy ED7: Prime Retail Frontages in Dumfries and Stranraer**

In order to protect and enhance the core shopping areas in Dumfries and Stranraer town centres, Class 1 retail developments at ground floor level and non-retail uses (including residential) on the upper floors of prime retail frontages will be supported.

The loss of Class 1 retail to alternative uses within prime retail frontages will only be considered favourably by the Council if it can be demonstrated that the proposal will add to:

- the vitality and viability of the town centre;
- the character and amenity of the immediate area or the town centre in general; and
- it has been demonstrated through a marketing report that the property has been marketed unsuccessfully for Class 1 retail use for at least 12 months (supplementary guidance provides more detail).



## Policy ED8: Town Centre Accessibility

In town centres, the Council will expect development to improve accessibility for all by:

- developing improved pedestrian, cycling and public transport facilities, where appropriate;
- providing additional car and coach parks, when required;
- ensuring that proposals do not result in the loss of established parking facilities unless it can be demonstrated to the satisfaction of the Council that either: the spaces are no longer required; or that compensatory sustainable and/or active travel access is provided to the town centre; or that satisfactory compensatory parking provision is provided elsewhere in the town centre.

## Policy ED9: Neighbourhood Centres, Small and Rural Shops

The Council will support small-scale (maximum 500 sq.m. gross floorspace) supermarket or convenience store developments that serve the needs of an existing neighbourhood or new residential / employment / mixed use sites which are within a walk-in catchment of the proposed development, and are in a highly accessible location for walking and cycling.

Individual shops in Local Centres and Villages will be supported where they are of an appropriate scale to the size of the settlement and meet a local need.

Isolated shops in the rural area will be supported where they are an integral part of and ancillary to an existing workshop facility, farm business, recreation or tourist facility. The re-use or conversion of existing buildings will be encouraged.





## Tourism

4.8 Tourism is a key sector within Dumfries and Galloway's economy. The quality of tourism attractions, facilities and accommodation is integral to the performance of this sector. Planning has an important role of supporting the tourism economy throughout Dumfries and Galloway, whilst safeguarding the tourism assets of the region and ensuring sites are suitably serviced.

4.9 There are numerous types of tourist accommodation which can be divided into serviced and non-serviced. Serviced accommodation includes hotels, guest houses, and bed and breakfasts. Non-serviced includes any type of self-catering accommodation such as cottages, caravans, chalets, cabins, tents

and yurts. The tourism policy aims to support new groups of accommodation in locations which complement the natural environment and do not jeopardise the scenic landscapes which local residents and tourists come to appreciate.

4.10 Dumfries and Galloway is fortunate to have two international designations in the Biosphere and Dark Sky Park. The main objectives of the designation of the Biosphere are conservation, learning and research, and sustainable development. These are unique tourism and ecological assets which require safeguarding to ensure future development proposals which require planning permission do not adversely impact upon these unique tourism assets.

### Policy ED10: Tourism

#### a) Tourist Attractions and Recreational Facilities

The Council will support the development of indoor and outdoor tourist attractions and recreational facilities subject to other policies in the Plan.

#### b) Tourist Accommodation

The Council will support the provision of a range of tourist accommodation with preference given to developments that are physically associated with existing settlements or which involve the conversion of a traditional building.

Proposals for new groups of chalet, cabin, caravan or camping sites will be supported where they:

- form extensions to existing sites; or
  - are associated physically with an existing hotel; or
  - form an integral part of a tourist attraction, facility or outdoor recreation facility;
- or
- are situated within an established woodland area to be retained as part of the overall development.

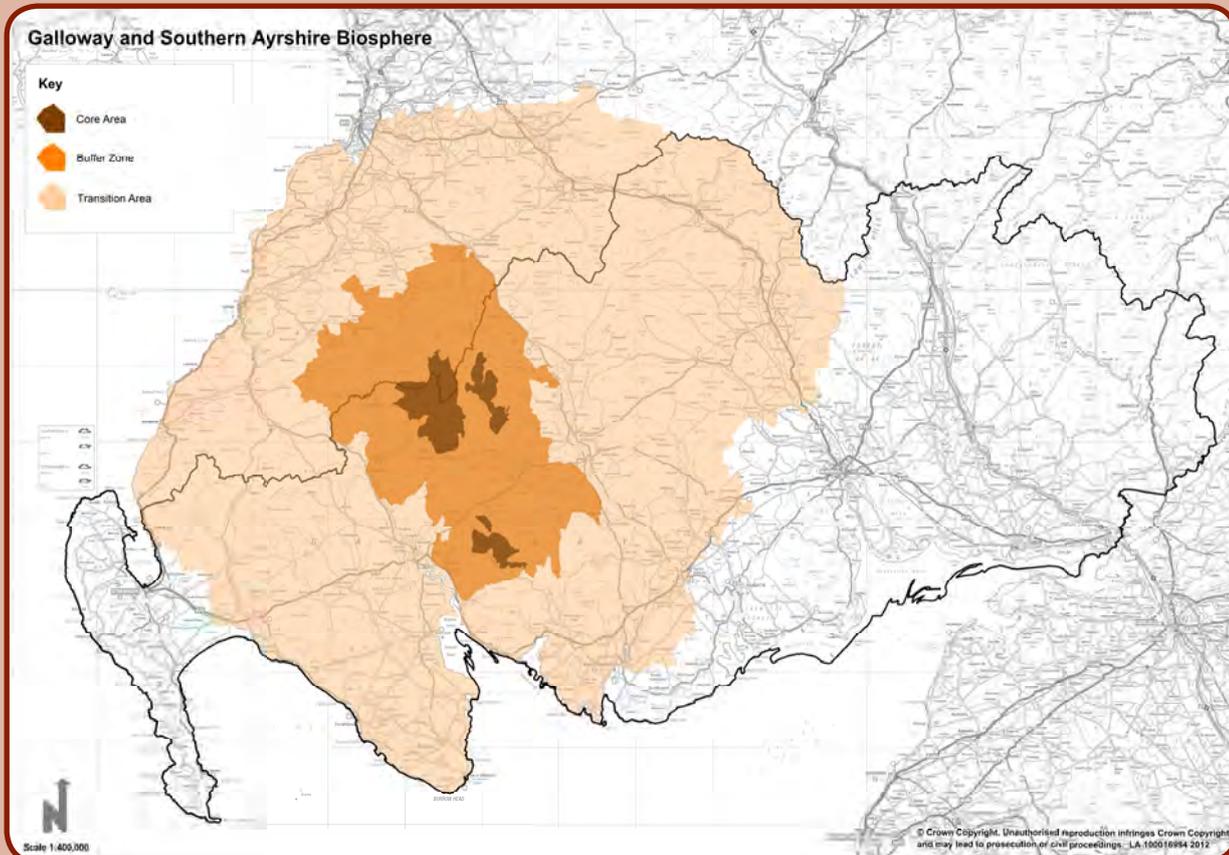
In all cases there will be a presumption against tourism accommodation being used for permanent residence.



## Policy ED11: Galloway and Southern Ayrshire Biosphere

The Council supports the designation and aims of the Biosphere and will encourage development that demonstrates innovative approaches to sustainable communities and the economy, and supports the enhancement, understanding and enjoyment of the area as a world class environment. Development must be appropriate to the role of the different zones within the Biosphere.

Map 4: Galloway and Southern Ayrshire Biosphere

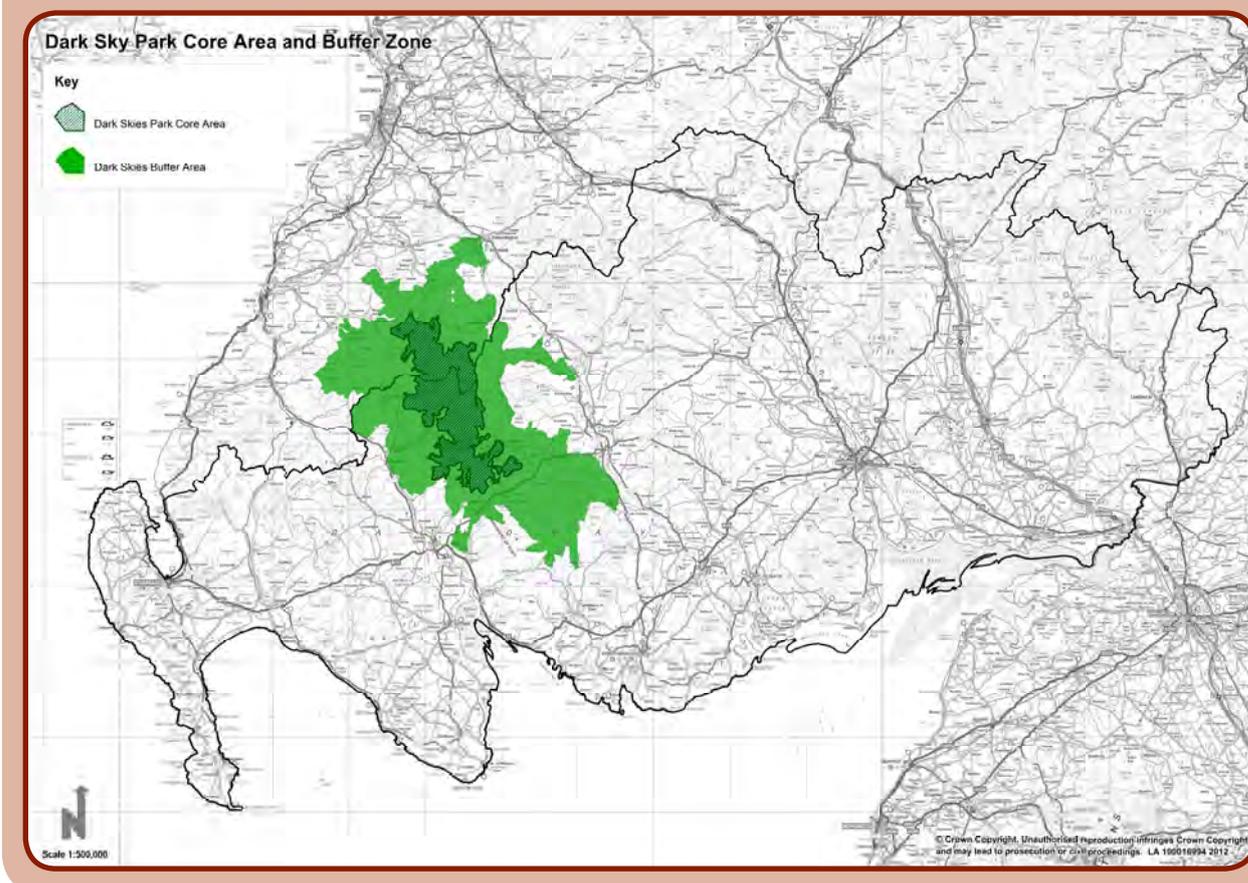


## Policy ED12: Dark Sky Park

The Council supports the designation of the Galloway Forest Dark Sky Park, and will presume against development proposals that produce levels of lighting which adversely impact on the Dark Sky status of the Park. Development proposals will require to comply with supplementary guidance on lighting for development proposals within the Galloway Forest Dark Sky Park.



Map 5: Galloway Forest Dark Sky Park



### Fish Farming

4.11 Fish farming in Dumfries and Galloway can be considered in three distinctive areas: inland; intertidal; and seaward out to 12 nautical miles. Overall, the area has a diverse range of fish and shellfish species. Fish farms in the intertidal or seaward areas are likely to require land based facilities. These facilities should be considered as part of or simultaneously with the application for a fish farm.

low water mark and only a very limited number of proposals in the extensive intertidal area. If pressures for fish farm development in these areas emerge during the lifetime of the LDP, the Council will consider producing supplementary guidance. This could consider the full range of interests, including nature conservation, the water environment, visual impacts, recreation and the historic environment. It could identify the extent and locations of suitable sites.

4.12 To date, there have not been proposals for fish farming below the



### **Policy ED13: Fish Farming**

The Council supports fish farming developments where it can be demonstrated that no likely significant adverse effects would occur. The Council will determine planning applications taking into account direct and cumulative effects on the natural or built environment. This will, as relevant, include consideration of:

- the carrying capacity of the area;
- the visual impact, including landscape and seascape;
- impacts on the marine historic environment;
- impacts on the sea bed;
- operational requirements;
- impact on local communities;
- impacts on and access to outdoor sports and recreation interests;
- impacts on the water environment and on habitats influenced by the quality of the water environment.





## Mineral Assets

4.13 Mineral extraction can provide important economic benefits through the creation of jobs and supporting development. Any decision must be based upon a comprehensive evaluation of the economic and environmental effects. A balance must be struck between the need to work the resource in support of the local economy, and to protect our local communities and natural environment.

4.14 Permanent development that would result in the sterilisation of mineral resources which are viable at present or may become viable in future and which either could be extracted in accordance with LDP policy or which are the subject of extraction interest will not be permitted. Supplementary guidance will be prepared to identify areas that are the subject of extraction interest. Generally, these areas will be the locations that contain the mineral reserves that are quantified in the Council's technical paper "Mineral Assessment".

4.15 SPP outlines the need for local authorities to have regard to availability, quality, accessibility and requirement for mineral resources in the region when preparing the Plan. It also requires the planning authority to ensure that there is a minimum 10 year landbank for construction aggregates.

4.16 In order to do this, an analysis of mineral reserves, the market area and the availability of each mineral worked was assessed. A 15 year landbank was identified for the market areas supplied by each reserve. This analysis determined that there was adequate supply of each mineral without any deficiencies and therefore it was not necessary to identify search areas in the LDP. The Mineral Assessment Technical Paper provides more detail.

4.17 Unlike other minerals, peat is, in general, to be treated not as a mineral asset to be exploited or protected for possible exploitation, but rather as a carbon store to be protected in perpetuity.

### Policy ED14: Mineral Safeguarding

Permanent development that would result in the sterilisation of mineral resources that are viable at present or that may become viable in future and which either could be extracted in accordance with LDP policy or which are the subject of extraction interest will not be permitted.

This policy will be supported by supplementary guidance. The guidance will include maps showing sites that are underlain by the mineral reserves associated with the various quarries identified in the Mineral Assessment Technical Paper (January 2013), any land where planning permission for coal working has been granted and any other land where a mineral resource should be safeguarded. The guidance will also identify broad areas where surface coal extraction may be acceptable.



## Policy ED15: Minerals

Proposals for new mineral workings or the extension of existing workings will be supported where the following have been addressed to the satisfaction of the Council:

- disturbance and disruption from noise, blasting and vibration and potential pollution of land, air and water;
- the impact on local communities and residential property, landscape, visual amenity, the historic environment and areas of nature conservation interest during and after development;
- the impact on surface and ground water resources, drainage and fishery interests and agricultural soil (see Policy NE13);
- effective and sustainable waste solutions in the reuse of mineral waste or any secondary material;
- the cumulative effect of all of the above, especially if there are already two or more consented sites that could raise similar impacts within 5km of a nearby settlement;
- a transport assessment demonstrating that the development will not have a significant negative impact on local communities;
- a site restoration scheme where appropriate including an aftercare programme and a financial guarantee to ensure the programme can be fully implemented; and
- an appropriate method statement.

Proposals for surface mining will be supported only if the applicant can demonstrate that:

- there are national, community or economic interests which would outweigh the likely environmental impacts; or
- the proposal is environmentally acceptable or can be made so.



## **Policy ED16: Protection and Restoration of Peat Deposits as Carbon Sinks**

The role of natural carbon sinks in retaining carbon dioxide will be maintained by safeguarding and protecting those peat deposits not already designated for habitat conservation reasons and by considering the likely balance between gain and loss should other high carbon content soils be subject to proposed developments or other land use change.

The Council will support peatland restoration, including rewetting.

Development affecting peat deposits not already designated for habitat conservation reasons may be permitted in the following circumstances.

- (a) In areas of degraded peatland where all of the following apply.
- The deposits have been significantly damaged by human activity.
  - The conservation value is low.
  - Restoration to functioning peatland is not possible.

In all cases, appropriate site restoration measures will be required.

- (b) Where renewable energy generating development is proposed and it can be demonstrated (in accordance with the Scottish Government's 'carbon calculator' or other equivalent independent evidence) that the balance of advantage in terms of climate change mitigation lies with the energy-generation proposal.

- (c) Where surface coal extraction requires removal of peat as an overburden to access the coal and where, following extraction of the coal, the site will be restored to a wetland habitat with a biodiversity value that is no less than the biodiversity value of the site prior to development. Grassland and woodland should not be considered as restoration options. If these requirements cannot reasonably be achieved within the development site, creation of a wetland within the vicinity of the site may be an acceptable alternative.



## Advertisements

4.18 Advertisements are necessary to support businesses throughout the region. Advert proposals should be

designed in consideration of their position and surrounding local environment both in terms of visual impact and amenity.

### Policy ED17: Advertisements

The Council will support applications for consent to display advertisements on land or buildings to which it relates where all of the following criteria are met to the satisfaction of the Council:

- should respect the scale, proportion and architectural features of any building to which it is attached;
- would not detract from the visual amenity of the area in which it is sited;
- the style of the sign and finishes used should be sympathetic to the building and area, particularly if located within a conservation area or attached to or within the curtilage of a listed building; where box signage would be discouraged;
- the number of individual signs on a building should not materially alter the appearance of the building or detract from the amenity of the area;
- internally illuminated box signage will be discouraged;
- public/road safety would not be prejudiced, especially impeding pedestrian/cyclist flow; and
- lighting should be designed and installed so that any nearby woodland is not affected by light pollution.

Adverts not on the land or buildings to which they relate, will only be supported:

- for a limited short term period for the promotion of events in the region; or
- for those considered beneficial on road safety grounds by the Council.

Advertising will only be permitted on trunk roads where strict criteria are met and there is no adverse impact on safety; early consultation should take place with Transport Scotland.



## HOUSING

4.19 The housing land requirement outlined in the spatial strategy provides a generous supply of land for housing, the majority of which will be delivered in Dumfries and the District and Local Centres through allocated sites shown on the inset maps.

4.20 Within settlement boundaries there will be opportunities for housing on sites not allocated for this purpose. The development of infill and brownfield opportunity sites can assist in bringing vitality and environmental improvement to an area and the development of these sites will be considered favourably. Where possible these sites have been allocated for housing development in the inset maps. However, it should be noted that the inclusion of land within a settlement boundary does not necessarily mean that the land is suitable for development, development proposals will be assessed against the relevant LDP policies.

4.21 The Plan also recognises that some people need to or want to live in more dispersed settlements or in individual houses in the rural area. The Plan provides opportunities for housing and employment development in the rural area whilst at the same time seeking to protect and enhance environmental quality of the region. Within the remote rural areas of the region the Plan provides the opportunity for the development of a single house provided it meets the criteria outlined in the policy.

4.22 There are a number of villages throughout the region with at least one community facility. In order to support this important asset and to

provide flexibility in allowing villages to develop in a more sustainable and incremental manner inset maps have not been prepared. Instead proposals will be assessed against Policy H2: Housing Development in Villages and supporting supplementary guidance.

4.23 The Housing Needs and Demand Assessment demonstrated that without intervention the shortfall in the number of affordable houses in the region would increase. Planning conditions or legal agreements will be used to secure the provision of affordable housing as part of a development and to ensure that the house remains affordable for the initial and subsequent occupants. Affordable housing can be provided through a number of mechanisms which are outlined in the supplementary guidance.





## Policy H1: Housing Land

### a) Allocated Sites

The Council will at all times maintain an effective five year supply of land for house building to meet the housing land requirement identified for each Housing Market Area. The Council will support housing development on allocated housing sites shown on inset maps.

Sites allocated for housing after 2024 can be assessed to be brought forward for development during the 2012-2024 period where the annual housing land audit clearly demonstrates that an effective five year land supply is not being maintained for the housing market area concerned.

The development of sites will require to accord with the site guidance shown in the settlement statements. The settlement statements and Appendix 2 set out the number of units proposed for each site. If a development proposes more units than proposed in the LDP, the developer will have to demonstrate that the proposal can provide any infrastructure needed and there is no negative impact on the environment.

### b) Infill/Windfall Sites

Within settlement boundaries defined on inset maps, proposals for residential development on sites not allocated for development will need to demonstrate to the satisfaction of the Council that the proposed development:

- would result in the development of a brownfield site; and/or
- would not prevent or restrict the physical development of an allocated site; and
- is not of a scale to adversely affect the overall development strategy of the Plan.





## Policy H2: Housing Development in Villages

The Council will support housing development proposals in villages, subject to other policies in the Plan where:

- the number of units proposed relates to the scale and size of the existing village; and
- it does not on its own or in combination with other developments in the housing market area undermine the overall objective of the spatial strategy; and
- it relates to the layout, density and design of the character and form of the existing village; and
- it would not lead to ribbon development; and
- the proposal would not result in the loss of open space shown in the Open Space Supplementary Guidance.

Supplementary Guidance shall provide additional detail on the considerations set out above including Ribbon Development.





### Policy H3: Housing in the Countryside

The Council will support housing proposals in the countryside where the proposal meets one or more of the following criteria:

- is within or well related to a small building group which is either identified on lists contained in supplementary guidance or is defined as three or more separate habitable or occupied houses which are well related to each other and which create a sense of place;
- is essential for the needs of agriculture or other business requiring a rural location that cannot be met in a nearby settlement;
- is a single house associated with the retirement succession of a viable farm holding where there are no buildings suitable or economically viable for conversion to residential use on the farm unit;
- beneficial redevelopment of a brownfield site;
- replace or renovate an existing house with a house of an appropriate scale within the same curtilage;
- conversion of a traditional building.

Proposals for single houses in the remote rural area identified in supplementary guidance will need to demonstrate that the proposal is:

- well related to its landscape setting;
- of an appropriate scale and design to its location; and
- it would provide a low carbon house and lifestyle.

This policy is supported by supplementary guidance.





## **Policy H4: Housing Development Immediately Outside Settlement Boundaries**

Settlement boundaries defined on the inset map indicate the extent to which the Regional Capital, District and Local Centres should be allowed to develop during the course of the LDP. Housing development should be contained within the settlement boundary and proposals for housing developments immediately outside the defined settlement boundaries will only be considered where a shortfall has been identified by the Council through the housing land audit with regard to the provision of an effective 5 year housing land supply in the Housing Market Area. Proposals will need to provide an element of affordable housing in line with Policy H5.

Proposals must:

- represent a logical extension to the built up area;
- be of an appropriate scale in relation to the size of the settlement;
- not prejudice the character or natural built up edge of the settlement; and
- not cause any significant adverse effect on the landscape setting of the settlement or the natural or cultural heritage of the surrounding area.

This policy is supported by supplementary guidance.

## **Policy H5: Affordable Housing**

In all housing developments which will, either individually or through phasing, result in the development of 5 or more units a maximum of 20% of those units will need to be affordable. Development proposals will be assessed on a case by case basis by the Council.

If the developer is unable to provide the affordable housing on the application site the Council will seek off-site provision in the form of units or serviced land on another viable site in the developer's ownership within the same Housing Market Area of the site being developed. In exceptional circumstances a commuted sum payment may be considered.

The details of provision, including tenure, house size and type, will be a matter for agreement between the developer and the Council and based upon local housing need and individual site characteristics.

This policy is supported by supplementary guidance.



### **Policy H6: Particular Needs Housing**

The Council will support proposals for particular needs housing and accommodation (including adaptations to the existing housing stock) for people with particular needs such as housing for the frail, older people and those with special and varying needs.

Up to a maximum of 20% of the housing units delivered through the Council's Strategic Housing Investment Programme will need to be housing for older people, and those with particular needs.

Proposals for public and private nursing / residential care homes must meet locally generated demand and the needs of local client groups.

Such housing (including care homes) should be located in a residential area where residents can have access to local services and facilities and are integrated with the local community.

### **Policy H7: Temporary Residential Development**

The Council will not normally support proposals for the development of, or change of use of, caravans, chalets or other temporary structures to houses. In exceptional circumstances, residential caravans or other suitable forms of temporary accommodation may be permitted on a site to meet a justified short term need, providing they can be adequately serviced and would not be visually intrusive. In such cases occupancy conditions will be imposed.

### **Policy H8: Alterations and Extensions to Houses**

Alterations and extensions to dwelling houses will be supported where:

- the massing, scale, design and external materials are sympathetic to the scale and character of the existing dwelling house and its immediate neighbourhood, such that they comply with the design guidance set out in supplementary guidance;
- the proposal would not result in the over development of the plot, with sufficient space remaining for garden ground;
- the proposal would not materially reduce the privacy or amenity of adjacent properties; and
- the proposal would not prejudice road safety.

This policy is supported by supplementary guidance.



## HISTORIC ENVIRONMENT

4.24 The historic environment can play a key role in building, supporting and regenerating communities and engendering community spirit, giving a sense of place and identity and help to create a place where people want to live and work. The historic environment can accommodate change, providing it can be carefully and sensitively managed. The degree of permissible change must be judged on a sound understanding of the historic asset in question and in some cases may not be desirable or possible.

4.25 The Council is committed to supporting the conservation and management of our rich and diverse historic environment. It will ensure that this is undertaken in a way that promotes sensitive and sustainable development whilst retaining the historic character and quality of the area.

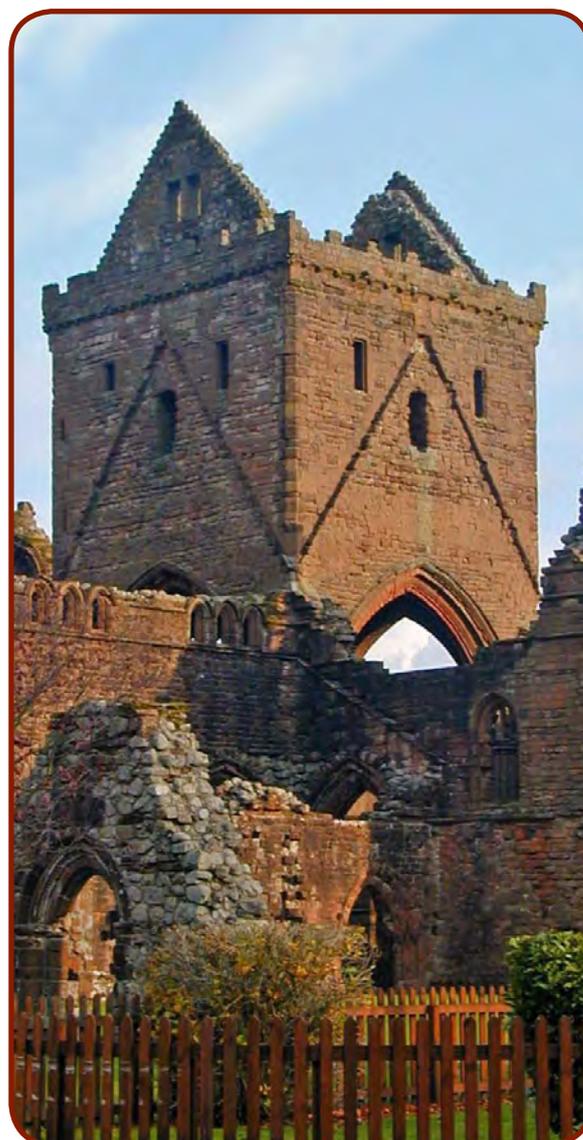
4.26 The Council has undertaken an assessment of the significance of the assets recorded in the Historic Environment Record. This assessment is material to the Council's consideration of development proposals.

### Listed Buildings

4.27 Some listed buildings will need to be altered and adapted for new uses if they are to be prevented from falling into disrepair and ultimately being lost. Changes must be carefully managed to avoid damage to, or loss of, the special interest of the building. In such cases, and in all cases involving demolition or partial demolition, the Council will expect appropriate recording of the existing structure to be undertaken.

4.28 The Council may, at their discretion, agree measures which relax some Building Standards requirements in order to respect the character of the building, where this would not compromise the health, safety and welfare of the occupants and the general public.

4.29 The Council recognises the importance of the retention and conservation, renovation and sustainable use and management of listed buildings.





## **Policy HE1: Listed Buildings**

### **a) Alterations**

The Council will support development that makes effective, efficient and sustainable use of listed buildings. In considering development that impacts on the character or appearance of a listed building or its setting the Council will need to be satisfied that:

- proposals to extend or alter a listed building respect the appearance, character and architectural features which contribute to its listing and do not seek to overwhelm or otherwise damage its original character and appearance; and
- the layout, design, materials, scale, siting and the future use shown in any development proposals are appropriate to the character and appearance of the listed building and its setting; and
- proposals for a change of use will not result in loss of character or special architectural or historical features.

Proposals to extend or alter a listed building should include written justification demonstrating a full and proper understanding of the character and special interest of the building.

### **b) Demolition or Partial Demolition of Listed Buildings**

Proposals that involve the demolition or substantial demolition of a listed building or buildings or structures within its curtilage will only be supported where it is demonstrated that the four key tests for listed building demolition that are set out in the Scottish Historic Environment Policy (SHEP) paragraph 3.46 (or any subsequent revised or amended document) are met.

### **c) Recording Schemes**

In considering proposals that involve the alteration, demolition or partial demolition of a listed building or buildings or structures within its curtilage the Council will require that a scheme for recording of the building is submitted, agreed with the Council and implemented by the developer where there will be loss of historic fabric, detail or changes to the general arrangement.

This policy is supported by supplementary guidance.

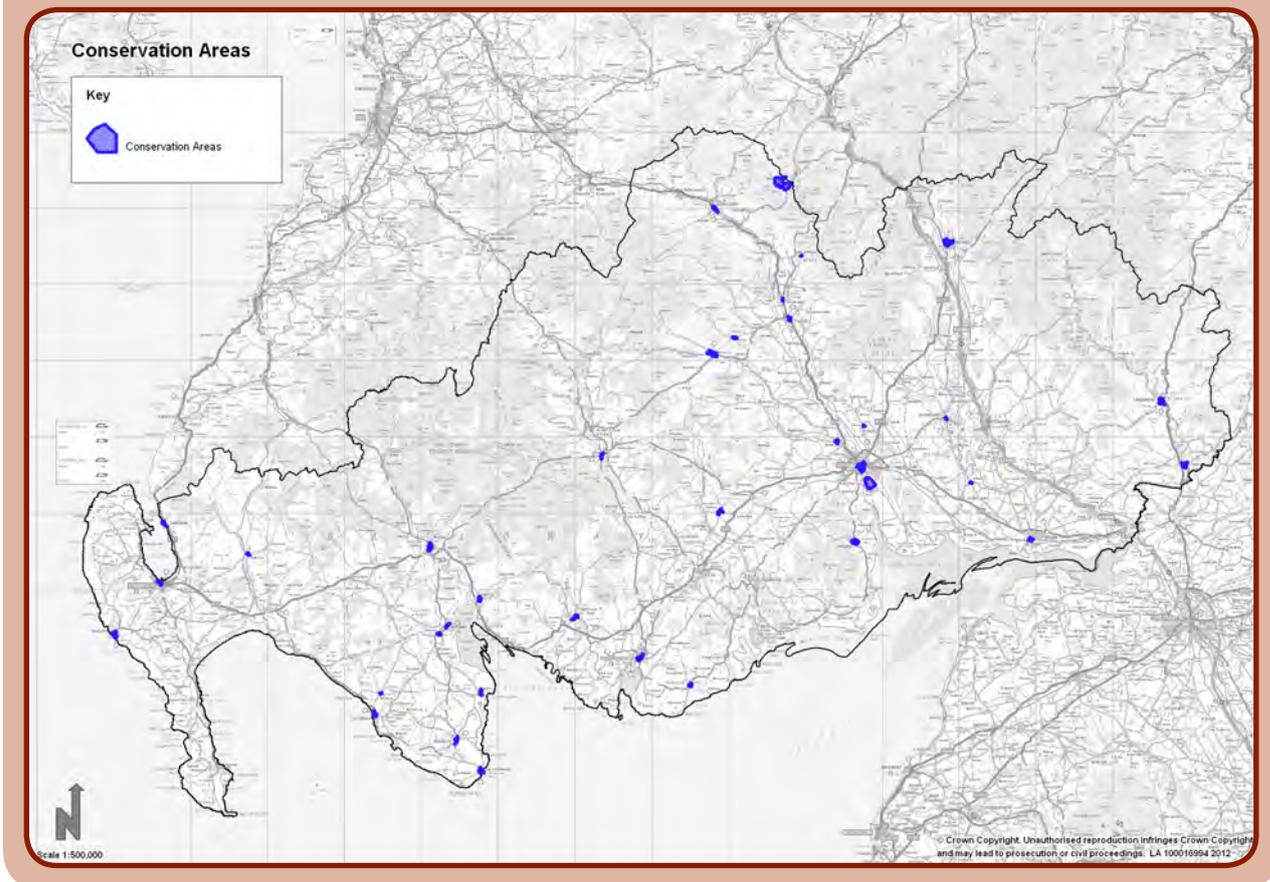
### Conservation Areas

4.30 It is important that the character of a conservation area and its historical development is clearly understood to properly manage the area. To that end, the Council has undertaken and published conservation area appraisals for some areas. It is the Council's intention to have appraisals for every conservation area. Further appraisals will be prepared during the lifetime of the Plan.

4.31 New development, within a conservation area, should maintain

or enhance the special character and appearance of the conservation area and its setting. Proposals for new buildings within a conservation area must now be accompanied by a Design Statement or a Design and Access Statement<sup>1</sup>. It is unlikely that the Council will consider applications for planning permission in principle given the importance of assessing design and detailing. Individual conservation area boundaries are shown in supplementary guidance.

Map 6: Conservation Areas



<sup>1</sup> Design and Access Statements – Notes for Guidance, (DAS1.11), Dumfries and Galloway Council. This guidance note gives details of the legislative requirements for Design and Access Statements and outlines what is needed to comply.



## Policy HE2: Conservation Areas

The Council will support development within or adjacent to a conservation area that preserves or enhances the character and appearance of the area and is consistent with any relevant conservation area appraisal. In considering such development the Council will need to be satisfied that:

- new development as well as alterations or other redevelopment of buildings preserves or enhances the character, appearance or setting of the conservation area through the appropriate design, use of materials, detailing, scale and general massing and arrangement of such development;
- the quality of views within, from and into the conservation area will be maintained or enhanced;
- in the case of the proposed demolition of any building in the conservation area, it can be shown that the demolition will not detract from the character of the conservation area and it can be clearly demonstrated that any redevelopment of the site will preserve or enhance the character of the area; and
- in the case of proposed works on trees, the tree is dead; or diseased or dying and presents a danger to people or property; or the position of the tree is inappropriate due to shading or damage to buildings and services and where an appropriate replanting scheme can mitigate or undo the negative impact of the loss of the tree or trees in question.

This policy is supported by supplementary guidance.





### **Archaeology and Archaeologically Sensitive Areas (ASAs)**

4.32 The Council will protect and preserve archaeological and historic assets in-situ in an appropriate setting wherever feasible.

4.33 In determining planning applications that may impact on historic environment assets or their setting the balance of the benefits of the development against the importance of the features will be considered. The weight given to archaeological considerations and the case for refusal will depend on a number of factors, including:

- relative rarity of the archaeological features;
- completeness of the features and whether it is a particularly good example;
- historical and cultural associations;
- value given to the features by the local community;
- potential value as an educational or research resource;
- potential value of retaining the features for tourism or place making.

4.34 Prior Scheduled Monument Consent is required for any works that would demolish, destroy, repair, alter or add to a designated monument. Historic Scotland administers the relevant legislation which is entirely separate to planning legislation.

4.35 Archaeological remains can also exist in the marine environment and need



to be considered in offshore development proposals as well as onshore. Unexpected archaeological discoveries made during the development works should be reported by the developer to the Council's Archaeology Service in order that appropriate steps to protect, recover or record items of interest can be identified. The law on Treasure Trove in Scotland requires all objects to be reported. Human remains should be reported to the police in the first instance

4.36 Developers should seek appropriate archaeological advice at an early stage in developing their proposals.



### Policy HE3: Archaeology

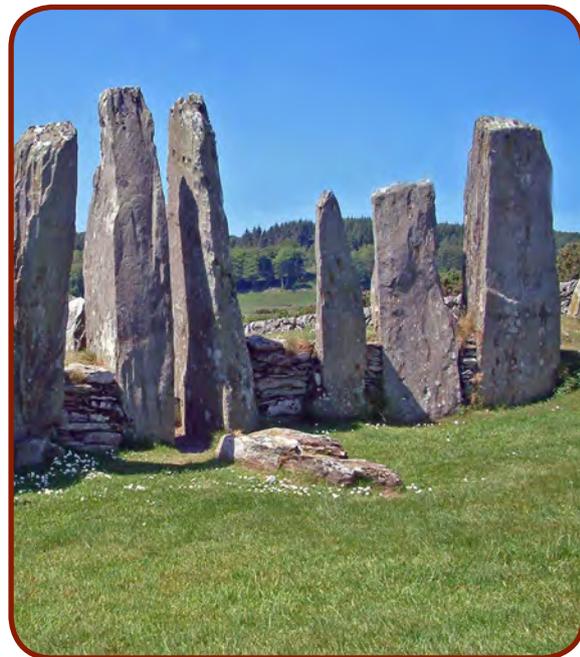
**a)** The Council will support development that protects significant archaeological and historic assets, and the wider historic environment from adverse effects.

In considering development proposals the Council will need to be satisfied that:

- the development preserves or enhances the appearance, fabric or setting of the site or asset in-situ; and/or
- where there is uncertainty about the location, extent or significance of these assets an agreed scheme of assessment and evaluation to inform the application is included with the proposal; and/or
- due consideration has been given to the significance and value of the site or asset in relation to the long-term benefit and specific need for the development in the location proposed.

**b)** Where, due to exceptional circumstances, development is to proceed and the preservation of historic assets in-situ including buildings is not possible, a scheme of mitigation involving excavation, recording, analysis, publication and archiving and any other measures appropriate to the case has been agreed with the Council.

4.37 In some parts of Dumfries and Galloway, the archaeological interest is not confined to a particular site but extends over a large area. In order to highlight to potential developers of large scale projects, such as wind farms, mineral extraction or forestry, that there is a particular need to consider these extensive archaeological interests and issues that might arise from their proposals at an early stage, Archaeologically Sensitive Areas have been designated by the Council and occur both within settlements and within rural areas. A technical paper is produced alongside the LDP which explains this designation and shows boundaries.



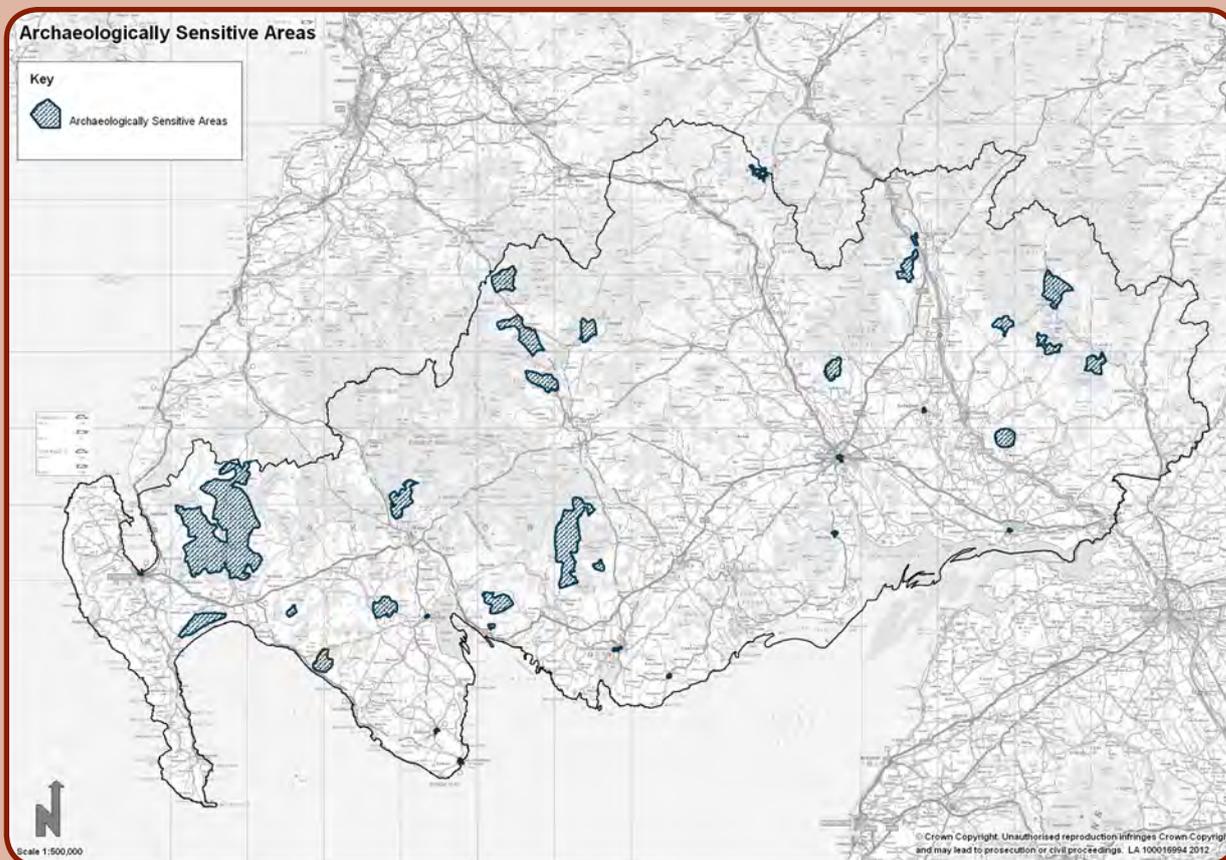


## Policy HE4: Archaeologically Sensitive Areas

The Council will support development that safeguards the character, archaeological interest and setting of Archaeologically Sensitive Areas (ASAs) as designated by the Council.

Boundaries of ASAs are shown on map 7 and the proposals maps.

*Map 7: Archaeologically Sensitive Areas*





### Hadrian's Wall

4.38 Hadrian's Wall is inscribed as a UNESCO World Heritage Site under the Frontiers of the Roman Empire and English Heritage will be consulted on development proposals where appropriate as determined by the Council.

4.39 Planning authorities should protect World Heritage Sites and their settings from inappropriate development. The setting of a World Heritage Site,

important views to and from the site, and other areas which are important to the site should be protected.

4.40 Parts of the region are visible from Hadrian's Wall and proposals, particularly large scale developments such as wind farms, should include an analysis of visual and setting impacts based on the zone of theoretical visibility for the particular proposal.

### Policy HE5: Hadrian's Wall

There will be a presumption against development which would have an adverse impact on those aspects of the setting which contribute to the Outstanding Universal Value and setting of Hadrian's Wall World Heritage Site, as set out in the Hadrian's Wall World Heritage Site Management Plan and any subsequent documents, unless mitigating action can be taken to redress the adverse impact.

### Gardens and Designed Landscapes

4.41 The Inventory of Gardens and Designed Landscapes in Scotland identifies sites of national importance for a range of designed or ornamental landscapes which can be of artistic, historical, horticultural, scenic, architectural, nature conservation or archaeological importance. Where development may affect such a site or its setting there is a statutory obligation for the Council to consult Historic Scotland.

4.42 The Garden History Society, supported by the Council and SNH, produced a list of Non-Inventory sites of regional and local significance, identifying their key features. Since then work has been undertaken to identify and define the extent and condition of these areas of interest. The Council encourages the

production of management plans for gardens and designed landscapes both to identify conservation needs and direct how change can be best accommodated.





## Policy HE6: Gardens and Designed Landscapes

**a)** The Council will support development that protects or enhances the significant elements, specific qualities, character, integrity and setting, including key views to and from, gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes or the Non-Inventory List.

In considering development proposals the Council will need to be satisfied that:

- the development protects or enhances the significant elements of the garden or landscape in-situ; and
- due consideration has been given to the significance and value of the asset in relation to the long-term benefit and specific need for the development in the location proposed.

**b)** Developers will be required to submit the results of an assessment of the impact of their proposals on the sites and their settings plus details of any potential mitigation measures.

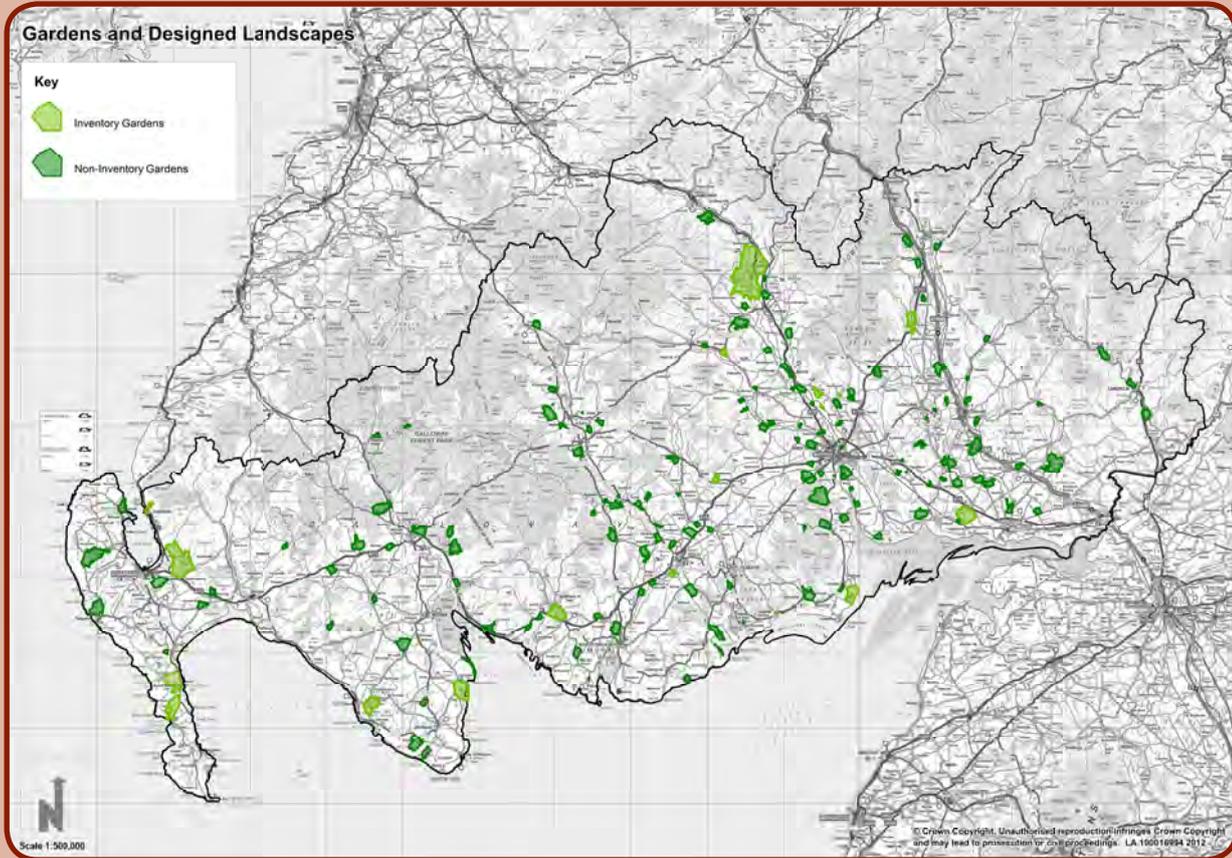
**c)** Proposals that would have a detrimental effect on the specific quality, character or integrity of a garden or designed landscape will not be approved unless it is demonstrated that the proposal has benefits of overriding public interest.

Boundaries are shown on the proposals maps.





Map 8: Gardens and Designed Landscapes





## **NATURAL ENVIRONMENT**

4.43 It is one of the Scottish Government's national outcomes to protect and enhance the natural environment and the sustainable use and enjoyment of it. The Council will respect, protect and enhance the environment.

### **Landscape**

4.44 The region's rich and diverse landscapes make an important contribution to quality of life, contributing to a strong sense of place and local distinctiveness. The landscape supports a wide range of habitats, recreational interests and different land uses. How these landscapes are perceived and experienced by both local communities and visitors to the region are also important considerations. The Council will take account of all of these factors when considering planning applications to ensure positive outcomes.

4.45 The Dumfries and Galloway Landscape Assessment (SNH/Land Use Consultants, 1998) divides the region into a number of landscape units and offers guidance on the capacity of different landscape character types to absorb landscape change associated with different forms of development. The Dumfries and Galloway Wind Farm Landscape Capacity Study should be used in relation to wind energy developments rather than the Dumfries and Galloway Landscape Assessment which should be used for all other forms of development.

4.46 Especially valued landscapes within the region are identified through designation at a national level as National

Scenic Areas (NSAs) and at a regional level as Regional Scenic Areas (RSAs).

4.47 Management strategies have been produced for all the NSAs within the region and developers should have regard for the guidance contained in these strategies and the design statements that have also been produced for specific settlements within the NSAs, such as Glencaple and Palnackie.

4.48 RSAs were designated for their special scenic qualities in the previous Structure Plan. These were based on a review of existing designations and newly identified parameters in the context of the Dumfries and Galloway Landscape Assessment. A technical paper is produced alongside the LDP which explains the designation process and shows boundaries.

4.49 Areas of wild land character in some of Scotland's remoter upland, mountain and coastal areas are very sensitive to any form of development or intrusive human activity. The area around the Merrick to the north of the region and Talla-Hart fell north east of Moffat have been identified by SNH as Wild Land areas and are considered to be of regional importance because of their specific landscape qualities. Any development proposals being submitted within or in close proximity to an area of wild land will be considered against Policy OP1: Development Considerations. The Council will consider producing supplementary guidance once areas of wild land have been formally identified.



### **Policy NE1: National Scenic Areas**

Development within or that would have an effect on a National Scenic Area (NSA) should only be permitted where:

- it will not adversely affect the integrity of the area or the qualities for which it has been designated; or
- any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

Further guidance is contained within the NSA management strategies. Boundaries of NSAs are shown on the proposals maps.

### **Policy NE2: Regional Scenic Areas**

The siting and design of development within a Regional Scenic Area should respect the special qualities of the area. Development within, or which affects Regional Scenic Areas (RSAs), may be supported where the local Council is satisfied that:

- the landscape character and scenic interest for which the area has been designated would not be significantly adversely affected; or
- there is a specific need for the development at that location which could not be located in a less sensitive area.

Boundaries of RSAs are shown on the proposals maps.

### **Biodiversity and Geodiversity**

4.50 The region's biodiversity and geodiversity are critical components of ecosystems and represent an economic asset and a community resource, as well as being of intrinsic importance. Maintaining and enhancing biodiversity and geodiversity, habitats and the wildlife which occurs within them is an important aim of the Plan.

4.51 Large areas of the region are afforded statutory protection at the international and national level through a number of designations (Natura sites,

SSSIs, Ramsar Sites, NNRs, etc.). The level of protection depends on the designation concerned.

4.52 A number of species receive statutory protection through international and national legislation, whether or not they are found within protected sites. The level of protection depends on the species concerned. European Protected Species (EPS) receive the highest level of protection. All proposals will be assessed for their impact on European Protected Species and other nationally protected species. All proposals should adhere



to the Code of Practice on Non-Native Species made by the Scottish Ministers under Section 14c of the Wildlife and Countryside Act 1981.

4.53 The statutory duty placed on the Council by the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity is not restricted to sites, habitats or species that are subject to statutory protection. A number of Local Nature Conservation Sites have been identified and assessed

as being of known local importance for biodiversity or geodiversity, further detail is provided in a technical paper. These consist of Local Nature Reserves (LNRs) and non-statutory Local Wildlife Sites, Local Geodiversity Sites and nature reserves of conservation organisations. However, other features of local importance for biodiversity can be found outside of these sites, but their importance may never have been surveyed or assessed.

### **Policy NE3: Sites of International Importance for Biodiversity**

Development proposals likely to have a significant effect on an existing or potential Special Protection Area (SPA), existing or candidate Special Area of Conservation (SAC) or Ramsar Site, including developments outwith the site, will require an appropriate assessment and will only be permitted where:

- the development does not adversely affect the integrity of the site; or
- there are no alternative solutions and there are imperative reasons of overriding public interest including those of a socio-economic nature.

The boundaries of these sites are shown on the proposals maps.

### **Policy NE4: Species of International Importance**

Development proposals that would be likely to have an adverse effect on a European Protected Species will not be permitted unless it can be shown that:

- there is no satisfactory alternative, and
- the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment, and
- the development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in its natural range.



## Policy NE5: Sites of National Importance for Biodiversity and Geodiversity

Development that affects Sites of Special Scientific Interest, not designated as International Sites, and other national nature conservation designations will only be permitted where:

- it will not adversely affect the integrity of the area or the qualities for which it has been designated, or
- any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

### Trees, Forestry and Woodland

4.54 Trees and woodland are important features of a sustainable environment, contributing to carbon capture. They also play a key part in maintaining and improving the quality of life for residents. The Council is supportive of appropriate expansion of tree and woodland cover. The Dumfries and Galloway Forestry and Woodland Strategy, which is published as supplementary guidance to the LDP, provides guidance on the preferred location of new planting and also economic, social and environmental considerations. It guides the future expansion and restructuring of forests and woodlands in Dumfries and Galloway to maximise the benefits for the local economy, communities and environment.

4.55 Ancient and semi-natural woodlands are important and irreplaceable features which should be protected and enhanced, as should other native and long established woodlands with high nature conservation value. Other woodlands, hedgerows and individual trees may also have significant biodiversity value and make a significant contribution to landscape character and quality so should be protected from adverse impacts resulting from development.

### Forestry

4.56 Forestry and associated activities are a significant land use with woodland cover being approximately 28% and it also provides a major source of employment within the region. Many of the existing softwood plantations are now being harvested, creating opportunities to improve the design and mix of species. Forests are now designed and managed to meet strong sustainability, biodiversity and landscape standards under the UK Forestry Standard.

4.57 Forests are also increasingly becoming a focus for recreational opportunities and activities. The Galloway Forest Park alone is estimated to attract 1.1 million visitors a year with Ae Forest attracting approximately 413,000 visitors per annum.





## Policy NE6: Forestry and Woodland

The Council will support the creation and protection of sensitively designed and managed forests and woodlands.

Proposals should seek to ensure that ancient and semi-natural woodlands and other woodlands with high nature conservation value are protected and enhanced.

In determining its response to individual forestry felling, planting and replanting consultations where Forestry Commission Scotland are the determining authority, the Council will:

- take into account environmental and other interests identified in the Forestry and Woodland Strategy;
- consider the scheme's location as set out in the Forestry and Woodland Strategy;
- seek to ensure an appropriate balance between both afforested and un-afforested areas in the locality;
- encourage planting of a type, scale, design, age, composition and species mix that is appropriate to the locality;
- actively encourage proposals to have a positive effect on nature conservation and/or natural and historic environment interest;
- encourage proposals to take account of possible recreational use in the design of any planting schemes and indicate how such recreational uses have been investigated; and
- ensure that proposals do not have an adverse impact on the road network.

### Trees and Development

4.58 Developers are expected to give priority to the retention of trees and hedgerows on development sites in accordance with British Standard "BS5837:2012 - Trees in relation to design, demolition and construction". It is therefore important that where individual or groups of trees are of landscape or amenity value, they are retained and that

developments are designed to fit around existing trees. If this is not possible then appropriate replacement planting may be required.

4.59 Where trees are considered to be at risk from development or construction, the Council may require information and safeguarding measures to prevent damage.



## Policy NE7: Trees and Development

In assessing development proposals the Council will support proposals that promote additional tree planting and also:

- maintain trees, woodlands (in particular ancient and semi-natural woodlands), and hedgerows (hereafter referred to as the 'woodland resource') and require developers to incorporate, wherever feasible, the existing woodland resource into their schemes;
- appropriately incorporate the woodland resource into the overall design of the scheme;
- show how existing trees will be appropriately protected during the construction period.

If it is demonstrated to the satisfaction of the local Council that it is not possible to retain the woodland resource then an appropriate replacement planting will be required and agreed by the Council. Any such replacement planting scheme should be located where possible within the region and follow guidance contained within the Forestry and Woodland Strategy. This strategy is a relevant consideration for all proposals likely to impact on the woodland resource.

The processes and recommendations contained in BS 5837:2012, and any subsequent revised or amended document, should be taken into account in designing and implementing development proposals.

This policy is supported by supplementary guidance.

### Tree Preservation Orders (TPOs)

4.60 TPOs can be actively used to sustain the landscape character of the area and influence the layout of new development. TPOs are made by the Council and can apply to single or groups of trees. In particular, they will be used to ensure the retention of the mature treescape where development occurs in order to maintain the visual amenity of the area.





### Policy NE8: Tree Preservation Orders

The Council will make Tree Preservation Orders where appropriate to protect individual trees, groups of trees or woodlands where it is expedient in the interests of amenity or they are of cultural or historical significance. A development proposal that would result in the removal or damage, or would threaten the future survival of one or more trees covered by an Order will not be permitted unless either:

- the removal of one or more tree would be in the interests of good arboricultural practice; or
- the developer has demonstrated that the benefits of the development including any replacement planting will outweigh the harm caused by the removal of the tree or trees.

### Coastal Development

4.61 Dumfries and Galloway has 350 kilometres of coastline and, although the majority is undeveloped, it is a major focus for economic activity, recreation and tourism. The sustainable development of coastal areas is an important contributor to sustainable economic growth. Planning policy must respond to climate change which brings about rising sea levels and extreme weather conditions.

4.62 The Marine (Scotland) Act 2010 has established a new marine planning system which is to be overseen by Marine Scotland. A Regional Marine Plan which will guide decision making for the Solway Firth up to the mean high water mark is to be prepared by a Marine Planning Partnership. The Council will work closely with the Marine Planning Partnership to ensure the Regional Marine Plan complements the LDP.

### Policy NE9: Undeveloped Coast

Areas of developed coast are identified on the proposals map. Proposals outwith the developed coast are unlikely to be suitable for development unless the Council are satisfied that:

- they have a requirement for a coastal location that cannot be located within the developed coast;
- it would enhance and improve the integrity of the coastal environment;
- there would be minimal risk from, or increase of, flooding and erosion;
- development would not have an adverse effect on the natural heritage or landscape interest;
- it is redevelopment of brownfield land.



### Erosion and Coastal Protection

4.63 Areas where there may be a risk from coastal erosion have been identified on the proposals map. Potential developers will have to ascertain the extent of the risk and if it could potentially be avoided or overcome. This should include climate change and flooding and have regard to the Shoreline Management Plan but may require

a more detailed level of assessment. Operations which are undertaken to protect properties from coastal erosion must consider the impact it may have on the coastline or adjoining areas. The potential impact of coastal protection works on the conservation objectives of nature conservation sites indicates the need to have particular regard to operations in these areas.

### Policy NE10: Erosion and Coastal Protection

Areas where there may be a risk from erosion have been identified on the proposals map.

Planning applications for works being undertaken to protect land against coastal erosion will be supported provided they will not have a materially adverse effect on:

- the adjoining coastline;
- the wider shoreline management; and
- the nature conservation interests of the coastline and adjoining areas, and
- areas which require new defences against coastal erosion.

The Council will only support development proposals where it can be demonstrated to the satisfaction of the Council that following appropriate assessment (where needed), the proposal has no adverse effects either alone or in combination on the integrity of any Natura site.

Further detail can be found in Flooding and Development Policy IN7.





## The Water Environment

4.64 The 'water environment' comprises inland, coastal and transitional waters, groundwater and wetlands. The individual parts into which these can be divided are referred to as 'waterbodies'.

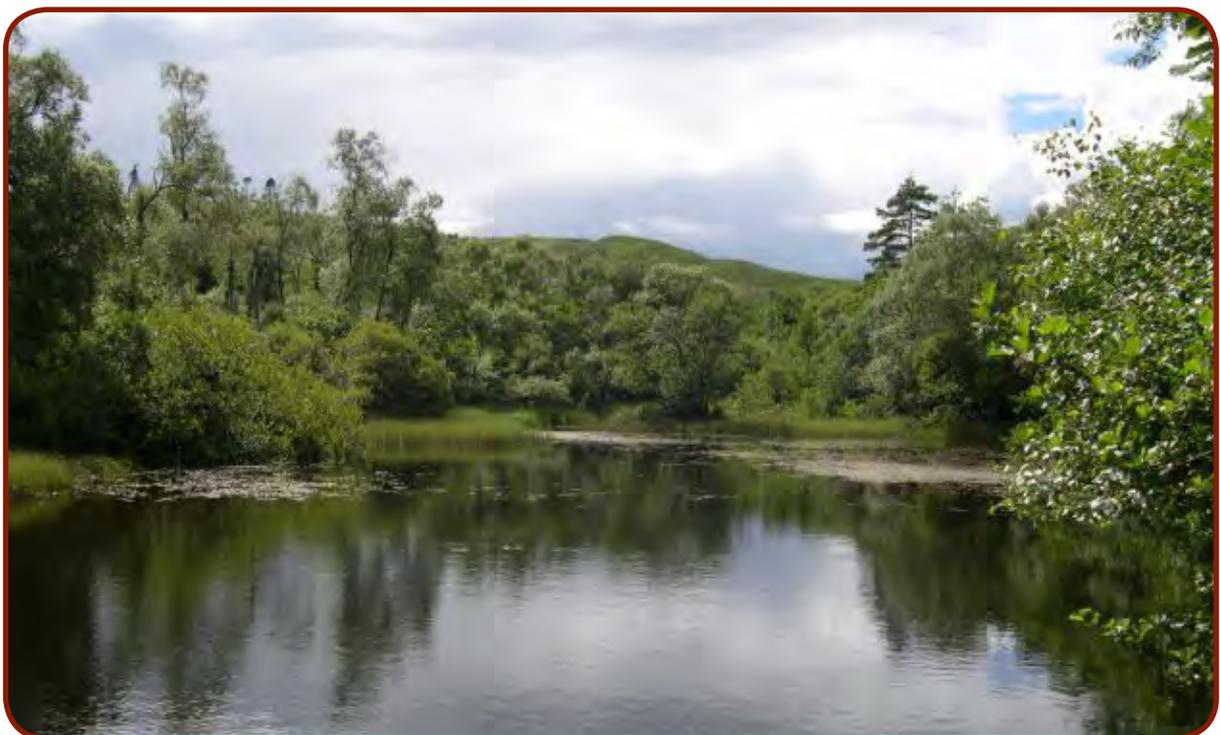
4.65 Management of the water environment falls under the Water Environment and Water Services (Scotland) Act 2003. The overall objective is to protect and where appropriate improve the quality, or 'status', of the water bodies that make up the water environment. The Solway Tweed River Basin Management Plan (2009) identifies the status of all waterbodies in Dumfries and Galloway and sets objectives for their maintenance or improvement.

4.66 Under the 2003 Act, the Council is a 'responsible authority'. This means that its functions, including planning, should be carried out in ways that help to

maintain or enhance the water status of waterbodies.

4.67 The Council will continue to work with SEPA and other partners during the Plan period towards the implementation of the Water Environment and Water Services Act. This is now supported by the Water Environment (Controlled Activities) (Scotland) Regulations 2011 and the Solway Tweed River Basin Management Plan.

4.68 The policy for water margins provides specific support for the maintenance or enhancement of waterbody status. It should also support green networks, landscape and townscape quality, and biodiversity. It applies to development proposed adjacent to or in the immediate vicinity of water bodies. This policy applies for all margins of water bodies in accordance with detailed standards which are set out in supplementary guidance.





### **Policy NE11: Supporting the Water Environment**

The Council will not permit development which would result in deterioration in the status of a waterbody or which would likely impede the improvements in waterbody status as set out in the Solway Tweed River Basin Management Plan (2009) or any update or adopted review of it, unless there are exceptional justifying circumstances.

Development proposals should not normally include the culverting of any waterbody. If culverting would be the only way to enable a proposed development, then permission could be granted if the Council is satisfied that there would be acceptable mitigation measures to protect habitats, passage of fauna, and river form and flow.

Other physical alterations and changes to waterbodies should, if possible, be avoided.

Existing culverted or canalised watercourses in redevelopment and land rehabilitation schemes should be restored when this is practical, neutral or positive in respect of flood risk elsewhere, and consistent with the relevant Regulations.

Development proposals which could adversely affect Drinking Water Protection Areas identified by the Scottish Government will be subject to consultation with SEPA. Where the likely adverse effect cannot be avoided or mitigated against, the development will not be permitted.

### **Policy NE12: Protection of Water Margins**

Where new development is proposed adjacent to or in the vicinity of waterbodies, the water margins will, subject to Policy NE11 and Section 18 of the Flood Risk Management (Scotland) Act 2009, be protected unless there are compelling reasons to justify why this should not be done.

This policy is supported by supplementary guidance.



## Soil

4.69 SPP states that when planning authorities are forming the settlement strategy they should consider the impact it will have on prime quality agricultural land and minimise its loss. In Dumfries

and Galloway, where there is a scarcity of prime quality agricultural land, the policy has broadened the definition to “good quality agricultural soils”, to also include land of slightly lower quality as worthy of protection.

### Policy NE13: Agricultural Soil

Developments located on areas of good quality agricultural soils\* will only be supported where they conform to the Spatial Strategy of the Plan and there is no alternative on less good quality land. All developments should:

- consider means of minimising impact on soil resources;
- implement appropriate soil management measures, particularly for valuable soils such as good quality agricultural soils\* and soils with a high organic content. (Any proposals affecting peat accumulations will be subject to Policies ED14 and ED15);
- consider opportunities to re-use soils necessarily excavated from the site.

(\* Defined for the purposes of this policy as Land Capability for Agriculture (LCA) Classification 3.2 or better).





## COMMUNITY SERVICES AND FACILITIES

4.70 Community facilities along with the wider green network (open space within settlements and surrounding greenspaces) are vital assets for every community. Local shops and services provide an important social and practical function whilst green networks and access routes encourage physical activity and contact with the outdoors, all of which are important contributors to healthy lifestyles. Therefore, the policies within this section seek to safeguard and enhance existing provision and support new facilities where appropriate.

4.71 Given the geographically dispersed and rural nature of Dumfries and Galloway, the type of facility present within that community was a key consideration when identifying what position District Centres, Local Centres and villages occupied in the LDP settlement hierarchy.

4.72 The development of new residential areas will apply pressure on existing facilities and therefore developer contributions will be sought for the improvement of existing and/or provision of new facilities. Further detail on the use of developer contributions for community facilities and open space is contained in supplementary guidance.

### Community Facilities

4.73 There are a range of community facilities located in settlements throughout Dumfries and Galloway. The safeguarding and development of these facilities improves the sustainability and functionality of these settlements. The facilities and services provide for the

health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community. The following is a non-exhaustive list of community facilities:

- Health – hospitals, medical centres, GPs, dentists, pharmacies;
- Commercial – shop, supermarket, public house, café, restaurant;
- Recreation – sports halls, gymnasiums, health suites;
- Other – church, community halls, post office.

4.74 Proposals for new sports facilities will be guided by good practice provided by **sportscotland**. At a local level within Dumfries and Galloway future development in relation to leisure and sport facilities and formal sports pitch provision will be directed using the outcomes of the Dumfries and Galloway Leisure and Sport Facilities Strategy and Dumfries and Galloway Sports Pitch Strategy. In terms of these documents the key themes/areas for future development include:

- the development of 3G all weather sports pitches across the region as a priority;
- there is an evidenced demand for future provision for indoor tennis;
- a programme of drainage works to existing grass sports pitches is required.

4.75 In addition to the above the requirement to maximise the legacy impact from Glasgow 2014 is also a priority including the development of Community Sport Hubs.



## Policy CF1: Community Facilities

### a) Provision of Community Facilities

Proposals that provide new or enhanced community facilities will be supported. New community facilities should be located so they can be integrated with public transport and path and cycle routes. Proposals on the edge of settlement boundaries must:

- represent a logical extension to the built up area; and
- be of an appropriate scale in relation to the size of the settlement; and
- not prejudice the character or natural built up edge of the settlement; and
- not cause any significant adverse effect on the landscape setting of the settlement or the natural or cultural heritage of the surrounding area.

### b) Reuse of Existing Community Facilities

In considering proposals which seek to reuse or redevelop a community facility for another purpose the Council will need to be satisfied that:

- the facility is surplus to the needs of the community; or
- there would be an overall community gain from a development and the particular loss of land or facilities will have no significant effect on the overall provision of facilities in the locality; or
- alternative provision or equivalent community recreational benefit is made available at a suitable location within the local area.

In the case of a commercial facility alternative uses will only be considered favourably by the Council if it can be demonstrated that despite marketing the site for at least 12 months, there has been no viable interest from other commercial operators. Further detail is contained in supplementary guidance.





## Green Networks

4.76 SPP states that development plans should identify and promote green networks where this will add value to the provision, protection, enhancement and connectivity of open space and habitats. Such networks provide opportunities to connect urban areas with their surrounding rural environments. This policy provides a broad framework in which the policy relating to open space in settlements (Policy CF3) can also be found. The policy is important as it recognises that access to the wider network of green spaces should be valued alongside the open space within the settlement.

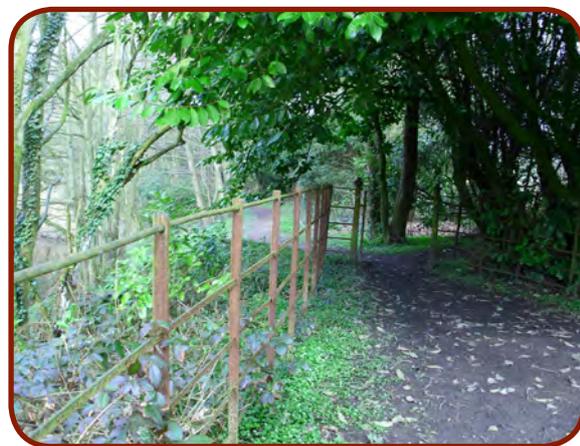
4.77 Well planned and designed green networks can create attractive settings, a distinctive local identity and can help guide future development growth. Not only does this have social and health benefits through encouraging physical activity and time spent outdoors but also has important economic benefits. Green networks can greatly increase the perceived value of areas, making them more attractive to business and homebuyers who appreciate the benefit of easy access to parks, playgrounds and natural open space. Other benefits include enhancing biodiversity, providing educational resources, climate change mitigation and encouraging tourism.

4.78 Green networks comprise of a network of green and blue spaces (such as bodies of water and wetlands) as well as green corridors within and around settlements, linking out into the wider countryside. These networks can help to enhance the area's biodiversity, quality of

life and sense of place. A green network also provides the setting in which high quality, sustainable development can occur. Green network considerations should take account of access requirements, see Policy CF4 below.

4.79 A green network can be made up of:

- open spaces as identified in Dumfries and Galloway's Open Space Audit;
- designated Natural Heritage Sites;
- green corridors (strips of land, such as railway embankments, rivers banks and grass verges, that could provide habitats and movement corridors for wildlife, as well as access routes for people);
- lochs, ponds, wetlands and other watercourses (blue spaces);
- woodland, hedgerows and trees;
- other natural and semi-natural habitats such as grassland;
- active travel routes, including core paths;
- opportunities for physical activity and access to the outdoors.





## Policy CF2: Green Networks

Green Networks should be protected and enhanced. Proposals for development in areas which form part of this network should seek to avoid fragmentation of a network and/or improve connectivity, where appropriate.

Proposals that add to and/or enhance green networks or connections to them will be supported.

### Open Space

4.80 In Dumfries and Galloway, the policy on open space relates to that space found within the built up area of a settlement and which is seen as an integral part of the settlement. Such spaces can include parks and gardens, play areas, allotments, residential amenity space, natural and semi-natural spaces, paths and green corridors and outdoor sports pitches. Other important areas of open space are also found around settlements but may not necessarily be included within the settlement boundary. These areas of open space often have linkages with open space within the settlement and also play an important role for the local community. Protection and enhancement of these wider spaces is sought through Policy CF2 Green Networks.

4.81 Open space can play a number of different functions ranging from the provision of active play areas and sports pitches to providing a landscape setting for a group of buildings. Further detail regarding the quality and quantity of current provision along with future requirements can be found in supplementary guidance.





## Policy CF3: Open Space

### a) Protection of Open Space

There will be a presumption against development of open space identified for protection in the LDP inset maps or, in the case of villages, those shown in the open space supplementary guidance. Development of open space for a purpose unrelated to use as open space will not be allowed unless:

- the open space can best be retained and enhanced through the redevelopment of a small part of the site; or
- an adequate and acceptable replacement for the open space lost as a result of the development (which is equally convenient and accessible) can be provided and/or paid for by the applicant within the locality; and
- alternative sites have been considered and no other appropriate site can be identified.

Proposals to develop playing fields or sports pitches should be consistent with the terms of the playing fields section of Scottish Planning Policy.

### b) Provision of Open Space

In all housing developments which will, either individually or through phasing, result in the development of 5 or more units, there will be a requirement to provide or contribute towards good quality publicly usable open space (which may also include linkages to wider green networks) in line with the requirements set out in supplementary guidance. Other development may also need to provide or contribute towards open space/green network provision.

Proposals to provide new open space (including allotments) or to enhance existing open space will usually be supported.

This policy is supported by supplementary guidance.





## Access

4.82 Access routes provide recreational opportunities, help reduce car use and can improve people's health through physical activity and contact with the outdoors. Access routes and, in particular, Core Paths, can also contribute to the local economy by encouraging visitors to stay in the area longer. Protecting a network of well-defined paths also has the potential to improve people's confidence about accessing the countryside. Access policies will link closely with other open space and green network objectives.

4.83 The Land Reform (Scotland) Act 2003 provides rights of responsible access to most land and inland water in Scotland. Access issues and the protection of core and other important routes and access rights therefore need to be considered when making decisions

on planning applications and access rights will be material considerations in considering planning applications. New development should also incorporate new and enhanced access opportunities, linked to wider access networks.

4.84 The Dumfries and Galloway Outdoor Access Strategy contains a number of objectives relating to access issues and, along with the Dumfries and Galloway Core Path Plan, will be used when considering planning applications that may affect or require access routes.

4.85 New housing developments should be integrated with public transport and active travel networks, such as paths and cycle routes, rather than encouraging dependence on the car. New streets should connect well with existing streets and with walking and cycling networks, and allow for links into future areas of development.





## Policy CF4: Access Routes

### a) Development Affecting Existing Access Routes

The Council as Access Authority will assert, protect and keep open and free from obstruction any route, waterway or other means by which access rights may reasonably be exercised. Development proposals should not impact adversely on any of the aforementioned access routes and Core Paths.

The Council will not grant planning permission to development proposals which would result in the loss of such access routes unless a satisfactory alternative route or mitigating measures can be secured. In such cases, future access provision, including any changes to existing access, must be shown in an Access Route Plan.

### b) Provision of New Access Routes

New development should consider access issues at an early stage of the design process and, where appropriate, incorporate new and enhanced access opportunities, linked to wider access networks and green networks. For small scale developments these considerations can be demonstrated in an Access Route Statement but for all residential development of 5 units or above and other major developments, an Access Route Plan demonstrating how access routes will be incorporated is required.

New or alternative access routes and enhancements to existing routes will be supported, especially if these can form part of green networks.

The Council will seek reasonable opportunities from developers to create, manage, maintain and improve access through planning conditions or legal agreements.

This policy is supported by supplementary guidance.





## INFRASTRUCTURE

4.86 The delivery of supporting infrastructure is important in mitigating the impact of development and helping to create balanced and sustainable communities. The provision of infrastructure is fundamental to the deliverability of a development proposal and in many circumstances development will not be allowed to proceed if the infrastructure and service improvement requirements cannot be met.

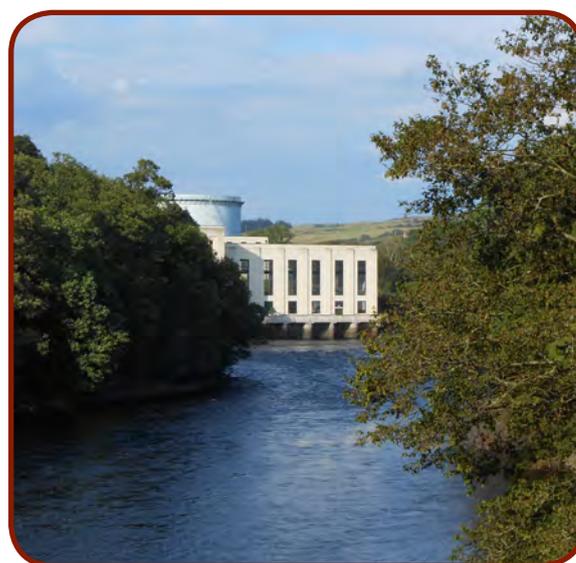
### Renewable Energy

4.87 The Scottish Government is committed to increasing the amount of electricity generated by renewable sources with a target of generating 100% of its electricity demand equivalent and to source 11% of heat demand by 2020. There is also a further target to reach 500MW of community and locally-owned renewable energy also by 2020. These targets are expected to be met from a range of renewable energy sources. To date, a large share of renewable energy generation in Scotland has been delivered by large scale onshore wind and hydroelectricity schemes, however it is anticipated that these schemes will increasingly become part of a wider range of productive renewable technologies, including off-shore wind power, wave and tidal power, solar, biomass, heat recovery and energy from waste and landfill gas as they become more feasible and viable.

4.88 Policies IN2 and IN5 address Wind Energy and Energy Recovery from Waste. Policy IN1 provides a general framework for the assessment of all other forms of renewable energy. Future local plans and/

or supplementary guidance may require a more tailored policy approach to address other specific forms of renewable energy technology.

4.89 The Council has been supportive of the development of renewable energy and continues to be supportive of a diverse range of renewable energy sources. However support for renewable energy proposals must be balanced against the impacts that such developments can have on the environment and communities. The Council will screen proposals to assess whether an Environmental Impact Assessment (EIA) is required to be undertaken. Factors such as the scale of the proposal and its potential impact on the surrounding areas will be taken into account. In all cases particular attention will be paid to the evaluation of alternative sites and site layout options. In all cases particular attention will be paid to the need for sensitive siting and design, including the consideration of alternatives.





## Policy IN1: Renewable Energy

The Council will support development proposals for all renewable energy provided they do not individually or in combination have a unacceptable\* significant adverse impact on:

- landscape;
- the cultural and natural heritage;
- areas and routes important for tourism or recreational use in the countryside;
- water and fishing interests;
- air quality; and
- the amenity of the surrounding area.

To enable this assessment sufficient detail should be submitted, to include the following as relevant to the scale and nature of the proposal:

- any associated infrastructure requirements including road and grid connections (where subject to planning consent)
- environmental and other impacts associated with the construction and operational phases of the development including details of any visual impact, noise and odour issues.
- relevant provisions for the restoration of the site
- the extent to which the proposal helps to meet the current government targets for energy generation and consumption.

\* Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed.





## Wind Energy

4.90 The Council has developed a spatial framework, taking into account the SPP and online guidance, which identifies areas of search where there are no significant constraints to development. The purpose of the spatial framework is to guide wind turbine developments to the most appropriate locations, to maximise renewable energy potential and to minimise wasted effort and resources on inappropriately located proposals. Different landscapes will have a different capacity to accommodate new development, and the scale, siting and design of development should be informed by local landscape character. The spatial framework identifies those areas that have the greatest potential for development thereby recognising that some landscapes are capable of accommodating change resulting in clusters of development. Maps 9 and 10 below indicate the areas of greatest potential for both large and medium turbine typologies as defined initially in the technical paper: Wind Energy Interim Spatial Framework Maps (large over 80m in height and medium 50-80m in height to blade tip).

4.91 The Council has identified strategic spaces (Cumulative Sensitivity Zones) that are considered essential to achieving and maintaining a coherent pattern of development and avoiding coalescence between potential clusters. The principle of cluster and space is therefore based on directing development to the most appropriate locations, based on the scale and character of the surrounding landscape and on existing patterns of development.

4.92 Further information is provided in the Supplementary Guidance Part 1: Development Management Considerations to provide clarity on the issues that will be taken into account when specific proposals are assessed. Guidance and advice for turbine typologies of less than 50m in height to blade tip is also provided within the supplementary guidance.

4.93 The spatial framework is supported by the Dumfries and Galloway Wind Farm Landscape Capacity Study (DGWLCS) which is an appendix to the above supplementary guidance. The DGWLCS assesses landscape sensitivity, the capacity of individual landscape units to accommodate change and provides advice on how the scale, siting and design of development should be informed by local landscape character.

4.94 The examination of this plan recognised that the spatial framework was based on a significant evidence base and sought to reflect local circumstances and priorities. However, some refinement of the associated mapping is required to address compliance with SPP in relation to:

- Areas of Greatest Potential: The spatial framework currently removes areas of high and medium local landscape sensitivity from inclusion. This approach should be revised in accordance with SPP.
- Areas of Significant Protection: These should be revised in accordance with SPP to include



- sites designated for their national or international landscape or natural heritage value and areas where the cumulative impact of existing and consented windfarms limits further development.
- Cumulative Sensitivity Zones: These should be redefined as a potential constraint with revised mapping to focus on cumulative impact considerations with regard to preventing future coalescence between clusters of windfarms and the maintenance of an acceptable and coherent pattern of windfarm development.

- Other Areas: Retained but with amendment to reflect all the revisions outlined above.

4.95 Whilst the original spatial framework mapping is retained it is labelled – “interim spatial framework guidance”. It provides guidance but will be replaced by revised mapping to be approved through supplementary guidance. Review of this interim spatial framework mapping is required to ensure consistency with SPP. This will be addressed initially through approval of supplementary guidance and brought into the LDP at the earliest possible opportunity.





## **Policy IN2: Wind Energy**

### **PART 1: Assessment of all windfarm proposals:**

The Council will assess the acceptability\* of any proposed wind energy development against the following considerations (1):

#### **Landscape and visual impact:**

- the extent to which the proposal addresses the guidance contained in the Dumfries and Galloway Windfarm Landscape Capacity Study.
- the extent to which the landscape is capable of accommodating the development without significant detrimental impact on landscape character or visual amenity
- that the design and scale of the proposal is appropriate to the scale and character of its setting, respecting the main features of the site and the wider environment and that it fully addresses the potential for mitigation.

#### **Cumulative Impact**

The extent of any detrimental landscape or visual impact from two or more wind energy developments and the potential for mitigation.

#### **Impact on local communities**

The extent of any detrimental impact on communities and local amenity including assessment of the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation.

#### **Impact on Aviation and Defence Interests**

The extent to which the proposal addresses any impacts arising from location within an area subject to potential aviation and defence constraints including the Eskdalemuir Safeguard Area.

#### **Other Impacts and considerations**

- a) the extent to which the proposal avoids or adequately resolves any other significant adverse impact including:- on the natural and historic environment, cultural heritage, biodiversity; forest and woodlands; and tourism and recreational interests.
- b) the extent to which the proposal addresses any physical site constraints and appropriate provision for decommissioning and restoration.



(1) Further details on this assessment process including its application to smaller capacity windfarms are to be provided through Supplementary Guidance on Wind Energy Development: This will also include mapping of the constraints relevant to the considerations above.

\* Acceptability will be determined through an assessment of the details of the proposal including its benefits and the extent to which its environmental and cumulative impacts can be satisfactorily addressed.

## **PART 2: Spatial Framework**

The considerations in Part 1 above will be applied in the context of the following Spatial Framework\*:

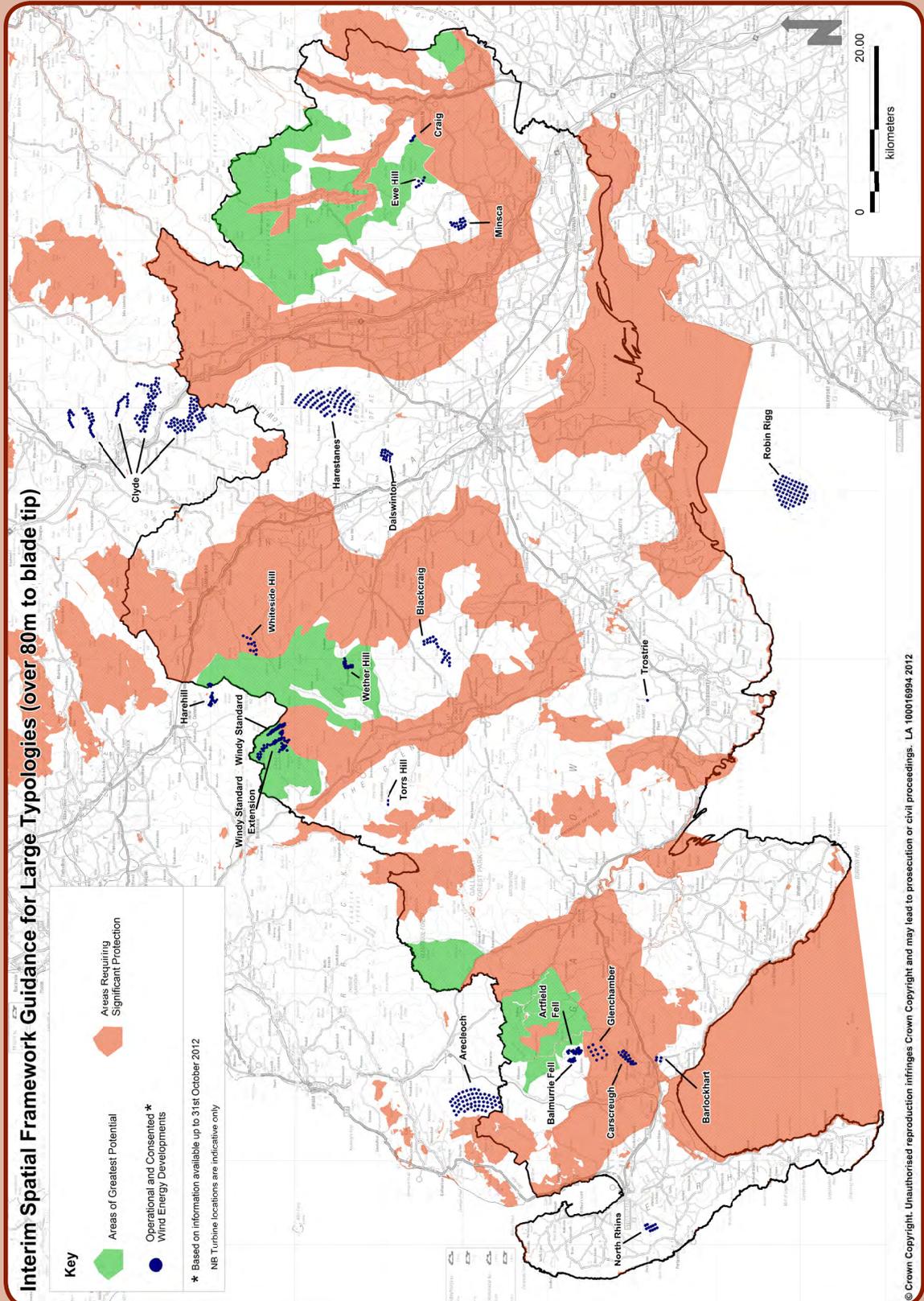
- **Areas of Greatest Potential** (1): areas free from significant constraint where proposals for large and medium turbine typologies will be supported subject to detailed assessment.
- **Areas of Significant Protection** (2): Areas where a presumption against development applies due to significant constraints. These include:
  1. Sites designated for their national or international landscape or natural heritage value where Policies NE1, NE3, NE4 and NE5 also apply.
  2. Areas where the cumulative impact of existing and consented windfarms limit further development.
- **Cumulative Sensitivity Zones** (3): Areas where cumulative impact is a potential constraint. In these areas proposals should: address potential future cumulative impact and avoid unacceptable coalescence between clusters of windfarms to retain an acceptable and coherent pattern of windfarm development.
- **All other areas** (4): Areas where potential constraints apply but with potential for mitigation. Wind energy proposals will be assessed against all the considerations set out above in Part 1. For Regional Scenic Areas the proposal should assess the potential impact on the objectives of the designation and demonstrate the extent to which these can be addressed.

(1) - (4) The relevant mapping of these areas including an updated and consolidated spatial framework map is to be included within supplementary guidance.

\*The following Interim Spatial Framework Maps provide some strategic guidance on the relevant areas but must be read in conjunction with paragraphs 4.94 and 4.95 above and the relevant detailed mapping to be included in supplementary guidance. This mapping will be consolidated and revised to provide an updated spatial framework within the LDP at the earliest possible opportunity.

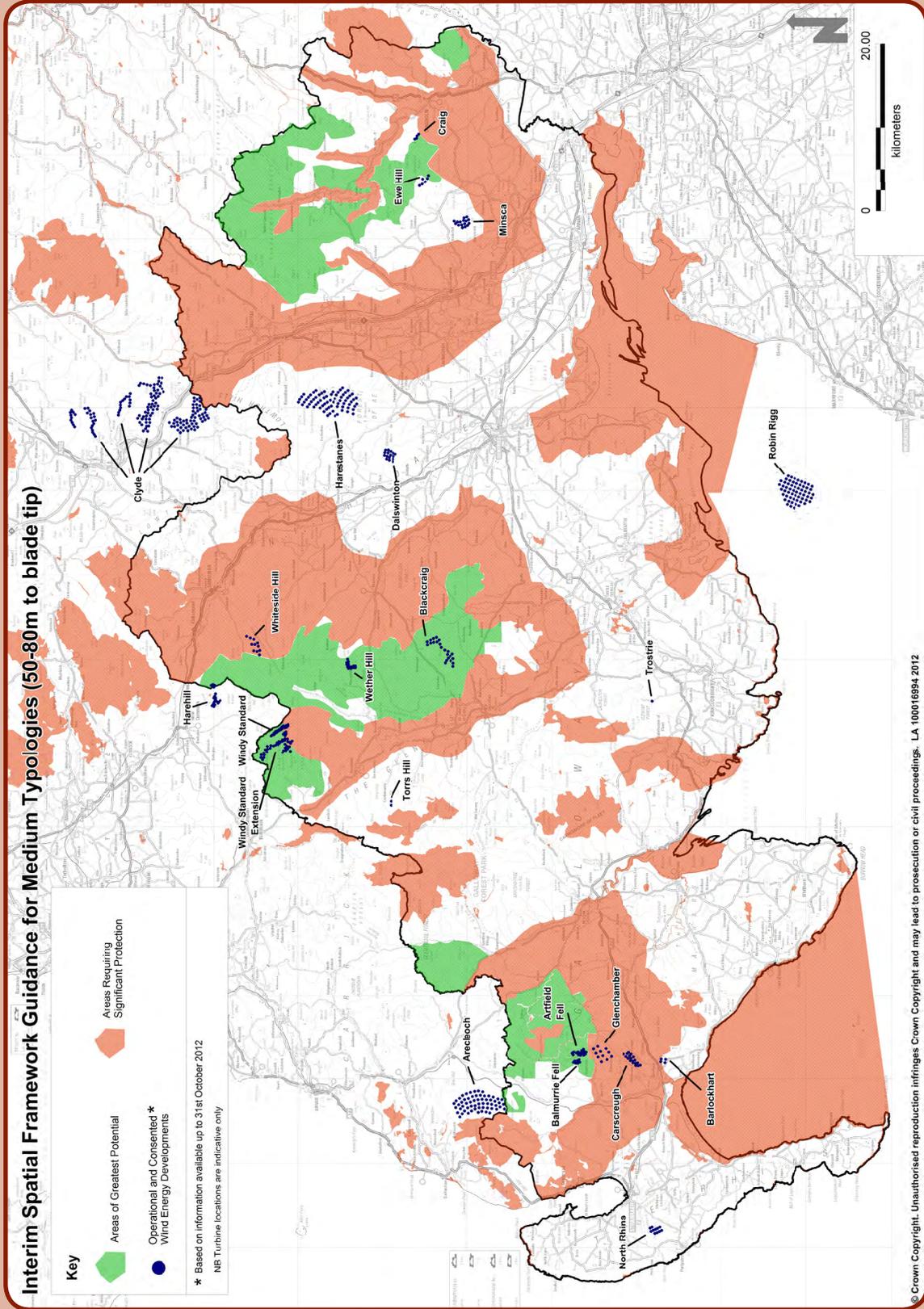


Map 9: Interim Spatial Framework Guidance for Large Typologies (over 80 metres to blade tip)





Map 10: Interim Spatial Framework Guidance for Medium Typologies (50-80 metres to blade tip)



## Waste Management

4.96 New regulations will impact on how waste is collected and processed during the period of this Plan. The potential for waste is such that it must be treated as a resource through keeping materials separate to maximise their value. The Council is committed to reducing waste through prevention, followed by recycling and energy recovery with disposal as the last option, in accordance with the waste hierarchy. Proposals for new landfill sites will not be supported unless an applicant can demonstrate there is no viable alternative. The purpose of this policy is to support waste management facilities in appropriate locations, preferably close to the source of waste, where they will help to achieve these aims.

4.97 The eventual decommissioning of Chapelcross power station is likely to require the disposal of radioactive waste. Radioactive waste management policy, which is a devolved matter, is considered under Scottish legislation and policies. The land use issues arising from the disposal of nuclear waste are handled by SEPA as a Scottish national organisation. This would include responsibility for any cross - border issues. Dumfries and Galloway Council in consultation with SEPA is committed to dealing responsibly with radioactive waste that may arise from Chapelcross, and from the health sector within the area.

4.98 The Nuclear Decommissioning Agency in partnership with Magnox Ltd has produced a decommissioning strategy for Chapelcross which considers on-site

storage and possible phased removal off-site of any remaining nuclear waste. The Council recognises that the agency provides a competent regulatory regime. The LDP is compliant with local land use issues arising from this approach.

4.99 Consultation with SEPA and the National Health Service has determined that health service activities within the Dumfries and Galloway Region will not result in low level radioactive waste as defined in the Radioactive Substances Act 1993.





### **Policy IN3: New Waste Management Infrastructure**

Proposals for new waste management facilities or extensions to existing facilities will be supported where they deliver the objectives outlined in the Zero Waste Plan to move waste as high up the waste hierarchy as possible and meet the requirements of the Waste (Scotland) Regulations 2012 or subsequent publications. It must also be demonstrated that the proposal will bring an overall net social, environmental and economic benefit without having a likely significant adverse impact:

- on natural and built heritage designations;
- in terms of air, noise, or water pollution; and
- on the amenity of the surrounding area particularly in terms of communities in the locality.

Proposals for waste management facilities will in principle be acceptable on sites identified or safeguarded in the Plan for business and industry.

This policy is supported by supplementary guidance.

### **Policy IN4: Protection of Existing Waste Management Infrastructure**

Existing Council and private sector operated waste management facilities are identified on the proposals maps. These facilities will be safeguarded to ensure that they meet long-term waste management needs. Proposals on land adjoining existing waste management facilities should not compromise their operation and future regulatory needs directly or indirectly.

The Council will work with SEPA, private sector operators and other organisations to monitor changes in waste management and identify when required any additional provision for waste management facilities.

### **Policy IN5: Energy Recovery from Waste**

Proposals for energy recovery from waste will be supported in appropriate locations provided they comply with Policy IN3. Consideration will be given to:

- SEPA's Thermal Treatment of Waste Guidelines or subsequent documents;
- connection to the electricity grid and/or gas network and the ability to provide heat and power to neighbouring uses.



## Policy IN6: Waste Management Requirements for New Development

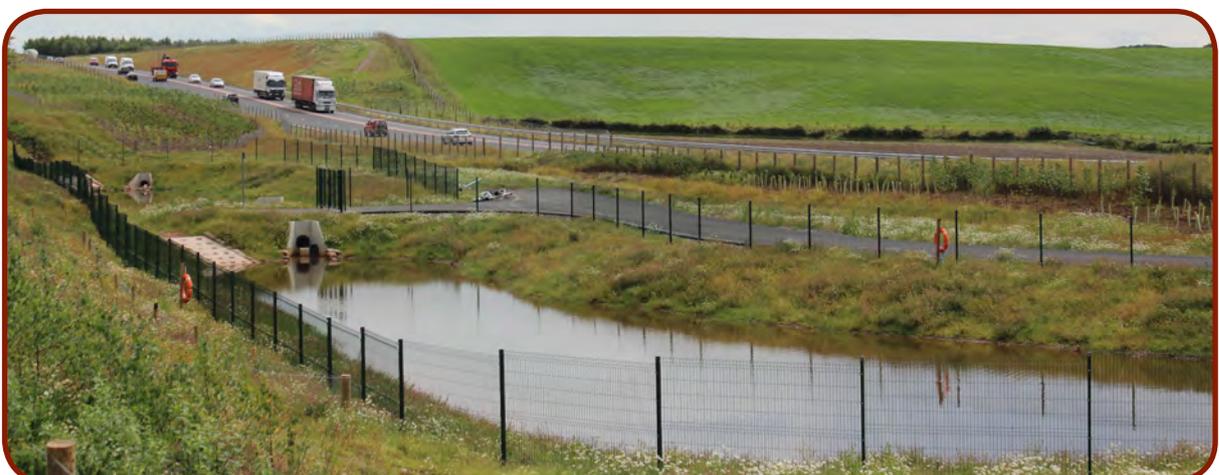
Any planning application which in the view of the Council requires to address the issue of waste must be supported by a Site Waste Management Plan. Any such Site Waste Management Plan should be tailored to the scale of the proposed development and prepared on a template made available by the Council.

All new developments will be required to provide appropriate space in the development to accommodate appropriate recycling facilities.

### Infrastructure and the Water Environment

4.100 The policy approach for flooding and development follows the SPP and intends to avoid adding to flood risk. This means that community burdens are not increased and long term sustainability is supported. Dumfries and Galloway is fortunate in that there is more than sufficient land available to meet this objective. The policy for surface water drainage and SuDS aims to ensure that the management of surface water in new developments is considered at an early stage. The policy for waste water drainage supports both maintenance of the quality of the water environment and effective use of existing infrastructure.

Where there is limited or no capacity at the waste water treatment works, Scottish Water is funded to provide strategic capacity for domestic growth within Scotland, and a key factor in the delivery of additional capacity is early engagement. Should any development necessitate an increase to Scottish Water's treatment capacity, an investment project can be initiated, subject to the development meeting the approved growth funding criteria. Scottish Water will also continue to work with the SEPA to accommodate development needs wherever practical in line with the Memorandum of Understanding, until such time as additional capacity and infrastructure is delivered.





## Policy IN7: Flooding and Development

The avoidance principle is the most sustainable form of flood management, in accordance with the first principle of SPP relating to sustainable development and the Flood Risk Management (Scotland) Act 2009.

Where proposed development could lead to an unacceptable onsite or off site flood risk<sup>1</sup>, as defined by the Risk Framework in SPP, then it will not be permitted. Where a proposed development could lead to an unacceptable flood risk, it may be that a Flood Risk Assessment (FRA) is able to clarify to the satisfaction of the Council and SEPA that the level of risk both on and off site would be acceptable.

For any site a Drainage Impact Assessment (DIA) may be required to ensure that surface water flows are properly taken into account in the development design. Consideration should be given to pluvial flows especially those which exceed the capacity of the proposed drainage systems. Design of development must avoid flood risk from exceedance flows<sup>2</sup>. (See also Policy IN8 for Surface Water Drainage and SuDS.)

In order to satisfy the Council in respect of FRAs and DIAs, parties will be expected to provide independent verification of their professional competence, unless it is clear that this is not required.

This policy is supported by supplementary guidance.



<sup>1</sup> Note: The meaning of 'flood risk' is from SPP. It is 'the combination of the probability of a flood and of the potential adverse consequences, associated with a flood, for human health, the environment, cultural heritage and economic activity'.

<sup>2</sup> Those which exceed the capacity of any formal drainage system



## **Policy IN8: Surface Water Drainage and Sustainable Drainage Systems (SuDS)**

With the exception of single houses and those with direct discharges to coastal waters, Sustainable Drainage Systems (SuDS) will be a required part of all proposed development as a means of treating the surface water and managing flow rates. Surface water management arrangements must form part of any Planning in Principle submission.

For any site a Drainage Impact Assessment (DIA) may be required to ensure that surface water flows are properly taken into account in the development design.

Planning applications must include details of the proposed SuDS which should:

- ensure the system is designed to avoid flood risk from exceedance flows;
- be accommodated within the proposed site, and understood as an essential factor in determination of the overall capacity of any site;
- be based on a unified approach to cover surface water drainage from on site roads and from the remainder of the site;
- contribute positively to the biodiversity and general amenity of the area of the proposal;
- include a coordinated approach between new developments that are adjacent to one another;
- include the arrangements for its long term maintenance.

There should be appropriate arrangements for surface water drainage during the construction phase of a development site. This could be by way of a SuDS scheme or some alternative interim solution.

This policy is supported by supplementary guidance.





## Policy IN9: Waste Water Drainage

All new development within or immediately adjacent to settlements must connect to the public sewer as defined in the Sewerage (Scotland) Act 1968. Where there is limited or no capacity at the waste water treatment works, early contact should be made with Scottish Water. The provision of private drainage is unlikely in a publicly sewered area but where it is required the following provisions must be made:

- it does not pose or add to the risk of detrimental effect, including a cumulative effect, to the natural and built environment or surrounding uses; and
- the network infrastructure must be built to a standard to allow Scottish Water to adopt once connection to the public sewerage system is available.

Notwithstanding the aims of the above provisions, the site specific foul drainage arrangements would require to be discussed, agreed as acceptable, and authorised by SEPA.

Where there is no public sewer as defined in the Sewerage (Scotland) Act 1968, a private system may be acceptable where:

- it does not pose or add to the risk of detrimental effect, including a cumulative effect, to the natural and built environment or surrounding uses; and
- the discharge to land (either full soakaway or raised mound soakaway) compatible with the Scottish Building Standards Agency Technical Handbooks must be explored prior to considering a discharge to surface waters;
- the sewage treatment and effluent disposal system is capable of being authorised by SEPA in accordance with the requirements of The Water Environment (Controlled Activities)(Scotland) Regulations 2011.

### Contaminated Land

4.101 Contaminated land remediation is necessary in order to ensure end-users and neighbouring land users are not subject to unacceptable levels of health risk as a result of proposed development.

Contaminated land remediation also helps to ensure that the natural environment is protected. Advice should be sought on whether a site has the potential to be considered contaminated land under the regulations.



### **Policy IN10: Contaminated and Unstable Land**

Where a site is known or suspected to be contaminated or unstable, including due to past mining activity, applicants will be required to undertake investigation and, where applicable, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health and the environment, in accordance with the guidance contained in Planning Advice Note 33 Development and Contaminated Land.

This policy is supported by supplementary guidance.

### **Telecommunications**

4.102 The Council fully recognises the importance of telecommunication development and broadband availability to the region's economic growth and social needs. Growing a digital economy through digital technologies will form an integral part of the region's transition to a

low carbon economy and the cornerstone of economic recovery. The Council recognise and encourage sustainable community-led initiatives which employ new technologies and business models for improving local connectivity, and digital participation particularly in rural areas.

### **Policy IN11: Telecommunications**

The Council supports and encourages the development of telecommunications facilities and services which assist the local economy or support local communities. In assessing proposals for telecommunications the Council will determine applications with regard to PAN 62. Innovative solutions to increase network capability and digital participation will be viewed favourably, particularly in rural communities.

New telecommunication proposals should demonstrate that the option of mast sharing has been fully explored. If there are other practical options for efficiency these also should be explored.

Proposals for new sites will be supported where the following can be demonstrated:

- no possibility exists to share existing facilities or sites or to attach antenna to existing buildings or structures;
- the smallest suitable equipment will be installed.



## TRANSPORT

4.103 Most new developments and changes of use will have some form of transport implication. Given the policy significance of the links between land use and transport, the likely transport impacts of development proposals need to be identified and dealt with as early as possible in the planning process. The relationship between transport and land use has a strong influence on sustainable economic growth, and this should be taken into account in development management decisions.

4.104 As stated in the Strategy, the Plan expects good quality development that builds in sustainable transport modes and considers accessibility issues and street layout as an integral part of the development at the beginning of the design process.

4.105 National, regional and local transport policy seeks to give priority to active and public transport modes, reducing the need to travel and situating development in sustainable locations.

Buildings and facilities should be designed to prioritise the needs of pedestrians and cyclists and make access for these users as easy and convenient as possible. Statutory equal opportunities obligations relating to accessibility for different users, such as wheelchair users, also have to be taken into account in development proposals. Improvements to wider active transport networks, such as paths and cycle routes, will support more sustainable travel choices.

4.106 Planning policy will also take local and regional strategies into consideration, including the Regional Transport Strategy, Local Transport Strategy and the Council's Access Strategy (Open Outdoors). Designing Streets, which states that street design must consider place before movement, is national planning policy and should be taken into account when determining planning applications and producing guidance. This is not just for specific transport and road design issues but also when making wider decisions on overall layouts.





## Policy T1: Transport Infrastructure

Proposals for the improvement of existing transport infrastructure and, where appropriate, the provision of new transport infrastructure and/or services will be supported provided they accord with the Regional and Local Transport Strategies; and where it can be demonstrated to the satisfaction of the Council that following appropriate assessment (where needed), the proposal has no adverse effects either alone or in combination on the integrity of any Natura site.

Development of facilities for cyclists and pedestrians will be supported.

### a) Strategic Network

The strategic transport network includes the trunk road, motorway and rail networks. Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be appraised to determine their effects. The national and strategic role of these routes should not be compromised by development which individually or incrementally materially reduces the level of service of a route.

### b) Regional Network

Development which involves a new direct access onto the regional road network should not, individually or incrementally, materially reduce the level of service of a route.





Map 11: Strategic and Regional Transport Network



## Policy T2: Location of Development / Accessibility

All development proposals will be expected to:

- consider accessibility issues early on and ensure street layout and design are part of the design and planning process from the beginning, taking account of statutory equal opportunities obligations relating to accessibility and be designed for the safety and convenience of all potential users;
- prioritise personal travel by mode in the following order: walking, cycling, public transport and lastly car and other motorised vehicles;
- be well served by the most sustainable modes of travel available and provide opportunities for a modal shift from private car use to more sustainable transport, including active travel, wherever possible;



- incorporate appropriate on and/or off site mitigation measures, where required, which might include: improvements, enhancements or additions to the walking/cycling network (connecting into existing local pedestrian or cycle networks or wider green networks) and public transport services, as well as road improvements and new roads;
- incorporate an appropriate level of parking provision to the maximum standards as outlined in SPP (having regard to the travel nodes and services which will be available) and also include adequate cycle parking;
- fit with the policies and recommendations of the Local Transport Strategy.

In certain circumstances developers may be required to:

- prepare and implement travel plans to support a development proposal that will result in significant travel generation, by virtue of its size, nature, or location (as determined by the Council);
- prepare a Transport Assessment and implement appropriate mitigation measures where required.

This policy is supported by supplementary guidance.

### **Policy T3: Established Harbours, Marinas and Slipways**

The Council will support the development and use of harbours, marinas and slipways by:

- safeguarding them from development which would preclude public access to, or have a material adverse effect on, the established use of the facility or its potential to expand;
- encouraging development proposals which support the use of such facilities, particularly those with a potential commercial or tourist function.

The Council will only support development proposals where it can be demonstrated to the satisfaction of the Council that following appropriate assessment (where needed), the proposal has no adverse effects either alone or in combination on the integrity of any Natura site.



### **Policy T4: Freight Transport**

Development which generates significant volumes of haulage traffic will be encouraged to utilise facilities for the transfer of freight from road to rail. Such development should be located close to main transport routes but away from inner urban and residential areas.

Consideration must also be given to the need for improved and additional freight transfer facilities, including rail freight interchanges.

### **Policy T5: Former Transportation Routes**

There will be a presumption against any development on or adjacent to former railway routes with a reasonable prospect of being reused for rail or active transport or recreational purposes and which would adversely affect its potential for reversion to its original use as an operational railway or conversion to other transport uses such as walking, riding or cycling.

