

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

TIGHNA GREINE

QUEBEC BRIDGE, TAIN

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

Planning authority's application reference number

Site address

BELIVAT

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | | |
|--|-------------------------------------|-------------------------------------|
| | Yes | No |
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

STATEMENT ATTACHED

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

REFER TO ATTACHED STATEMENT
(REFERENCES PRODUCED)

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date 18.12.09

Statement of Reasons for Notice of Review

**Erection of house on land between Conon House and Ardlach Road, Belivat
Mr William Abernethy**

Ref : 09/00092/PIPNA

Introduction.

The site subject of review extends to some 0.24 Ha and is part of the garden ground of *Conon House*. It is bordered on the east by Ardlach Road approximately some 500m or so south of its junction with the A939. A private access track serving *Conon House* and the nearby house *The Birches* forms the northern boundary. The southern edge of the site abuts the road leading to a number of private houses and Archagour Farm and Fish ponds.

Although the site is separated from *Conon House* by a dividing wall erected for shelter and privacy purposes, it still serves as the established garden amenity area associated with the house.

As garden ground, it contains some natural mature birch but also a total of 22 mature fruit trees, a mix of approximately 30 ornamental shrubs and areas set aside for vegetable production.

Development Plan Policies.

Structure Plan Policy G1

Structure Plan Policy G2

These represent general policies on Strategy, and Design for Sustainability.

Structure Plan Policy H3

This is a general policy statement on Housing in the Countryside, superseded in terms of its detail by the Housing in the Countryside Supplementary Guidance.

Nairnshire Local Plan

The general area is identified as "a forestry area with potential". Policy ENV 2 applies to the site and confirms the Council will support development unless this will significantly affect factors of local importance. Rural housing is supported as part of a general package of economic regeneration.

Housing in the Countryside Supplementary Guidance (September 2009)

This revised guidance follows on from the advice contained within SPP's 3 and 15 (outlined below) and includes the application site within its identified Hinterland area. Herein, new housing within the open countryside will be by exception only and allows in this particular instance for the sub-division of garden ground.

National Planning Policies.

Scottish Planning Policy 15 : Planning for Rural Development (2005)

SPP15 sets the scene for rural development across Scotland. Its vision is for a confident and vigorous range of communities providing for those who wish to live and work there and recognises the countryside's potential to absorb more such people and development. Planning's role is to react positively and sensitively to these needs and to accept that more opportunities require to be identified to accommodate demand.

Planning Advice Note 72 : Housing in the Countryside (2005)

PAN 72 sets out key design principles to be applied to new housing within the countryside which respects the Scottish landscape and building traditions whilst continuing to allow innovative and carefully designed contemporary designs.

Scottish Planning Policy 3 : Planning for Homes (Revised 2008)

SPP3 Planning for Homes, introduced partly in response to difficulties with growth and choice in the Scottish housing market, set changes in motion by focussing on the supply of a more diverse and deliverable range of housing to meet the country's foreseeable needs. It reiterates previous statements in support of rural development and welfare and obliges planning authorities to set out the circumstances in which new houses in the countryside outwith settlements may be appropriate in their areas. Essentially, SPP3 (with some influence from SPP15) instigated the production of Highland Council's Housing in the Countryside Supplementary Guidance.

Consultees.

TEC Services : Keen to limit the number of accesses to a public road. Therefore unable to approve a new access for the proposal to Ardclach Road..

If approved, then the following conditions should be applied,

- Access from Archagour private road and upgraded to adoptable standard by widening, improved construction and drainage, and a turning head.
- At least one additional passing place provided at an agreed location on the public road leading to the A939.
- Visibility splays of 2.5m x 30 m.
- Parking for at least two cars within each property.
- No water from the site shall shed onto the public road.

Scottish Water : no objection but there is no public sewer and there may be water pressure issues in the area.

Site History.

Past applications for this site have been refused as being contrary to the Development Plan policies in force at these times. However, the recent Housing in the Countryside Supplementary Guidance introduced in September 2009 following publication of the revised PP3 National Guidance changes the planning outlook. This document was a material consideration when this application was determined. Its terms formed the basis of the planning officer's Delegated Report.

The Delegated Report.

The main issues in the report acknowledged the new criteria set out by the supplementary Guidance and proceeded to assess the development against a number of the new exceptions. First, it concluded in some detail the site could not be considered part of a Housing Group but then proceeded to apply the '*suitability for growth*' criteria applicable to housing groups. The proposal was found to breach aspects such as detrimental impact, ribbon development, character and amenity, capacity of road network, loss of trees etc. It is submitted this entire assessment was irrelevant as it applied to the wrong exception category.

However, the report did get around to addressing the correct category namely, the issue of whether the proposal could be classed as 'sub-division of garden ground'. It was commented that, "*The site does not have the visual character of garden ground. It is uncultivated and the curtilage of Conon House as enclosed by a stone wall excludes the site.*" It reiterates the judgement it fails the tests for a group and garden ground and, even if it did qualify as an exception, would fail on grounds of landscape impact and road capacity.

Reasons for Review.

The application was refused for four reasons by decision dated 21 September 2009,

1. The proposed house would be contrary to the Highland Structure Plan Policy H3 which presumes against new housing in the Hinterland Around Towns except where required for land management, family or related reasons, or in the circumstances described in related Supplementary Planning Guidelines. None of these exceptional circumstances apply to the development and the site.

It is not fair to say the proposal is contrary to the Structure Plan because the specific terms of Policy H3 have been superseded by the new Supplementary Guidance on Housing in the Countryside.

Examination of the new Guidelines reveals a new exception of 'Garden Ground' which states,

"Potential may exist for the sub-division of existing garden ground for a single house provided that the garden has clearly defined boundaries and meets

the terms of the Siting and Design Guidance. Development should be able to deliver an appropriate plot ratio for a countryside location and be cohesive and not incongruous to the existing house or houses. Further sub-division of the subsequent plots will not be acceptable. Section 75 legal agreements will be used to ensure effective planning control can be maintained”.

It is understood the Siting and Design Guidance referred to is still awaited but it is submitted that the proposal falls quite clearly within this new exception category. The Garden belonging to *Conon House* is extensive and, although it contains a dividing wall erected for the purpose of shelter and privacy, it does not detract from the fact the site is actively used as a fully functioning garden area. The entire *Conon House* policies are set in a wooded landscape but the application site has wrongly been assessed by the planning officer as a separate entity from the house. As described earlier, the site is laid out with a mix of fruit trees and ornamental shrubs. It has been maintained constantly, under the watch the applicant, as a productive and colourful garden throughout the years . It produces apples, plums, potatoes, carrots, green vegetables, strawberries etc on a seasonal but continual basis and, until viral problems recently killed its bees, proved a successful apiary. For the planning officer to contend this is not a garden or part of a garden is an entirely erroneous assumption and a blatant error of judgement. That point can not be emphasised enough. This is most definitely a garden and has been in existence for as long as *Conon House*, as any site visit will aptly demonstrate.

The policies are generous enough to ensure the resultant plot ratios arising out of sub-division are appropriate yet offering no prospect for further sub-division. There is nothing to suggest the relationship between the two houses would be anything other than cohesive, with no danger of one impinging on or detracting from the other.

2. By introducing a new building onto a prominent area of land whose undeveloped condition and native species trees are important features of the area, helping to integrate existing housing into the landscape, the proposed house would be harmful to visual amenity.

The site is not considered to be a prominent area of land, any more so than the many other similar wooded gardens in the neighbourhood. This assertion is entirely without foundation. Neither is the site wholly covered by native species trees. It is a relatively spacious, open and loosely wooded site as befitting its garden use and general surroundings. It does contain some mature native species and every effort will be taken to protect and retain these. The introduction of a new house would incur minimal impact on existing trees. More than ample will remain to ensure the new house will integrate into the landscape.

The site is generous enough to accommodate a house without any visual impact on the amenity of the surrounding area. *Conon House* itself is barely discernable and, as the nearest house to the site will not be visually compromised in any way.

It is considered the proposed house meets fittingly the qualifying terms of the Garden Ground exception policy.

3. The proposed house would be harmful to public safety by adding to the number of closely spaced accesses onto the public road and generating additional vehicle traffic on the public road in an area where the road is incapable of safely

accommodating such additional traffic by reason of its restricted width and inadequacy of passing places.

Much has been made by the planning officer of the TECS comment. The technical response cited concern for issues over the number of accesses taking entry onto the public road and suggested ways to ameliorate that by altering the proposed point of access and, as is proving more common these days, seeking help from the developer to improve the public road by having installed a passing place at his expense remote from the site. **This was not a statement of the unsuitability of the public road to accommodate more traffic.**

It would appear the planning officer has taken the responsibility to judge whether the capacity of the local road network can absorb further development describing it as “questionable”, though by admission accepting the fact one more house may not be the “breaking point”. Though not used as a reason for refusal, concern is raised in the Delegated Report over the prospect of precedent for further houses. In case this in anyway influenced the decision, it must be submitted there ought to be little fear in this respect as all applications fall to be determined on their individual merits.

Allowing this proposal on this particular site does not indicate that other proposals on existing garden ground should also be permitted.

The site presently enjoys a point of vehicular access onto the public road. This is an existing gated access and, although rarely used for a number of years, can operate if chosen by *Conon House* without restriction. It was regarded an obvious point to take access to and from the proposed site. Given the very low levels of traffic movement and speed in this location it is not considered its use will impact in any way whatsoever on the road safety of others. To choose an access point onto the Archagour Farm road to the south as suggested by Roads, though physically not impossible, would involve obtaining the agreement of other land owners and is not an option which has been explored. However, it is perfectly feasible to take access onto the track to the north which serves the existing house. There would be no need to upgrade this to adoptable standard as it serves currently only the two houses, *Conan House* and *The Birches*, the Council’s limit being four houses served via an un-adopted road. The egress point to the public road enjoys good visibility. If deemed appropriate, this could be conditioned.

4. Although Nairnshire Local Plan housing capacity figures for the Ardclach-Belivat area are now to be treated as guideline figures only in terms of the aforesaid Supplementary Planning Guidance, further unplanned development in the Ardclach-Belivat area is premature pending identification of the landscape’s capacity (if any) to absorb further development, of the form and layout which that development should adopt, and of means to deliver commensurate road improvements and waste water treatment facilities in a planned manner.

This rather convoluted statement would appear to be an afterthought in an attempt to add some weight to the decision to refuse. It suggests a forthcoming study on development potential in terms of infrastructure capacity for this area, although no reference has been made to this in the planning officer’s delegated report. In the absence of any evidence of such a study, this would appear to be a statement of

conjecture and it would be quite wrong to presume to draw any conclusions from an exercise which may or may not come about and, indeed, to attempt to predetermine its findings.

Conclusion.

In conclusion, it is considered that the application was not determined in an appropriate manner and this Review provides an opportunity to correct the interpretation of the terms of the new Housing in the Countryside Guidance in so far as it applies to the application site.

It is possible too much regard was had for previous refusals but it is submitted, most certainly, that the assessment of the proposal in terms of the revised guidance was flawed. Too much emphasis was placed on whether the site was part of a housing group and, even when it was determined it didn't fit into that category, the tests for that particular exception continued. The conclusions drawn from that assessment coloured the conclusions and contributed to the reasons for refusal.

Not enough recognition was had for the relationship of the proposed site to *Conon House* in so far as it constitutes its garden amenity area and the one was not properly determined in the context of the other. Undue weight was given to the presence of the internal shelter wall which, it should be accepted, forms only a visual and not wholly physical line of separation. Neither was due consideration given to the extent to which the site was being actively used as a produce garden, as the most cursory of site inspections ought to have demonstrated.

Far from being contrary to the terms of the new revised Housing in the Countryside guidelines, it is considered the proposal meets the new 'Garden Ground' exception category and embraces entirely the sound governing principles of SPP 3.

Finally, attention is drawn to the comment in the Delegated Report to a statement regarding the relaxation of the Supplementary Guidance and describing it as "superficial". A lot of expense, time, effort and public consultation went into re-assessing the policy in light of national guidance and, though not as ground breaking in terms of relaxation as some had hoped, nevertheless requires to be acknowledged as fairly significant evolution of policy. Failing to accept this could be construed as a reluctance on the part of the determining officer to depart in terms of thinking and approach from the old doctrine.

Accordingly, and for all the reasons given, it is respectfully requested the Review Body finds merit in the proposal and determines favourably on the side of the applicant.

Dave Macdonald
Highland Planning
18 December 2009

References Produced :

Application Drawings

Decision Notice 09/00092/PIPNA

Structure Plan Policies G1, G2, H3

Nairnshire Local Plan extracts

Housing in the Countryside Supplementary Guidance (September 2009)

Scottish Planning Policy 15 : Planning for Rural Development (2005) extract

Planning Advice Note 72 : Housing in the Countryside (2005) extract

Scottish Planning Policy 3 : Planning for Homes (Revised 2008) extract

TECS letter dated 28.08.09

Scottish Water letter dated 25.08.09

Delegated Report 09/00092/PIPNA

1.7 GENERAL STRATEGIC POLICIES

1.7.1 Emerging from the sustainability objectives and the strategic themes the following general policies have been developed. These demonstrate the expectations of The Council with regard to any planning for development within The Highland Council area. They cover a range of issues relating to sustainable development and are considered vital to the implementation of the Plan's strategic themes. In particular they reflect the need to integrate community, economic and environmental interests, the importance of development which benefits local communities and the need for partnership working to achieve the Plan's aims and objectives. Development will be assessed against each strategic policy.

Policy G1 Conformity with strategy

The Council will support developments, having regard to the Plan's sustainable objectives, which promote and enhance the social, economic and environmental wellbeing of the people of Highland.

Policy G2 Design for sustainability

Proposed developments will be assessed on the extent to which they:

- are compatible with service provision (water and sewerage, drainage, roads, schools, electricity);
- are accessible by public transport, cycling and walking as well as car;
- maximise energy efficiency in terms of location, layout and design, including the utilisation of renewable sources of energy;
- are affected by significant risk from natural hazards, including flooding, coastal erosion, land instability and radon gas, unless adequate protective measures are incorporated, or the development is of a temporary nature;
- are affected by safeguard zones where there is a significant risk of disturbance and hazard from industrial installations, including noise, dust, smells, electro-magnetism, radioactivity and subsidence;
- make use of brownfield sites, existing buildings and recycled materials;
- impact on individual and community residential amenity;
- impact on non-renewable resources such as mineral deposits of potential commercial value, prime quality or locally important agricultural land, or approved routes for road and rail links;

Policy G2 Design for sustainability continued

- impact on the following resources, including pollution and discharges, particularly within designated areas:
 - habitats
 - species
 - landscape
 - scenery
 - freshwater systems
 - marine systems
 - cultural heritage
 - air quality;
- demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;
- promote varied, lively and well-used environments which will enhance community safety and security and reduce any fear of crime;
- accommodate the needs of all sectors of the community, including people with disabilities or other special needs and disadvantaged groups; and
- contribute to the economic and social development of the community.

Developments which are judged to be significantly detrimental in terms of the above criteria shall not accord with the Structure Plan.

Policy G3 Impact assessments

Where environmental and/or socio-economic impacts of a proposed development are likely to be significant by virtue of nature, size or location, The Council will require the preparation by developers of appropriate impact assessments. Developments that will have significant adverse effects will only be approved if no reasonable alternatives exist, if there is demonstrable over-riding strategic benefit or if satisfactory overall mitigating measures are incorporated.

Policy G4 Community benefit and commitment

The Council will expect developments to benefit the local community and contribute to the wellbeing of the Highlands, whilst recognising wider national interests.

The Council will seek to enter into agreements with developers as appropriate on behalf of local communities for environmental and socio-economic purposes as indicated below:

- where a development will have a long term impact on the environment contributions will be sought towards a fund for local community initiatives;
- where as a result of a development new infrastructure proposals require to be implemented by The Council or other agencies; or existing programmes brought forward, developers will be expected to pay those costs as an integral part of that development; and
- in appropriate circumstances The Council will expect a financial bond to be secured for long term environmental restoration and/or socio-economic stability.

Policy H3 Housing in the countryside

Housing development will generally be within existing and planned new settlements. In the hinterland of towns, indicated in Figure 9 and subsequently defined in Local Plans, new housing and conversions of non-traditional buildings in the open countryside will not be permitted, unless it can be demonstrated that it is required for the management of the land and related family purposes. Exceptions may also be made for social housing providers in meeting demonstrated local affordable housing needs that cannot be met within settlements. Elsewhere, housing in the countryside of an appropriate location, scale, design and materials may be acceptable where it supports communities experiencing difficulty in maintaining population and services. In crofting townships, new housing will need to respect the existing pattern of development.

Housing for all

2.2.12 The provision of an adequate supply and choice of housing land is only part of meeting the Structure Plan objectives and housing needs of local people. Housing quality and the ability to gain access to housing are also key elements and are consistent with both The Council's Housing Strategy and the Scottish Homes Regional Plan. Both of these documents recognise the importance of housing which meets the needs of all sectors of society in contributing to the overall wellbeing and sustainable development of balanced Highland communities. Two aspects are particularly important - affordability and the ability to accommodate a range of housing needs for all members of the community, including elderly people and those with disabilities.

Affordable housing

2.2.13 The first of these aspects is the ability of households to access housing (including building plots) at a price they can afford. Average household incomes in Highland are 14% below the Scottish average whilst house prices are rising more rapidly and Council house rents are 25% higher. At the same time the cost of living in rural areas in particular is relatively high. It is estimated that around 30% of households are unable to buy the cheapest housing on the market. There has also been a significant decline in the supply of affordable housing through Right to Buy sales - since 1979 33% of the total Council stock has been sold. The Council's Housing Strategy identifies a need for almost 5,000 affordable houses in the period 1998-2003. It is, therefore, important to make sufficient provision for affordable housing through a number of mechanisms. These might include the provision of additional financial resources and changes to the Use Classes Order to allow land to be allocated specifically for social housing provision and thus keep land values at more affordable levels. Under these provisions, sites allocated for social housing through Local Plans could not be developed for private housing without securing planning permission.

Policy H4 Affordable housing

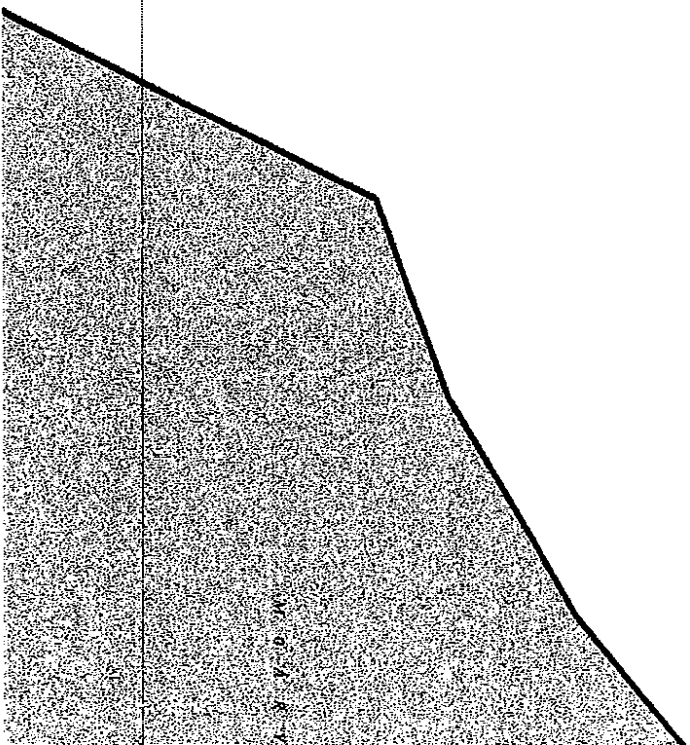
The Council will work with other agencies and recommend the Government make a commitment to supporting the provision of an adequate supply of social housing through increased resources and the introduction of a Social Housing Use Classes Order.

2.2.14 Another aspect of affordability is the ability of households to heat their homes to a comfortable level without financial hardship. The energy efficiency of the housing stock is important in this respect and is tackled through The Council's Home Energy Conservation Strategy. Strategic Policy G2 is also of particular significance.

GENERAL POLICIES		SETTLEMENTS		POLICIES, ALLOCATIONS AND ACTIONS	
ENVIRONMENT		Town/Village Centre		Settlement Boundary Housing Groups Policies Allocations Actions Road Access Cycle Routes / Footpaths	
ENV 1 The Council will encourage development subject to the plans.	ENV 2 The Council will favour development which does not significantly affect the local landscape.	ENV 3 The Council will encourage development which does not significantly affect the local landscape, priority of public health, change of character, priority of public health.	ENV 4 The Council will not support development which is an excessive, special, economic, public health or safety issue.	Business The Council will promote business development.	Industry The Council will promote industrial uses.
Housing in the Countryside Favourable	Special Uses The Council will support development in the countryside which is of special interest.	Town Expansion The Council will encourage town expansion.	Village Expansion The Council will encourage development which is in the countryside and which is of special interest.	Resource-chased Opportunity Favourable. Also with National Lottery.	

NOTE: The criteria for designating the GENERAL POLICIES are detailed in the separate Technical Annex.

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2. GENERAL POLICIES

2.1 The following policies* apply throughout the Local Plan area and are identified on the Proposals Map in accordance with the legend below:

ENVIRONMENT

Environment 1 (ENV 1) : The Council will encourage development subject to site factors.

Environment 2 (ENV 2) : The Council will favour development unless this would significantly affect factors of local importance.

Environment 3 (ENV 3) : The Council will presume against development particularly where there would be significant damage to heritage, amenity or public health.

Environment 4 (ENV 4) : The Council will not approve development unless there is an overriding social, economic, public health or safety reason.

*the criteria on which these policies are based are contained in the separate General Policies Annex

SETTLEMENTS

Settlement 1 (S1) : Town/Village Centre
The Council will encourage town centre uses.

Settlement 2 (S2) : Housing
The Council will safeguard the function and character of established residential areas, and encourage appropriate services, amenities and environmental enhancement.

Settlement 3 (S3) : Business
The Council will promote business/tourism.

Settlement 4 (S4) : Industry
The Council will promote industrial uses.

Settlement 5 (S5): Special Uses
The Council will expect existing uses to be maintained unless stated.

Settlement 6 (S6) : Town Expansion
The Council will encourage planned expansion.

Settlement 7 (S7) : Village Expansion
The Council will encourage development consistent with the scale and character of rural settlements.

OTHER PROVISIONS

Housing in the Countryside: Fragile Area (see ENV 1, 2)

Resource-based Opportunity : Forestry-Area with Potential (see ENV 2, 5)

ALLOCATIONS : The following land is allocated

<i>use</i>	<i>location/details</i>
3. INDUSTRY	17 ha. at Delnies is allocated for large scale industry associated with operation of the platform construction yard or ancillary support services. Major buffer planting will be required
4. BUSINESS/ TOURISM	70 ha. of land at Delnies is allocated for development of a golf course, associated landscaping and related buffers (see Ch 4, 22(g))

ENV 2**Resource Development**

5. The Council will promote development or land use change in accordance with its approved Indicative Forestry Strategy and development making use of alternative renewable energy sources in terms of Structure Plan Policy P85. It should be noted that Policy P85 will be superseded on the approval of the replacement Structure Plan.

6. The Council will encourage expansion/upgrading of established resource based activities as follows:

- (a) mineral workings: Park Quarry and sand and gravel reserves at Drumdivan;
- (b) visitor accommodation: the caravan parks at Delnies and Little Kildrummie;
- (c) other uses: distillery and related operations at Brackla.

Economic Regeneration

7. The Council will promote an initiative to regenerate the economy of Glenferness and East Nairnshire (REGEN) in partnership with the agencies, landowners and the community. This could identify and promote opportunities (see below) for:

- rural housing;
- local employment and business – subject to special investigation;
- community and tourist facilities;
- public access and heritage interpretation;
- environmental enhancement.

The project should provide a basis for coordinated action and support from funding sources.

Tourism and Recreation

8. The Council will promote, in partnership with the agencies, landowners and interests in adjoining areas, a tourist heritage trail linking the following main heritage sites: Cawdor Castle; Riat Castle; Kilravock Castle. This could embrace opportunities identified in the Nairn Access to Archaeology project.

9. The Council will promote development of cycle routes linking the outlying communities with Nairn and adjoining areas. The Nairn Initiative, as part of its Tourism Management Plan, has commissioned Consultants to investigate possible routes (see 18 below).

10. The Council will encourage the Forest Authority and landowners to improve public access and facilities to the major forest areas in Nairnshire. These include Leiken Forest, Kilravock, The Ord and Assich Forest.

Waste Management

11. The Council is continuing to assess the area's waste management requirements as part of sustainable long term arrangements for the Highlands as a whole. Waste from Nairnshire has been transferred for disposal at Inverness for several years. Any strategic role for Nairnshire in future is expected to emerge in that context.

Transport

12. The Council will continue to press the rail companies to upgrade the infrastructure and services on the Inverness-Aberdeen rail line commensurate with its potential for increasing passenger and freight use in future.

Countryside Management

13. The Council will promote public access to the countryside and will seek agreement with landowners where necessary to secure the following routes and related facilities (archaeological opportunities as para. 8 above):

- a River Findhorn footpath linking historic features at Dulsie Bridge and Ardclach with Ferness and neighbouring Moray communities;
- improved parking and interpretation and restoration at Ardclach Church and Belltower;
- interpretation of the bridge and military road at Dulsie;
- facilities adjoining the A 939 south of Ferness;
- parking and interpretation at the cairn and motte south east of Auldearn;
- parking at Delnies Wood;
- parking at Carse Wood.

14. The Council will investigate the opportunity for an enhanced ranger service and its provision through appropriate partnership arrangements, where this would improve management and public enjoyment of the countryside.

ACTION : The following action is promoted

<i>action/objectives</i>	<i>location partners/resources</i>
15. NAIRN ECONOMIC REGENERATION STRATEGY: a basis for revitalising the Burgh and its economic functions, and drawing down European or other funding	The Council in partnership with the appropriate agencies and five Inner Moray Firth towns
16. FOREST RESTRUCTURING: a long term programme to secure major resource, recreation and conservation management of 1,700 ha. throughout Nairnshire	Forest Enterprise and landowners
17. NATIONAL CYCLE ROUTE: development of part of the national Sustrans cycle route through Nairnshire, connecting Inverness and Moray and based primarily on the minor road network	The Council at a cost of £60,000 between 1998-2000
18. TOURISM MANAGEMENT PROGRAMME : a strategy to promote and develop Nairnshire's tourist assets and attractions including: an integrated network of multi-user paths, associated facilities and interpretation, subject to landowner agreement and based on the following locations/principles; • west Nairn;	The Council in partnership with SNH, INE, HOST, Moray Council, Forest Enterprise, The Paths for All Partnership, landowners, local communities, appropriate agencies; and voluntary groups: total cost of £95,000

<ul style="list-style-type: none"> • Carse Wood; • River Nairn corridor; • Hill of Urchany; • east Nairn; • improved management of Nairn seafront and links (see Ch. 4, 30); • River Nairn corridor (town) (see 4, 34); and possibly • a strategic forest and coastal route between Nairn and Forres. <p>Scope exists to integrate these projects with current initiatives promoting a Heritage Trail, Scenic Routes and "Cycle Nairnshire" and opportunities for improved public access and facilities in paras. 13, 16 and 17 above</p>	
<p>19. WATER SUPPLY: further improvements at Clunas subject to review; and extension of the mains network to the Ferness locality</p>	<p>NOSWA. Latter scheduled for 2001-2 at an estimated cost of £450,000</p>
<p>20. PROPOSED A96 INVERNESS TO FOCHABERS ROUTE ACTION PLAN STUDY: to identify a programme of improvements in the short, medium and long term to enhance transport conditions in the A96 corridor. Operation of the existing road network (including frontage improvements) and the potential for a bypass of Nairn – with appropriate links to the town – is likely to be investigated (see Ch 4, 18)</p>	<p>The Scottish Office during 1998</p>

ENV 3

ACTION : The following action is promoted

<i>action/objectives</i>	<i>location partners/resources</i>
<p>21. GEOMORPHOLOGICAL TRAIL: facilities and access based on the Kildrummie Kames landform, possibly linking interpretative sites in the adjoining Inverness area</p>	<p>Scottish Natural Heritage</p>

ENV 4

Conservation Management

22. The Council in partnership with other agencies will seek to maximise resources for employment, visitor management and interpretation within Special Protection Areas and Special Areas of Conservation.