

**THE HIGHLAND COUNCIL**  
**PLANNING, ENVIRONMENT AND DEVELOPMENT**  
**COMMITTEE – 17 MARCH 2010**

Agenda Item	
Report No	

**Sutherland Local Plan**

**Report by Director of Planning and Development**

**SUMMARY**

This report considers the Report of Examination for the Sutherland Local Plan. The Committee must now consider the Reporters' recommendations, which are essentially binding upon the Council. The modified Local Plan and associated documentation must then be made publicly available and a notice published of the Council's intention to adopt the modified Local Plan.

**1. Background**

- 1.1 The Examination into outstanding issues of objection to the Sutherland Local Plan (Deposit Draft, November 2008) has been undertaken by Reporters appointed by the Scottish Government's Directorate for Planning and Environmental Appeals (DPEA). The Council received the Report on 8 January 2010. A note on the outcomes is attached to this report for information. The full Report and covering letter are available in the Members' Lounge and on the Council's website. A summary of the recommendations is also available in the Members' Lounge.
- 1.2 The Reporters' recommendations are essentially binding upon the Council, with the Planning Act and associated regulations setting out very few and limited grounds for declining to follow recommendations. The essence of the new development planning system is therefore that the Plan will normally be modified in accordance with all of the Reporters' recommendations, that any necessary consequential modifications and non-material corrections will be made and the Plan will then be adopted in that form. The statutory process through to adoption does not include any further opportunities for representations to be made on the Plan, nor does it provide opportunity for the Council to modify its policies and proposals beyond the scope of the recommendations and dealing with the outcomes of Appropriate Assessment and Strategic Environmental Assessment (SEA). Officers have incorporated the modifications into the Plan documentation and a version of the Plan which shows these is available in the members' lounge.
- 1.3 The Council can only decline to follow recommendations where the Council either considers that the particular modifications would result in the Sutherland Local Plan:
- being inconsistent with the National Planning Framework or the Structure Plan;  
or
  - adversely affecting the integrity of European nature conservation sites (tested through Appropriate Assessment) or in our opinion being unacceptable in terms

of environmental impact (tested through Strategic Environmental Assessment);  
or

- where the Council considers that the particular modifications are based on conclusions that the Reporter could not reasonably have reached based on the evidence considered in the course of the examination.

## **2. The Reporters' Recommendations**

2.1 Many of the recommendations in the Report are in line with the Council's position at examination. Whilst the Reporters have recast some policies in a manner different from that which had been commended, their provisions in essence remain unchanged. Most of the sites that were proposed by the Council as development allocations in the Local Plan have in principle been confirmed, with some modifications where necessary to the detail of the plan proposals.

2.2 On some issues the Reporters' recommendations differ significantly from the Council's position at Examination. In particular, there are a number of allocated sites which the Reporters have recommended be deleted including:

- Embo H1 (North of Station Road)
- Embo MU1 (West Embo)
- Golspie H3 (Adjacent to Macleod House)
- Ardgay H1 (North of Manse Road)
- Invershin H1 (Former Balblair workings)
- Lochinver H3 (Glencanisp)
- Tongue MU1 (West of the Manse)
- Dornoch LT (Dornoch North Expansion)
- Helmsdale LT (North Helmsdale/ West of Primary School)
- Bonar Bridge LT1 (South of Cherry Grove)
- Lairg LT1 (North of Milnclarin)
- Lairg LT2 (North-west of Lochside)
- Kinlochbervie LT (North of Innes Place).

(H: Housing

MU: Mixed Use

LT: Long Term)

Additionally, under Examination Issue 20 the Reporter refers to deletion of Brora site H5 (Old Woollen Mill) and this is discussed below.

2.3 The Reporters identified Housing Land Supply as an issue in its own right for examination. They indicate that if the Plan is modified as recommended (including the site deletions), the housing land supply remaining in the Plan is justified. It will be further assessed in the preparation of future Plans.

2.4 Following publication of the Report of Examination, the Council has received a number of items of correspondence in response to them. These have come from the owners of sites at Embo, Dornoch and Bonar Bridge recommended for deletion and from the Dornoch Rail Link Action Group. However, none of the letters lead officers to consider that there are any grounds to decline to follow the Reporters' recommendations on the relevant issues and officers have advised them of that

position. Preparation of future Local Development Plans will provide opportunity to have their sites considered for inclusion. In respect of the Dornoch Rail Link issue, we have representations which we are considering in respect of the Highland wide Local Development Plan. We have also received some observations from Scottish Natural Heritage in respect of appropriate assessment which we are working through.

- 2.5 With regard to the Reporter's reference to deletion of Brora site H5 (Old Woollen Mill), officers consider that the Reporter has mistakenly referred to a site at Brora which was referenced H5 as a proposed allocation in a previous draft of the Plan (South of Academy Street, subsequently deleted by the Council). Officers therefore consider that the site now referenced H5 (Old Woollen Mill) should be retained as an allocation. This is the only part of the Reporters' recommendations which officers consider the Council should not follow.

### **3. Next Steps**

- 3.1 The next statutory steps include:
- publishing the Notice of Intention to Adopt the Plan;
  - publishing the modifications and modified Plan and making these available in the area office, public libraries and on the website;
  - notifying those who made representations that the modified plan has been published;
  - sending the modified Plan, associated documents, any requisite SEA material and a copy of the notice to Scottish Ministers – the Council is required to do this within 3 months of receipt of the Report of Examination i.e. by 8 April 2010.
- 3.2 There then follows a 28 day period which must elapse before the Council may adopt the Local Plan. During this period Scottish Ministers have power to issue a direction to lengthen that period and have power to issue a direction for the authority to consider modifying the Plan if they consider it to be unsatisfactory. A report will be prepared for the Council meeting on 24 June 2010 in anticipation of Council being able to adopt the Local Plan at that meeting.

### **4. Strategic Environmental Assessment, Appropriate Assessment and Equalities Impact Assessment**

- 4.1 Officers are re-visiting the Strategic Environmental Assessment (SEA), the Appropriate Assessment (AA) and the Equalities Impact Assessment (EqIA) screening report in light of how the Plan is recommended to be modified as a consequence of the Examination. In general terms, a number of modifications recommended by the Reporter are in fact derived from earlier SEA and AA work and the deletion of certain site allocations will reduce or remove some potential environmental impact. Relevant documentation for these assessments will be placed in the members' lounge.

## **5. Community Engagement**

- 5.1 There has been extensive community engagement during preparation of the Plan and statutory provisions for involvement in the examination. The statutory process through to adoption does not include any further opportunities for representations to be made on the Plan.

## **6. Gaelic Language**

- 6.1 The Plan now includes Gaelic headings and sub-headings throughout in line with the Council's Gaelic Language Plan.

## **7. Financial Implications**

- 7.1 Provision is made within the existing Planning and Development Service budget for undertaking the statutory processes and publishing the Plan.

## **8. Conclusion**

- 8.1 The Reporters' recommendations are essentially binding upon the Council. Officers consider that the only recommendation that the Council should decline to follow is that referring to deletion of Brora Site H5 (Old Woollen Mill). The modified Local Plan and associated documentation must then be progressed swiftly in terms of issuing the notice of intention to adopt. The modified Local Plan should be a material consideration pending adoption and will provide a sound basis for managing development across Sutherland.

## **9. RECOMMENDATION**

- 9.1 Committee is asked to:

- i. agree that the Reporters' recommendations be followed with the exception that the site allocation Brora Site H5 (Old Woollen Mill) be retained;
- ii. note that officers have made the necessary consequential modifications and non-material corrections;
- iii. authorise carrying out of the statutory procedures required to progress the Plan so modified towards adoption, including report to Full Council on 24 June 2010;
- iv. agree that the Plan as modified be a material consideration for development management purposes with immediate effect pending its adoption by Full Council.

Signature:

Designation: Director of Planning and Development

Date: 8 March 2010

Author: David Cowie, Principal Planner (Ext. 2827)

## Background Papers

- 1 Sutherland Local Plan: Deposit Draft, November 2008
- 2 Report of Examination and Covering Letter
- 3 Sutherland Local Plan: as recommended to be modified post-examination, and associated assessments and other documentation
- 4 Correspondence received from land interests (recommended deleted sites) and other representors in response to Report of Examination

## **Sutherland Local Plan – examination report highlights**

People with an interest in The Highland Council's Sutherland Local Plan can now see a copy of the 'Report of Examination' from The Scottish Government's Directorate for Planning and Environmental Appeals on the Highland Council's website.

This note provides Highland Council planners' summary of highlights from the Report of Examination. It focuses mainly on those recommendations of the Reporter that are for the deletion of site allocations from the Local Plan.

The Report of Examination will be considered by the Council's Planning, Environment and Development Committee on 17 March 2010. The circumstances in which the Local Planning Authority can decline to follow the recommendations of the Reporter are set out in regulations. Generally, however, the recommendations are binding upon the Council and the Plan will be modified in accordance with them. Once modified, the Plan will progress through formal steps and is likely to become the adopted Local Plan in summer 2010. The report to Committee will outline these steps including arrangements for making the modified Plan available, keeping interested parties informed and ultimately publishing the adopted Plan.

Many of the recommendations in the Report, including recommendations for changes to the Plan, are wholly or largely in line with the Council's position at examination. Most of the sites that were proposed by the Council as development allocations in the Local Plan have in principle been confirmed, with some modifications where necessary to the detail of the plan proposals.

On some issues the Reporters' recommendations differ significantly from the Council's position at Examination. In particular, there are a number of allocated sites which the Reporters have recommended be deleted including:

- Embo H1 (North of Station Road) and Embo MU1 (West Embo);
- Golspie H3 (Adjacent to Macleod House);
- Ardgay H1 (North of Manse Road);
- Invershin H1 (Former Balblair workings);
- Lochinver H3 (Glencanisp);
- Tongue MU1 (West of the Manse); and
- various sites identified in the Plan as 'long term'.

More information on these is available below. We are examining carefully the detail of what the Reporters have said about the sites, including long term sites which are to be deleted from the plan and fully considering the implications of these changes. There may be some sites where the issues of concern cannot be overcome. However there may be other sites where some limited development may be possible during the plan period or some sites which could be considered for inclusion in a future replacement Plan.

Deletion of sites does not affect existing planning consents on sites, which can still be implemented, although depending upon what they are for they may be unlikely to be renewed.

The following site allocations are recommended by the Reporter for deletion from the Local Plan:

Embo H1 (North of Station Road) and Embo MU1 (West Embo) - The Reporter concludes that the character and setting of Embo would be best protected by the deletion of these sites and that, in any event, access to site H1 is far from guaranteed. Although this would leave Embo without development land for new housing the Reporter considers that, exceptionally, this course of action is justified. The Reporter does reference the holiday park as offering an additional dimension to the variety of accommodation available and refers to the possibility that the community forest crofting scheme will provide some additional residential accommodation in the general vicinity of Embo.

Golspie H3 (Adjacent to Macleod House) - The Reporter concludes that the loss of the development potential of the site would not undermine the credibility of the local plan but would preserve in its entirety an open space which has important recreational and visual amenity functions. The Reporter notes that it is a small site and that there is significant provision for housing elsewhere in Golspie. The Reporter recommends that the site be covered by an extended open space designation in the Plan.

Ardgay H1 (North of Manse Road) - The Reporter is concerned about lack of certainty at this stage over access arrangements and about how potential operational impacts on agriculture might be overcome. The Reporter is also concerned about the impact that the development, including likely access improvements, would have on the setting of Ardgay.

Invershin H1 (Former Balblair workings) - The Reporter has had regard to the form of the existing settlement of Invershin, comprising a scatter of buildings over a significant length and considers the proposed extension and allocation at the former Balblair workings to be artificial. The Reporter also considers that there is reasonable expectation that plots, including plots for affordable housing could come forward elsewhere on non-allocated land within the settlement development area to meet needs.

Lochinver H3 (Glencanisp) - The Reporter is concerned about landscape character, the established settlement pattern, uncertainties about feasibility at this stage and the potential scale of development that could ultimately be proposed to the Council. The Reporter does though indicate that some limited dispersed development may be appropriate and could be considered in the wider countryside. The Reporter also notes that feasibility work on the Glencanisp site is underway and indicates that with some amendment the Plan can continue to make reference to this and that it may enable further consideration of the aspirations of the Assynt Foundation in the context of future plan preparation.

Tongue MU1 (West of the Manse) - The Reporter feels that the field makes an important contribution to the setting of the listed buildings nearby and to the character and amenity

of the village. The land is however to be retained within the settlement development area.

The Reporter has also recommended the deletion of the sites identified in the Plan as 'Long Term', and some amendments to the extent of certain Settlement Development Areas e.g. at Tongue. The Long Term sites were identified in the Deposit Draft Local Plan at: Dornoch (Dornoch North Expansion), Helmsdale (North Helmsdale/ West of Primary School), Bonar Bridge (South of Cherry Grove), Lairg (North of Milnclarin), Lairg (North-west of Lochside) and Kinlochbervie (North of Innes Place). The Reporters make observations about each of the long term sites in terms of local planning considerations and also, in general, conclude that there is an adequacy of other sites identified and that the long term sites are therefore not required for inclusion in this Plan in terms of land supply. The Reporter also identified Housing Land Supply as an issue in its own right for examination and indicates that if the Plan is modified as recommended, the housing land supply remaining in the Plan is justified. It will be further assessed in the preparation of future Plans.

Under Examination Issue 20, the Reporter refers to deletion of Brora site H5 (Old Woollen Mill). The Council's planning officers consider that the Reporter has referred to a site at Brora which was referenced H5 as a proposed allocation in a previous draft of the Plan (South of Academy Street, subsequently deleted by the Council) and the officers therefore consider that the site now referenced H5 (Old Woollen Mill) is therefore to be retained as an allocation.