

## **The Highland Council**

Minutes of Meeting of the Land, Environment and Sustainability Strategy Group held in the Chamber, Council Headquarters, Glenurquhart Road, Inverness on Friday, 27 March 2009 at 10.30 a.m.

### **Present**

Mrs I McCallum	Ms G Sinclair
Mr R Greene	Mr S Black
Mr R Coghill	Mr H Wood
Mr D Mackay	Mr J Gray
Dr A Sinclair	Mr J Holden
Mr R Durham	Mr G Farlow
Mr M Finlayson	Mr D Hendry
Mr B Barclay	Mr J Crawford
Mr I Ross	Mr A S Park

### **Non-Members also present:**

Mr J Laing

### **Officials in attendance:**

Mr G Hamilton, Countryside, Heritage and Natural Resources Manager, Planning and Development Service  
Mr R Patton, Principal Officer (Land), Planning and Development Service  
Mr K Walker, Policy Officer – Health Improvement  
Ms A Villegas, Sustainable Development Officer  
Mr T Wishart, Principal Officer (Coastal), Planning and Development Service  
Ms K Briggs, Policy Planner, Planning and Development Service  
Mr T McCulloch, Quality Assurance and Development Manager, Education, Culture and Sport Service  
Mrs R Moir, Principal Administrator, Chief Executive's Office  
Mr S Taylor, T/Administration Assistant, Chief Executive's Office

### **Also in attendance (for item 2):**

Mr Peter Cook, Agricultural Economist  
Mr A R McFarlane Slack MBE, Scottish Rural Property & Business Association  
Mr I Wilson, National Farmers Union Scotland  
Mr S Allison, Crofters Commission  
Mr A MacDonald, Crofters Commission  
Mr W Smith, Crofters Commission  
Ms M Dennis, Scottish Crofting Foundation

### **Mrs I McCallum in the Chair**

#### **1. Apologies for Absence**

Apologies for absence were intimated on behalf of Mr G Smith, Mr A Torrance, Ms A MacLean, Mrs P Munro and Mr B Gormley.

## 2. Review of the Scottish Rural Development Programme

**As farmers and land managers, Mr R Durham and Mr S Black both declared financial interests in the subject matter of this item, but, having been elected to represent the interests of the agricultural and wider rural community, remained in the room and participated in the discussion.**

Mr Peter Cook, Agricultural Economist, made a presentation to the Strategy Group on the review of the Scottish Rural Development Programme 2007-2013 (SRDP) for the Scottish Government, which he was conducting on behalf of the Cabinet Secretary for Rural Affairs and the Environment.

In this connection, there had been circulated Report No. LES9/09 dated 19 March 2009 by the Director of Planning and Development inviting the Strategy Group to discuss the SRDP and its review with Mr Cook and recommending the main points of a Highland Council contribution for submission to the Cabinet Secretary for Rural Affairs and the Environment.

The first stage of the review would last for approximately three months and would consider to what extent:-

- the SRDP could assist in meeting the challenges of the economic downturn
- the priorities and objectives required change
- the delivery mechanisms required change.

Members were reminded that EU support for rural development was based on three themes or Axes, plus the LEADER programme, the three Axes being:

- Axis 1 - Improving the competitiveness of the agricultural and forestry sector
- Axis 2 - Improving the environment and the countryside
- Axis 3 - Improving the quality of life in rural areas and diversification of the rural economy

The SRDP was delivered through eight mechanisms - of which one (Rural Development Contracts - Rural Priorities) was a competitive element and the rest non-competitive. The Programme would run until 2013. £1.6 billion would be provided in funding, of which two thirds would be Scottish Government funded. The circulated report identified a number of main issues arising from the review, in particular questions of ease of access to the various delivery mechanism heads and their relative strengths.

In his presentation, Mr Cook outlined a range of issues to be addressed, in terms both of the delivery process (e.g. the requirement for on-line application; the role of the Case Officer; the role of Regional Project Assessment Committees, the scoring system) and of the structure and balance of the Programme itself (e.g. the capacity to shift between axes or delivery mechanisms; variations in ceilings; the number of delivery organisations; complexity; regionalisation; funding limitations).

Mr Cook drew attention to a variety of complaints regarding the application process, such as that it was oversubscribed and that the list of options meant that almost anything could fit the criteria. In addition, the amount of support available to individuals was at levels the Scottish Government could not have imagined.

Whilst some aspects of support were capped, the level of support for an individual project or agriculture development was not.

During discussion, he commented on a number of points/questions, including:

- the system did offer some flexibility - Member States could make one major and three minor modifications to schemes each year
- overall, the application system needed to be simplified
- support for hill farmers should be improved.

The circulated report set out a number of points recommended for inclusion in the Council's contribution to the Review process. During discussion, a number of additional suggestions were made, including the need to:

- explore forestry costs
- provide more support for new entrants
- roll over applications initially refused by Regional Project Access Committees (RPACs) to the next application process
- examine support options through use of consultants and via Business Gateway
- simplify the agricultural grants structure into 3 strands – conventional agriculture, diversification, farm conservation
- raise awareness of the disadvantages Scotland has under Pillar 2 due to the historic payments system.

Following discussion, the Strategy Group **AGREED** to recommend that the Highland Council's contribution for submission to the Cabinet Secretary for Rural Affairs and the Environment include the comments set out in the circulated report and those made by Members during discussion.

### **3. Food and Drink Scotland**

At its meeting held on 27 January 2009, the Strategy Group had agreed that a report be brought to its next meeting on the potential benefits to the Council of becoming a member of Scotland Food and Drink.

There had been circulated Report No. LES10/09 dated 19 March 2009 by the Director of Planning and Development inviting Members to recommend that the Highland Council not become a member of Scotland Food and Drink but that the work of the organisation be monitored and membership re-considered should it become more directly relevant to the Council.

During discussion, concern was raised that a potential opportunity could be missed for the Council should Food and Drink Scotland take on a more important role, as they would be a key player in taking local food forward. In this regard it was suggested that the Highland Council approach Food and Drink Scotland to determine whether they had an appropriate membership category for local authorities. The Chairman advised that the situation would be monitored and, should a category be identified, then further consideration would be given to the Highland Council becoming a member of the organisation

The Chairman informed the Strategy Group that, as a follow up to the conference on local food in November 2008, a meeting had recently been held with local food

producers which had included a presentation on the proposed issues and action arising from the conference. There had been a good number of local food producers from across Highland who had spoken of their current activities and plans. The Strategy Group was also informed that the Council worked closely with the Highlands and Islands Food Forum, and that another meeting with local producers would take place at the end of June.

The Strategy Group **AGREED** to recommend that:

- i. clarification be sought as to whether Scotland Food and Drink could identify an appropriate membership category for local authorities;
- ii. if such a category could be identified, further consideration be given to the Highland Council becoming a member of the organisation; and
- iii. if no appropriate membership category could be identified, the Highland Council not become a member of Scotland Food and Drink, but that the work of the organisation be monitored and membership re-considered should it become more directly relevant to the Council.

#### **4. Annual Monitoring Report on Eco-Schools Progress**

There had been circulated Report No. LES11/09 dated 17 March 2009 by the Director of Education, Culture and Sport (ECS) detailing current developments in relation to “Eco-Schools” and the delivery of education for sustainability in Highland schools.

The Strategy Group **NOTED** the progress being made by schools in achieving Awards within the ECOSCHOOL accreditation system; and **AGREED** that further reports on an annual basis be provided to monitor the progress of these developments.

#### **5. Highland Wide Local Development Plan**

**As a Trustee of Wester Ross Fisheries Trust, Mr R Greene declared a non-financial interest in this item, but, having applied the test outlined in Paragraph 5.18 of the Councillors’ Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.**

**As a member of Cromarty Firth Port Authority, Mr M Finlayson declared a financial interest in this item but, in terms of the dispensation granted by the Standards Commission, remained to participate in the discussion.**

##### **i. Coastal Issues and the Coastal Development Strategy**

There had been circulated Report No. LES12/09 dated 17 March 2009 by the Director of Planning and Development, inviting members of the Strategy Group to debate the key planning issues and discuss the policy options for the Main Issues Report in relation to a Coastal Development Strategy.

Ms K Briggs, Policy Planner, made a presentation on the Coastal Development Strategy. During the presentation, she informed the Strategy Group that the purpose of the Highland-wide Local Development Plan (HWLDP) was to update the spatial strategy and land use vision for the Highlands. The Coastal Development Strategy, progressed in tandem with the HWLDP, would provide additional supplementary guidance and an overview of activities/issues on the

coast, followed by a look forward at a strategic vision for the management of the three coasts, which would also inform the HWLDP. Scotland's mainland coastline and three distinct coasts each had a different mix of development opportunities and constraints.

The UK and Scottish Governments were committed to introducing some form of marine spatial planning under the Marine Bill. Aquaculture installations within 3 miles of the coast were already within the scope of the planning system. Traditionally, the rest of the marine dimension had been neglected and the Council was now moving towards a situation where issues where land and sea interests overlapped would be dealt with together where necessary.

The aims of the Coastal Development Strategy were to:-

- Guide sustainable development and the use of Highland's coastal zone, whilst safeguarding its natural and cultural heritage features
- Provide a strategic planning framework for the coast and near-shore area of Highland which took account of national policy guidance and the need for more detailed plan coverage in appropriate areas
- Complement HWDLP as near-shore waters were relevant and often closely related to the use of the land adjacent.

The Coastal Development Strategy would provide:-

- Supplementary guidance to the HWLDP
- Categorisation of the coastal zone into Developed, Undeveloped and Isolated coast
- An appraisal sector-by-sector and a holistic vision for each of the three coastal sub-regions.

There was a need to encourage more applications outwith settlement development areas, which should be judged on merit rather than being presumed against because they were outwith the settlement development area. The national guidance indicated that the isolated coast should have policies to protect its character and, as a result, development pressure in these areas was fairly limited. The Council needed to take forward coastal classification and integrate national guidance into local area development plans rather than introducing stand-alone coastal policies.

During discussion, a number of comments were made, including:

- "Coastal Communities" and "Economic Fragility" were two points that would continue to be raised throughout the development of the paper
- In order to cater for the marine environment provisions would have to be taken away from the terrestrial side
- The introduction of a three coasts planning regime wouldn't fit into the Council's current structure of planning committees
- The visual approach to the marine environment could be misleading and would have to be monitored, particularly in relation to fish-farming and aquaculture
- The Council would have to work with local bodies involved in the land and the sea such as the Ferry Companies, as well as energy companies coming from the marine side into the land side

- It was important to have a planning system that would work to the best benefit of the Highlands and fragile communities
- The Council should seek to gain input from other bodies to which Members were appointed, including KIMO and the Harbour Boards
- There was a need for a consultation process on super quarries and coastal quarries
- The use by the Military of Defence of Cape Wrath and the surrounding area during the lambing and bird breeding season was unacceptable
- A different policy approach outwith the hinterland areas should be considered
- The strategy would be welcome in areas where there were issues of declining population, economic issues and fragility
- Consideration should be made to revisiting the Council's decision to cut coastal community grants and utilising match funding for European monies to support local and fragile areas
- Highland had a significant advantage over other salmon fishing areas because standards were at a higher level and met stringent EU levels
- Business Gateway supported business and industry sectors in the Highlands and was a creative and flexible model
- Periodic updates should be brought back to the Strategy Group.

After discussion, the Strategy Group **AGREED** to recommend to the Planning, Environment and Development Committee the options set out in the report for taking forward coastal classification policy and a Coastal Development Strategy as part of the Highland-wide Local Development Plan, with particular reference to the drafting of the Main Issues Report for wider public consultation, and **NOTED** that periodic updates would be brought to the Strategy Group.

## ii. Crofting Issues

There had been circulated Report No. LES13/09 dated 17 March 2009 by the Director of Planning and Development inviting members of the Strategy Group to debate the key issues surrounding crofting and discuss the policy options/approaches suggested for consultation.

Ms K Briggs, Policy Planner, made a presentation to the Strategy Group on these key issues, during which she identified that there was a need to work with key agencies involved in the Highland-wide Local Development Plan, such as the Forestry Commission, Highlands and Islands Enterprise and the Crofters Commission, to review policy and practice. The Strategy Group was advised that preliminary discussions had taken place with these agencies. The Highland-wide policy, together with the terms of the draft Crofting Bill currently being prepared by the Scottish Government, would influence local development plans.

The use of occupancy conditions to tie crofters to live on or within 16km of their croft was being pursued in the draft Crofting Bill. This followed on from the Schucksmith Inquiry, and sought to retain land in crofting tenure and ensure that it was put to productive use. It also sought to ensure that housing in crofting communities made a full contribution to the local economy, given concerns about speculation in croft land for second homes. The Strategy Group was advised, however, that housing development, which was vital to sustaining crofting communities, could be severely limited should provisions that allowed for decrofting be repealed.

In terms of area local plans, the current preference was to avoid loss of in-bye land where possible. It was suggested that the way forward was for Highlands and Islands Enterprise to invest in account managers to liaise with local communities, so they could identify the land that should be protected and the surplus croft land. This would help communities work through issues themselves prior to preparation of local plans and would be a good resource, as there were currently no complete maps of locally important croft land or record of in-bye land. It was hoped that this would provide local communities with a route to consider their options, including their approach to potential loss of croft land and identification of land they would be willing to release. In fragile communities there was an issue that sometimes the only viable and suitable land to develop was in-bye land; often the common grazings were not easily accessible and the development values in these areas meant that, on occasion, a decision on in-bye land needed to be made.

In relation to crofting forestry, consideration had been given to adoption of the UK Woodland Assurance Standard (UKWAS) in the development of management plans. However, after taking advice from the Forestry Commission it had been felt that this was going too far and the Planning and Development Service now favoured adoption of the UK Forestry Standard instead.

Outwith the hinterland there was still a need for locally important croft land to be considered as a strong planning factor and to consider whether its loss would have an unacceptable impact. The report suggested that a procedural change in the decrofting process be considered so that the assessment of the quality of croft land by the Scottish Government Rural Payments and Inspectorate Directorate (SGRPID) preceded the planning decision. A grant of planning permission when consideration had not been given to this aspect placed the Crofters Commission in a difficult position, due to the established wider public interest. However, such a change could result in more refusals where applications were for single house developments.

Responding to questions from the Chairman, the Policy Planner advised the Strategy Group that Crofting Township Plans might not be developed in every community. Due to a lack of resources to identify locally important croft land, consultation would take place with the Crofters Commission, local grazing clerks and communities on the suitability of sites that did not submit Crofting Township Plans.

During discussion, a number of comments were made, including:

- Resources and time should be made available to engage with townships and crofters to get a clear understanding of what was proposed
- Where guidance was required, the planning officer should have some sense during the pre application visit of where the good agriculture land was
- The Council should not target an area of in-bye land without due consultation with the grazings committee
- Crofters should be left to decide what they wanted to develop in a planning application
- Different areas had different crofting scenarios.

After discussion, the Strategy Group **AGREED** to recommend to the Planning, Environment and Development Committee the approaches as set out in the report that would be consulted on as part of the Highland-wide Local

Development Plan, with particular reference to the drafting of the Main Issues Report for wider public consultation.

## **6. Minutes of Highland Environment Forum – 19 February 2009**

At its meeting held on 21 January 2009, the Planning, Environment and Development Committee had agreed that the Minutes of meetings of the Highland Environment Forum, and any matters arising for Council consideration, be reported to the Council via this Strategy Group.

There had been circulated Report No. LES14/09 dated 19 March 2009 by the Director of Planning and Development informing Members of the outcomes of the first meeting of the Highland Environment Forum held in Inverness on 19 February 2009. The Action Note of the meeting was appended to the report.

The Countryside, Heritage and Natural Resources Manager advised the Strategy Group that the establishment of a joint action plan was one of the key points arising from the meeting and that a further report would be submitted which would set out several options for joint working for the Strategy Group to consider and recommend to the Council.

Following the meeting of the Highland Environment Forum, the Climate Change Working Group's Stakeholder event had identified additional linkages between the Environment Forum and the work programmes for this Group and the Climate Change Working Group. In response to a question, the Countryside, Heritage and Natural Resources Manager advised that a joint action plan involving the relevant stakeholders was proposed, rather than a Service Level Agreement. The Strategy Group was also advised that the potential for increasing the size of the Climate Change Stakeholder Group to include the voluntary sector, in order to tackle some issues more effectively, was being examined.

The Strategy Group **NOTED** progress with the development of the Highland Environment Forum.

## **7. Invitation to visit Marine Harvest (Scotland) Ltd**

The Strategy Group **APPROVED** the invitation from Marine Harvest (Scotland) Ltd to visit facilities in Lochaber and **NOTED** that a suitable date would be organised by the Director of Planning and Development.

The meeting ended at 1.10 pm