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Balnagown Castle Properties (968666)

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3. Relevant Council's Supporting Documents

CD18: Highland-wide Local Development Plan, Apr 2012

CD49: Schedule 1 of the Wildlife and Countryside Act 1981

Issue 26	GROWING SETTLEMENTS - SUTHERLAND	
Development plan references:	Growing Settlements – Sutherland: Bettyhill, Durness, Embo, Kinlochbervie, Melness, Melvich, Portskerra, Rosehall, Scourie pages 110 - 121.	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Balnagown Castle Properties (968666) Crofting Commission (955042) Duncan Allan (972556) Laid Grazings and Community Committee (978867) Robert Tomkinson (978561) RSPB Scotland (956544) SNH (909933)		
Provision of the development plan to which the issue relates:	Growing Settlements – Sutherland: Bettyhill, Durness, Embo, Kinlochbervie, Melness, Melvich, Portskerra, Rosehall, Scourie	
Planning authority's summary of the representation(s):		
<p>Bettyhill <u>Crofting Commission (955042)</u> Crofting land tenure remains an important feature of the area.</p> <p>Durness <u>Crofting Commission (955042)</u> Land under crofting tenure an important feature of settlement.</p> <p><u>RSPB Scotland (956544)</u> Would like Placemaking Priorities to include: “Development should minimise the loss of traditionally crofted inbye land which provides suitable habitat for corncrake.”</p> <p><u>Laid Grazings and Community Committee (972556)</u> Would like to create a distillery on Common Grazings lands in the settlement.</p> <p>Embo <u>Duncan Allan (972556)</u> Objects to there being no mention of a new golf course on the Embo Links. The proposals to have small holdings on the outskirts of the village will have a bad effect on the environment and therefore will degrade the visual aspects of the area which could have an impact on tourism.</p> <p>Kinlochbervie <u>Crofting Commission (955042)</u></p>		

Acknowledges the recognition given to the role of crofting within this settlement. Notes the proposal to direct development to infill sites and prevent ad hoc development in the surrounding countryside but would expect necessary developments on croft land to be exempt from such restriction.

Melness

Crofting Commission (955042)

Agrees with the recognition of crofting's important role contained within the Placemaking Priorities.

Melvich

Crofting Commission (955042)

Agree that the historic crofting settlement pattern should be maintained wherever possible, but also that the significance of croft land within the settlement should also be recognised.

Portskerra

Crofting Commission (955042)

Acknowledges the intent to maintain the historic crofting settlement pattern, but also notes the significance of crofting land tenure within the settlement.

Rosehall

SNH (909933)

Welcomes the inclusion of their April 2015 advice in relation to sewage treatment to minimise potential impacts on the River Oykel SAC.

Balnaigown Castle Properties (968666)

Had previously sought the retention of Rosehall as a settlement, failing which, identification of it as a growing settlement. Therefore supports Rosehall being included as a growing settlement due to the services present and the wider catchment that it serves. If there is any change proposed to this through the Examination process, would like to be involved in the discussion. However, objects to the wording of two of the placemaking priorities:

- Would like the first placemaking priority amended to read, "Development that would have an adverse impact on the River Oykel Special Area of Conservation will be discouraged";
- Would like the second placemaking priority amended to read, "Development between the road and the river that would have an adverse effect on the River Oykel Special Area of Conservation will be required to connect to mains sewage...".

Robert Tomkinson (978561)

Rosehall needs superfast broadband in order to develop and this is not envisaged within the plan.

Scourie

Crofting Commission (955042)

Agrees that the traditional crofting landscape in the centre of the village should be

safeguarded, but it should also be noted that the area primarily consists of crofting land.

Modifications sought by those submitting representations:

Durness

Crofting Commission (955042)

Crofting should be recognised as an important feature of the settlement.

RSPB Scotland (956544)

Include the following additional Placemaking Priority: "Development should minimise the loss of traditionally crofted inbye land which provides suitable habitat for corncrake."

Laid Grazings and Community Committee (972556)

Include reference to developing a distillery on Common Grazings lands.

Embo

Duncan Allan (972556)

Plan should mention new golf course on the Embo Links.

In placemaking priorities remove the reference to development of new crofts.

Melvich

Crofting Commission (955042)

Include text that recognises the significance of croft land within the settlement.

Portskerra

Crofting Commission (955042)

Include text that recognises the significance of croft land within the settlement.

Rosehall

Balnagown Castle Properties (968666)

First placemaking priority amended to: "Development that would have an adverse impact on the River Oykel Special Area of Conservation will be discouraged".

Second placemaking priority amended to: "Development between the road and the river that would have an adverse effect on the River Oykel Special Area of Conservation will be required to connect to mains sewage...".

Robert Tomkinson (978561)

Include the need for superfast broadband.

Scourie

Crofting Commission (955042)

Include text to highlight that the area consists primarily of crofting land.

Summary of responses (including reasons) by planning authority:

Bettyhill

The comment from the Crofting Commission is noted and the final bullet point under the issues reflects the important role of crofting in the area.

Durness

The Council agrees that crofting is an important feature of Durness and therefore if the Reporter is so minded, the Council would be agreeable to an extra placemaking priority being added using the following or similar text: "Crofting in the parish of Durness should continue to be recognised as playing an important role for the community".

The additional placemaking priority suggested by RSPB is unnecessary. The Corncrake is listed on Schedule 1 of the Wildlife and Countryside Act 1981 (CD49) which affords it special protection. Policy 58 (Protected Species) of the Highland-wide Local Development Plan, April 2012 (CD18) sets out what the Council would expect a developer to do if there was good reason to believe that a protected species may be present on a site or may be affected by a proposed development. No modification is proposed by the Council.

Whilst we note that the idea of a distillery on Common Grazings lands is being considered, it would not be appropriate to include a reference to it in the Plan. The most appropriate way forward would be for a proposal to be submitted as a planning application. No modification is proposed by the Council.

Embo

Whilst we note that a proposal is being prepared for a golf course at Embo Links, and a Proposal of Application Notice has been submitted to the Council (reference 16/02911/PAN), there has as yet been no planning application submitted nor has a developer approached the Council about including it as a proposal within the Plan. If an application is submitted in the future it will be assessed against all relevant planning policies. Therefore the Council considers it premature to include a reference to a golf course at this location. No modification is proposed by the Council.

The representee would like the reference to the development of new crofts on the outskirts of the village removed as he is concerned about visual impacts and potential detrimental impacts on the environment. Matters such as these will be dealt with at the detailed planning application stage and assessed against all relevant policies on crofting and development in the countryside, in the Highland-wide Local Development Plan. No modification is proposed by the Council.

Kinlochbervie

The support from the Crofting Commission is noted. Any proposed developments on croft land would be assessed against the relevant policies in the Highland-wide Local Development Plan, April 2012 – Written Statement (CD18-1).

Melness

The support from the Crofting Commission is noted.

Melvich

The support from the Crofting Commission for the final placemaking priority is noted and the Council acknowledges that the role of crofting in the settlement is significant. Therefore, if the Reporter is so minded, the Council would be agreeable to an extra placemaking priority being added using the following or similar text: "Crofting should continue to be recognised as playing an important role for the community".

Portskerra

The support from the Crofting Commission for the final placemaking priority is noted and the Council acknowledges that the role of crofting in the settlement is significant. Therefore, if the Reporter is so minded, the Council would be agreeable to an extra placemaking priority being added using the following or similar text: "Crofting should continue to be recognised as playing an important role for the community".

Rosehall

The support from SNH on the inclusion of the second placemaking priority that development between the road and the river will be required to connect to mains sewerage is noted.

The first placemaking priority is intended to discourage development close to the River Oykel SAC due to the potential for connectivity and therefore impacts on the SAC. Amending it as suggested by the representee would mean that the emphasis would change from discouragement of all development, to only discouraging development that would have an adverse impact.

Equally the suggested amendment to the second placemaking priority for it to apply only to development that would have an adverse effect on the SAC, would change the emphasis from it being essential that all development between the road and river connect to mains sewerage to only those developments which would have an adverse effect on the SAC. Any development between the road and the river has the potential to impact on the SAC.

The Council feels that these two placemaking priorities as written are an appropriate approach to dealing with potential impacts to the SAC, considering that Rosehall is a Growing Settlement with no allocations and as such, no specific proposals have been subject to Habitats Regulation Appraisal including Appropriate Assessment.

The Connectivity and Transport Outcome outlines that CaSPlan supports National Planning Framework's national development of a Digital Fibre Network and part of this is by supporting Highlands and Islands Enterprise's roll out of superfast broadband. Therefore it is not necessary to specifically mention the need for superfast broadband in Rosehall.

No modifications are proposed by the Council.

Scourie

The support from the Crofting Commission for the 2nd bullet point in the placemaking priorities is noted. The 2nd bullet point under “Issues” states that “the settlement has retained a range of its traditional Highland forms like crofting rigs...”. The Council believes that this, coupled with the 2nd bullet point under placemaking priorities supporting the traditional crofting landscape in the centre of the village, is sufficient to ensure that the reader is aware that the area consists primarily of crofting land. No modification is proposed by the Council.

Reporter’s conclusions:**Reporter’s recommendations:**