



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Jayne Hollas
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03 October 2011
Our ref: CNS/LDP/Hi/HwLDP – Examination
Your ref: 118

Dear Ms Hollas

The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 Highland Council Highland-wide Local Development Plan

I refer to your email dated 21 September following the submission by The Highland Council of the Habitats Regulations Appraisal (HRA) record (Version 1.0 September 2011) of the Proposed Highland-wide Local Development Plan.

The reporters have requested that we submit an updated representation, taking account of the work that has been undertaken by the Council since the time of our original representation, and any other changes in circumstance of which we are aware. This should repeat all of the original points that we wish to retain (including points in the original letter itself, as well as in the appendix), along with any amended or new points that arise from the new work.

Accordingly I attach three schedules to this letter as follows –

Schedule 1 - This sets out those representations originally made in December 2010 which, on the basis of the proposed modifications to the plan included in the Council's HRA record, we are now able to withdraw.

Schedule 2 - We are currently aware of three changes in circumstance that have implications for the Habitats Regulations Appraisal of the plan, i.e. which have taken place since the current HRA Record was completed –

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1. Suggested re-wording of Policy 6 Muirtown and South Kessock in the Council's letter to yourselves dated 14 September 2011
2. Suggested re-wording of Policy 16 Sandown in the Council's letter to yourselves dated 14 September 2011
3. Suggested headings for Figures 1, 2 and 3 as "Vision and Spatial Strategy" rather than "Vision" arising from Hearing on 27 September 2011

These latest positions do not accord with the mitigation agreed in the HRA record, and so they require to be subjected to further HRA consideration. Schedule 2 sets out suggested mitigation to take account of these very recent proposed plan amendments as part of the continuing HRA. We have informally discussed this with Highland Council and they would be comfortable with these amendments. Accordingly our withdrawal of the representations in Schedule 2 is subject to the modifications there being included if these latest positions are taken forward. The HRA record would then need to be amended accordingly.

Schedule 3 - This sets out those representations we made in December 2010 which are not connected to the HRA of the plan, and hence which remain. Some of these are quite minor in nature, e.g. factual corrections. Also we believe some of the more substantive representations here may be agreeable to the Council as set out in the Schedule 4 Statements (e.g. re Policy 75 Green Networks and accompanying Figure 10) but we have not attempted to indicate this in the attached.

Our covering letter in December 2010 simply repeated and reiterated some of the more important representations that were set out in the appendix to that letter. There was nothing in the covering letter that was not stated in the appendix of detailed representations. Therefore we have not included the comments made in our original covering letter in the schedules to this letter.

In withdrawing these representations, we are mindful that further recommended modifications to the plan may arise through the examination process which could affect the Habitats Regulations Appraisal already carried out and set out in the current record (Version 1.0 September 2011). We would be happy to advise on this, always bearing in mind however that the Council must consider if any of the recommended modifications would be likely to have a significant effect on a European site before adopting the plan (Circular 1/2009 Appendix 1, paragraph 13).

I trust this will be of assistance to you as part of the examination of this plan. If you have any queries, please either contact me or contact direct Andrew Brown, Planning Adviser (North) (andrew.brown@snh.gov.uk).

Yours sincerely



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cc The Highland Council (devplans@highland.gov.uk)

HIGHLAND WIDE LOCAL DEVELOPMENT PLAN – PROPOSED PLAN, SEPTEMBER 2010

REPRESENTATIONS OF SCOTTISH NATURAL HERITAGE DATED 02 DECEMBER 2010 THAT IN THE LIGHT OF THE HABITATS REGULATIONS APPRAISAL RECORD AND PROPOSED MITIGATION TO INCLUDE IN THE PLAN (SEPTEMBER 2011) ARE NOW WITHDRAWN

Section of plan	Original representation	Comment
Caithness and Sutherland		
5.2.1 – 6 th para	<i>'The Pentland Firth will be the location for marine renewables</i> ' – this should be assessed as part of the HRA for the plan and we await the outcome of the HRA	Proposed new para 3.8.3 clarifies the status of this statement.
5.2.1 – 8 th para	<i>'Other enterprises will have been attracted by a more flexible planning regime throughout Caithness'</i> – this should be assessed as part of the HRA for the plan and we await the outcome of the HRA	Proposed new para 3.8.3 clarifies the status of this statement.
West Highland and Islands		
6.2.1 – 1 st para	<i>'Scheduled air travel will have been reintroduced via ... an airstrip at Broadford'</i> - this should be assessed as part of the HRA for the plan and we await the outcome of the HRA. This can be informed by previous HRA work on a similar component of the vision for the West Highland and Islands Local Plan and for the Highland Local Transport Strategy.	Proposed new para 3.8.3 clarifies the status of this statement.
Inner Moray Firth		
7.2.1 – 7 th para	<i>'Nigg and possibly Ardersier will service increased activity offshore. Other ports and harbours, including Inverness and Invergordon, will have supported the growth of tourist and renewables related economic development'</i> – this should be assessed as part of the HRA for the plan and we await the outcome of the HRA	Proposed new para 3.8.3 clarifies the status of this statement.
Spatial Strategy		
Policy 1 Completing the Unconstrained City Expansion Areas	It is important to note that references to the Inverness Local Plan here and elsewhere, and supporting policies within that plan in the HwLDP, mean that the relevant policies in the Inverness Local Plan will need to be included in the HRA of this plan if it has not been subject to	Screened out in Table 2 of HRA record.

	HRA already. Through referring to them as policies which are being supported in the HwLDP they require to be appraised. This is because they are being reaffirmed by the HwLDP and are therefore now part of it. We can supply a fuller explanation if required. Hence this should be assessed as part of the HRA for the plan and we await the outcome of the HRA	
Policy 2 Inverness City Vision	The 'Inverness City Vision' document is very vision-orientated and 'aspirational' in its language and tone. However, the document, at section 02[d], does refer to three spatial frameworks which are to be prepared for priority areas. These include the Longman allocation which is adjacent to Natura sites and therefore requires consideration as part of the HRA of this plan. We note that section 03 'Making it Happen' is currently incomplete. Once it is complete it is important that screening is considered again. Hence elements of this should be assessed as part of the HRA for the plan and we await the outcome of the HRA.	Screened out in Table 2 of HRA record.
Policy 5 Former Longman Landfill Site	This site is adjacent to the Inner Moray Firth SPA and Ramsar site and there are two very important/significant roost sites adjacent to the development area. These roost sites are sensitive to disturbance. This proposal requires consideration as part of the HRA of the plan. As part of that, the last sentence should be extended by adding – 'particularly to ensure that there would be no adverse effects on the integrity of the Inner Moray Firth SPA/Ramsar site'. A 'community park land' use of the site which seeks to protect the SPA/Ramsar interest should be examined within the proposed masterplan. However in this regard it is unclear how Policy 5 sits along with Policy 72, which safeguards this site exclusively for waste management. We await the outcome of the HRA before coming to a final position on this allocation.	Mitigation to be added as per HRA record
Policy 8 Ness-side and Charleston	The River Moriston SAC (Atlantic salmon and fresh water pearl mussel) is upstream of the Ness-side development area and the crossing of the River Ness by the proposed Trunk Road Link. While we have indicated that the Ness-side allocation can be screened out of the HRA of this plan, the TRL crossing cannot yet be screened out. Although any route for the TRL crossing is not shown on Map 5 (Ness-side and Charleston) it is indicatively shown on Figure 4 City of Inverness Spatial Strategy as the 'Western Link'. Therefore it may be necessary	Mitigation to be added as per HRA record Other element of representation is non-HRA related; see Schedule 3

	<p>to include the TRL link crossing of the river within the HRA of this plan, but this a matter we could discuss further with you. Assessment has been undertaken for the TRL for the Inner Moray Firth SPA /Ramsar and Moray Firth SAC sites, which have concluded no likely significant effects. The HRA may wish to refer to this casework.</p>	
<p>Policy 9 A96 Corridor – Phasing and Infrastructure</p>	<p>As this policy is aimed at developments as a whole in the A96 Corridor, the HRA of the plan needs to consider the cumulative/in combination effects of development proposals in the A96 corridor. This should include –</p> <ul style="list-style-type: none"> • the cumulative impact the allocations could have on the Inner Moray Firth SPA and Ramsar (mainly through disturbance from increased recreational usage) • an in-combination assessment re the Inner Moray Firth SPA./Ramsar with the proposed Inverness-Nairn Coastal Trail under the Green Network Supplementary Guidance • increased disturbance to Loch Flemington SPA • water supply re Loch Ashie SPA and Urquhart Bay Wood SSSI and SAC and River Moriston SAC. • water quality and treatment re Moray Firth SAC <p>We await the outcome of the HRA before coming to a final position on the cumulative effect of proposals in the A96 Corridor.</p>	<p>Mitigation to be added as per HRA record</p>
<p>Policy 10 Beechwood Campus</p>	<p>This should be included within the cumulative assessment as part of the HRA of the plan – see under Policy 9 above. As part of this, a reference should be added in this policy under 'Natural, Cultural and Built Heritage' to the avoidance of any adverse effects to the Inner Moray Firth SPA and Ramsar site. We await the outcome of the HRA before coming to a final position on the cumulative effect of this proposal in the A96 Corridor.</p>	<p>Mitigation to be added as per HRA record</p>
<p>Policy 12 Stratton</p>	<p>This proposal should be assessed within the HRA of the plan, both alone and in combination. This major residential site is close to the Inner Moray Firth SPA and Ramsar site. Increased recreational use of the old A96 could lead to disturbance to bird roost sites. As part of this element of the HRA, reference should be made</p>	<p>Mitigation to be added as per HRA record</p>

	<p>to the Inner Moray Firth SPA and Ramsar as well as Moray Firth SAC and Longman and Castle Stuart Bays SSSI under Natural, Cultural and Built Heritage. As part of this element of the HRA, under Green Networks & Open Space should be removed reference to specifically funding the proposed Coastal Trail. Greatly increasing the number of people using the coastal trail may impact on the Inner Moray Firth SPA/Ramsar. Other site policies just refer to contributions towards strategic access improvements. We await the outcome of the HRA before coming to a final position on this allocation, both individually and in combination (both with other allocations and the Coastal Trail).</p>	
<p>Policy 13 Tornagrain</p>	<p>As part of the HRA of this plan, this proposal–</p> <ul style="list-style-type: none"> • should be considered as part of the cumulative assessment under Policy 9 above, and • should also be assessed on its own re possible effect on Loch Flemington SPA. <p>As part of this process, reference should be added to Loch Flemington SPA as well as Kildrummie Kames SSSI under Natural, Cultural and Built Heritage. We await the outcome of the HRA before coming to a final position on this allocation, both individually and in combination.</p>	<p>Mitigation to be added as per HRA record</p>
<p>Policy 14 Whiteness</p>	<p>This proposal should be assessed as part of the HRA of the plan:</p> <ul style="list-style-type: none"> • An appropriate assessment related to the outline planning application has been undertaken for Moray Firth SAC in relation to boat traffic, but assessment needs to be undertaken for non-boat traffic related activities and for the Inner Moray Firth SPA/Ramsar • The assessment also needs to include the different proposed uses of the site (e.g. housing and renewables fabrication) • There is a need to include this proposal in the cumulative assessment under Policy 9 above. <p>We await the outcome of the HRA before coming to a final position on this allocation, both individually and in combination.</p>	<p>Mitigation to be added as per HRA record</p>

<p>Policy 15 Lochloy</p>	<p>This proposal should be assessed as part of the HRA of the plan: Lochloy was allocated for development in the Nairnshire Local Plan, which as far as we understand wasn't subjected to a HRA. The HwLDP is now supporting completion of the allocated land in Lochloy. As such the relevant policies in the Nairnshire Local Plan will need HRA as the Council are relying explicitly on the policies / allocations of the already existing (unappraised) Nairnshire Local Plan. The HRA should consider –</p> <ul style="list-style-type: none"> • Proximity alone to the Moray and Nairn Coast SPA. • Inclusion within the in-combination assessment under Policy 9 above. <p>We await the outcome of the HRA before coming to a final position on this allocation, both individually and in combination.</p>	<p>Screened out individually in Table 2 of HRA record. Assessed in combination as part of Policy 9. Mitigation set out in Green Networks Supplementary Guidance.</p>
<p>Policy 17 Delnies</p>	<p>This proposal should be assessed as part of the HRA of the plan:</p> <ul style="list-style-type: none"> • Impacts on the Inner Moray Firth SPA and Ramsar site should be considered for this allocation individually • Delnies should also be considered as part of the cumulative assessment under Policy 9 above. <p>This assessment should refer to SNH's response to the Delnies application dated 5 February 2010. This advised a likely significant effect but no adverse effect on the integrity of the site.</p> <p>We also recommend a strengthening of the 3rd Natural Heritage bullet point - "Design" is an odd choice of word, and needs strengthening, e.g '....through satisfactory relationship of development with nearby designated areas and approval of an Access Management Plan'.</p> <p>We await the outcome of the HRA before coming to a final position on this allocation, both individually and in combination.</p>	<p>Mitigation to be added as per HRA record</p>
<p>Policy 18 Nairn South</p>	<p>Nairn South should be considered as part of the cumulative HRA assessment under Policy 9 above. We await the outcome of the HRA before coming to a final position on this allocation, in combination.</p>	<p>Screened out individually in Table 2 of HRA record. Assessed in combination as part of Policy 9. Mitigation set out in</p>

		Green Networks Supplementary Guidance.
Policy 19 Smaller Settlements in the A96 Corridor	<p>Expansion areas for these settlements should be considered as part of the cumulative HRA assessment under Policy 9 above. We await the outcome of the HRA before coming to a final position on these allocations, in combination.</p> <p>It is not clear from this policy whether the expansion and growth areas for Ardersier, Culloden Moor and Croy previously identified in the Inverness and Nairnshire Local Plans are the same as those identified later in Policies 20-22. If not, especially re longer term growth areas, and reliance is being placed on allocations in the former Local Plans, these were not as far as we are aware subjected to HRA. Therefore the HwLDP would now be supporting completion of the allocated longer term growth land in Ardersier, Culloden Moor and Croy. As such the relevant policies in the Inverness and Nairnshire Local Plans will need to be assessed as part of the HRA of this plan as the Council are relying explicitly on the policies / allocations of these already existing (unappraised) Plans.</p>	Screened out individually in Table 2 of HRA record. Assessed in combination as part of Policy 9. Mitigation set out in Green Networks Supplementary Guidance.
Policy 20 Croy Expansion	<p>This proposal should be assessed as part of the HRA of the plan:</p> <ul style="list-style-type: none"> • Alone in respect of the Loch Flemington SPA • In combination in terms of the cumulative HRA assessment under Policy 9 above <p>Under 'Natural, Cultural and Built Heritage' should be added reference to protecting the nearby Kildrummie Kames SSSI.</p> <p>There is an ongoing enquiry about whether there is a link between the proposed expansion site and Loch Flemington. The community have raised concerns that the proposed development could impact on the water quality and water level in the Loch and in turn have an impact on the SPA. These issues need to be considered as part of the HRA. We await the outcome of the HRA before coming to a final position on this allocation, both individually and in combination.</p>	Mitigation to be added as per HRA record
Policy 21 Culloden Moor	This should be considered as part of the cumulative HRA assessment under Policy 9	Screened out individually in Table

Expansion	above. We await the outcome of the HRA before coming to a final position on this allocation, in combination.	2 of HRA record. Assessed in combination as part of Policy 9. Mitigation set out in Green Networks Supplementary Guidance.
Policy 22 Ardersier Expansion	This should be considered as part of the cumulative HRA assessment under Policy 9 above. We await the outcome of the HRA before coming to a final position on this allocation, in combination.	Screened out individually in Table 2 of HRA record. Assessed in combination as part of Policy 9. Mitigation set out in Green Networks Supplementary Guidance.
Policy 23 Cawdor Expansion	<p>This proposal should be assessed as part of the HRA of the plan:</p> <ul style="list-style-type: none"> • Alone in respect of Cawdor Wood SAC; • In combination in terms of the cumulative HRA assessment under Policy 9 above <p>As part of the HRA, under Green Networks & Open Space should be removed reference to specifically funding the proposed Coastal Trail. Greatly increasing the number of people using the coastal trail may impact on the Inner Moray Firth SPA. Other site policies just refer to contributions towards strategic access improvements.</p> <p>We await the outcome of the HRA before coming to a final position on this allocation, both individually and in combination.</p>	<p>Mitigation to be added as per HRA record</p> <p>Other element of representation is non-HRA related; see Schedule 3</p>
Policy 24 Nigg	<p>This proposal should be assessed as part of the HRA of the plan:</p> <ul style="list-style-type: none"> • This element of the HRA of the plan can draw on that carried out for the Nigg Yard Masterplan. A number of developer requirements need to be added to this policy to safeguard the Natura sites. Please refer to the email dated 15 January 2010 from Ben Leyshon (SNH) to Allan Todd (THC). <p>We await the outcome of the HRA before coming to a final position on this allocation.</p>	HRA record refers to key mitigation set out in Appropriate Assessment of Masterplan.

Policy 25 Dounreay	This proposal should be assessed as part of the HRA of the plan in relation to the nearby North Caithness Cliffs SPA. We await the outcome of the HRA before coming to a final position on this policy. The HRA of the plan in respect of this policy should inter-relate with the HRA of the Planning Framework for Dounreay Supplementary Guidance.	Screened out individually in Table 2 of HRA record. Screened out in combination in Table 4 of HRA record. Other element of representation is non-HRA related; see Schedule 3
Policy 29 Sustainable Design	As part of the Council's HRA of the plan, we advise that the 9 th b/p should be amended to read '... particularly within or affecting designated areas ...'	Screened out in Table 2 of HRA record (suggested amendment to 9 th bullet point is accepted as not fitting with the meaning of this part of the policy)
Policy 37 Wider Countryside	We note that, apart from landscape character and capacity, this policy doesn't refer to the natural, cultural or built heritage despite this policy relating to development in the wider countryside. While it is said elsewhere that all policies should be referred to, we recommend that this policy – as for Policy 36 – should include at the end: 'All proposals should accord with the general policies of the Plan and the Siting and Design Guidance'. In this connection however please refer to our comments elsewhere on the draft Siting and Design Guidance in terms of the need to make it more applicable to crofting settlements.	Mitigation to be added as per Table 7 of HRA record. Other elements of representation are non-HRA related; see Schedule 3
Policy 42 Business and Industrial Land	It is unclear whether the locations listed in the second paragraph are existing business and industrial sites, or whether they are new broad locations for sites to be identified and zoned through the Area LDPs. We recommend this list is amended to distinguish between existing and new proposed sites. Any new proposed sites should be assessed as necessary through the SEA and HRA of the relevant Area LDP. The third paragraph allows for possible business and industrial development outwith allocated sites. This should be assessed as part of the SEA and HRA of the plan.	Screened out in Table 2 of HRA record (sites listed are not new). Other element of representation is non-HRA related; see Schedule 3
Policy 43 Previously Used Land	As part of the Council's HRA of the plan, we advise that this policy could include the likes of the Longman Landfill site, which is close to a European site. We therefore recommend	Screened out in Table 2 of HRA record (addition of new paragraph 3.8.4

	alteration to read: '... subject in addition to the general policies to the undertaking'	[see Table 6] is alternative to recommended alteration of this policy)
Policy 45 Tourist Accommodation	<p>As part of the Council's HRA of the plan, we advise that the cross-reference here to Policy 36 may be a mis-print and the cross-reference should instead be to Policy 37. This makes it all the more important that Policy 37 should have some cross-reference to all the general policies (see representation under Policy 37).</p> <p>Apart from landscape character, there is no reference to the natural, cultural or built heritage, despite this policy applying in the open countryside. Therefore we recommend wording is amended to: '..... without adversely affecting the landscape character or the natural heritage of the area'.</p>	Mitigation to be added as per Table 7 of HRA record.
Policy 47 Siting and Design of Communications Infrastructure	<p>It is recommended that the first bullet point is amended to –</p> <ul style="list-style-type: none"> • equipment is sited and designed sensitively to avoid adverse impacts on the environment, including to landscape character and views; 	Mitigation to be added as per Table 7 of HRA record.
Policy 48 Safeguarding of Inbye/Appportioned Croft land	As part of the Council's HRA of the plan, we recommend rewording of the 4th b/p to say: 'In terms of other policy considerations, such as accordance with settlement pattern or avoidance of any adverse effect on a natural, cultural or built heritage feature, they can be considered acceptable'	<p>Mitigation to be added as per Table 7 of HRA record.</p> <p>Other element of representation is non-HRA related; see Schedule 3</p>
Policy 49 New/Extended Crofting Townships	As part of the Council's HRA of the plan, we recommend rewording of the 2 nd b/p to state at the end: '...including the avoidance of negative impacts on designated sites'.	<p>Screened out in Table 2 of HRA record (addition of new paragraph 3.8.4 [see Table 6] is alternative to recommended alteration of this policy)</p> <p>Other elements of representation are non-HRA related; see Schedule 3</p>
Policy 50 Coastal	As part of the Council's HRA of the plan, we advise that in the 2 nd sentence, 'conservation' is	Mitigation to be added as per Table

Development	quite a vague word. We recommend this aspect of the policy should be strengthened by replacing this by: '... and should not have an unacceptable impact on the natural, built or cultural heritage and amenity of the area'.	7 of HRA record. Other elements of representation are non-HRA related; see Schedule 3
Policy 51 Aquaculture	As part of the Council's HRA of the plan, and in order to rectify an omission in the first series of bullet points, we advise the following bullet point should be added – <ul style="list-style-type: none"> Habitats and species, including designated sites and protected species 	Mitigation to be added as per Table 7 of HRA record. Other elements of representation are non-HRA related; see Schedule 3
Policy 53 Principle of Development in Woodland	As part of the Council's HRA of the plan, we recommend rewording of the last sentence to strengthen the policy - 'In all cases, the Council will not support, unless exceptional circumstances are demonstrated, development where it affects'	Mitigation to be added as per Table 7 of HRA record (with a reference to the Control of Woodland Removal Policy as opposed to recommended wording)
Policy 54 Minerals	We further recommend however this sentence is modified as follows to – 'The Council will expect all minerals development proposals to avoid or adequately mitigate any impacts on residential amenity, the natural, built and cultural heritage, and infrastructure capacities'.	Mitigation to be added as per Table 7 of HRA record. Other elements of representation are non-HRA related; see Schedule 3
Policy 56 Peat and Soils	As part of the Council's HRA of the plan, we advise that the 3 rd paragraph of this policy does not take account of any possible indirect effects of peat extraction in degraded areas on nearby areas of peatland value. We therefore recommend adding at the end - 'Proposals must also demonstrate to the Council's satisfaction that extraction would not adversely affect any other nearby areas of peatland value'.	Mitigation to be added as per Table 7 of HRA record.
Policy 63 Geodiversity	As part of the Council's HRA of the plan, we advise that in order to make this policy more robust in terms of any likely significant effects on European sites that are also geodiversity sites, the wording should be changed at the end to – '.... where it is possible to sympathetically integrate development, geodiversity and other existing interests'.	Mitigation to be added as per Table 7 of HRA record.

<p>Policy 71 Waste Management Facilities</p>	<p>This proposal should be assessed within the HRA of the plan. The former Longman landfill site is adjacent to the Moray Firth SAC and Inner Moray Firth SPA. We await the outcome of the HRA before coming to a final position on this policy/allocation.</p>	<p>Mitigation to be added as per Table 7 of HRA record.</p>
<p>Policy 77 Playing fields and sports pitches</p>	<p>As part of the Council's HRA of the plan, we recommend that the opening sentence should be amended to read – '.... except where in addition to consideration under other general policies in the plan:'</p>	<p>Screened out in Table 2 of HRA record (addition of new paragraph 3.8.4 [see Table 6] is alternative to recommended alteration of this policy)</p>
<p>Policy 78 Public Access</p>	<p>As part of the Council's HRA of the plan, we recommend that the 2nd b/p should be amended to read – '...that is no less attractive, is safe and convenient for public use, and does not damage or disturb species or habitats'.</p>	<p>Mitigation to be added as per Table 7 of HRA record.</p> <p>Other element of representation is non-HRA related; see Schedule 3</p>

HIGHLAND WIDE LOCAL DEVELOPMENT PLAN – PROPOSED PLAN, SEPTEMBER 2010

REPRESENTATIONS OF SCOTTISH NATURAL HERITAGE DATED 02 DECEMBER 2010 THAT IN THE LIGHT OF THE HABITATS REGULATIONS APPRAISAL RECORD AND PROPOSED MITIGATION TO INCLUDE IN THE PLAN (SEPTEMBER 2011) ARE NOW WITHDRAWN

OR AS NECESSARY –

REPRESENTATIONS OF SCOTTISH NATURAL HERITAGE DATED 02 DECEMBER 2010 THAT IN THE LIGHT OF RECENT PROPOSED AMENDMENTS TO THE PLAN REQUIRE AN UPDATING OF THE HABITATS REGULATIONS APPRAISAL, AND ARE THEREFORE WITHDRAWN ON THE BASIS OF THE FOLLOWING MITIGATION BEING INCLUDED

Section of Plan	Original representation	Mitigation based on pre-examination situation and on submitted HRA record	Requested mitigation based on possible post-examination situation and on further HRA work
Figure 1 Spatial Strategy	Green dotted line offshore along north coast – ' <i>Potential offshore renewable energy</i> ' – we query if this is actually a potential route for a subsea electricity cable? Whether for renewable energy locations or for a subsea cable, this should be assessed as part of the HRA for the plan (including possible landfall and connection locations) and we await the outcome of the HRA.	Heading of map to be amended from 'Spatial Strategy' to 'Vision', for which see also new para 3.8.3	If the heading of the map is to be 'Vision and Spatial Strategy' we request as HRA mitigation that proposed para 3.8.4 is amended to – <i>'Planning applications will be assessed against all the policies and legislation relevant to the particular proposal and location. Conformity with a single policy or element of the Vision and Spatial Strategy does not necessarily indicate that a proposed development would be acceptable.'</i>
Figure 2 – Spatial Strategy	A 'National tourism trail' is indicated running from Glenelg towards Invergarry via the shores of Loch Hourn and Loch Quoich. It is very unclear what this is intended to represent (in contrast to the other 'national tourism trails' which appear to	Heading of map to be amended from 'Spatial Strategy' to 'Vision', for which see also new para 3.8.3 Other elements of representation are non-HRA related; see Schedule 3	If the heading of the map is to be 'Vision and Spatial Strategy' we request as HRA mitigation that proposed para 3.8.4 is amended to – <i>'Planning applications will be assessed against all the policies and</i>

	<p>correspond to for example the West Highland Way, Great Glen Way and some key trunk roads). Such a route may raise HRA issues (West Inverness-shire Lochs SPA) and therefore needs to be considered in the HRA of the plan. Alternatively this may be a map error, being intended to indicate the A87 as a tourism route.</p>		<p><i>legislation relevant to the particular proposal and location. Conformity with a single policy or element of the Vision and Spatial Strategy does not necessarily indicate that a proposed development would be acceptable.</i></p>
Figure 3 Spatial Strategy	<p><i>'Improved marine access'</i> is shown into the Cromarty Firth – this should be assessed as part of the HRA for the plan and we await the outcome of the HRA</p>	<p>Heading of map to be amended from 'Spatial Strategy' to 'Vision', for which see also new para 3.8.3</p>	<p>If the heading of the map is to be 'Vision and Spatial Strategy' we request as HRA mitigation that proposed para 3.8.4 is amended to –</p> <p><i>'Planning applications will be assessed against all the policies and legislation relevant to the particular proposal and location. Conformity with a single policy or element of the Vision and Spatial Strategy does not necessarily indicate that a proposed development would be acceptable.'</i></p>
Policy 6 Muirtown and South Kessock	<p>Once again, relying on the existing Inverness Local Plan both for location and for types of development means the Inverness Local Plan's policies which are being supported now in the HwLDP will need to be considered within the HRA of the plan. There are similar cases for other later policies. This element of the HRA of the plan should consider the likely significant effects on the Moray</p>	<p>Mitigation to be added as per HRA record</p>	<p>If this policy is re-worded in line with the Council's letter of 14 September 2011 we request as HRA mitigation that the proposed 3rd bullet point is amended to –</p> <p><i>'safeguarding and if possible enhancement of navigation, heritage features and public pedestrian access, including the avoidance of any adverse effect on the integrity of the</i></p>

	<p>Firth SAC. The allocated area abuts the Moray Firth SAC. Increased use of this pier could have implications for the dolphin qualifying interest of the SAC. The Merkinch Local Nature Reserve should be shown on Map 3 and excluded from the Mixed Use Allocation. The policy does not refer to the proposed masterplan for Muirtown-South Kessock, which is referred to in the supporting text and under 'Future Development Briefs' (Appendix 6.3). We recommend this policy is amended to refer to the preparation of a masterplan (as per similar policies for other areas in Inverness). We await the outcome of the HRA before coming to a final position on this allocation.</p>		<p><i>Moray Firth SAC'</i></p>
<p>Policy 16 Sandown</p>	<p>This proposal should be assessed as part of the HRA of the plan:</p> <ul style="list-style-type: none"> • Impacts on the Inner Moray Firth SPA and Ramsar site should be considered for this allocation individually • Sandown should also be considered as part of the cumulative assessment under Policy 9 above. <p>This assessment can refer to SNH's response</p>	<p>Mitigation to be added as per HRA record</p>	<p>If this policy is reworded in line with the Council's letter of 14 September 2011 we request as HRA mitigation that the 1st sentence is amended to –</p> <p><i>'The Council will support development at Sandown (as shown on Map 9) in the short term subject to a suitable development masterplan, to be adopted as supplementary guidance, and a Recreational Access Management Plan which should ensure that there is no adverse</i></p>

	<p>to the Delnies proposal dated 5 February 2010.</p> <p>We await the outcome of the HRA before coming to a final position on this allocation, both individually and in combination.</p>		<p><i>effect on the integrity of the Inner Moray Firth SPA/Ramsar site'.</i></p>
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HIGHLAND WIDE LOCAL DEVELOPMENT PLAN – PROPOSED PLAN, SEPTEMBER 2010

REPRESENTATIONS OF SCOTTISH NATURAL HERITAGE DATED 02 DECEMBER 2010 THAT ARE NOT SUBJECT TO THE HABITATS REGULATIONS APPRAISAL AND WHICH ARE THEREFORE RETAINED

Para/Policy	Original representation
Introduction and Context	
3.8.1	There is a misprint here – the reference should be to Policy 58 rather than Policy 59.
3.8.2	This refers to plan objectives in Chapter 3, but there are no plan objectives set out here. We imagine this is referring to the sub-themes of the vision (para 4.2) and so the text here should be adjusted accordingly, as well as it being made clearer in para 4.2 that these are 'objectives'.
	This para also refers to General Policies in Chapter 5, but the general policies are set out in section/chapter18.
3.9.1	Under the last bullet point, we recommend added references to the EC Habitats and European Birds Directives, i.e. ' ...such as the Planning Etc. (Scotland) Act 2006, Environmental Assessment (Scotland) Act 2005, EC Habitats Directive 1992 and European Birds Directive 2009, '
Vision	
4.1	There is no reference in this 'headline' vision to the quality of the environment. There is reference only to communities, population and economic development. Sustainable development should integrate economic, social and environmental objectives (SPP, para 35). While this comes from the Council's Corporate Plan (a) the Corporate Plan is only for 2009-2011 whereas this vision is supposed to look to 2030, and (b) the vision should be more of a collective exercise, rather than simply drawn from an existing Council document. Given the fundamental place of the quality of the environment in the identity and wellbeing of Highland, we seek a modification of this to – ' We will have created sustainable communities, balancing population growth, economic development and the safeguarding of the environment across the area, '. This would lead on better to the more detailed elements of the vision that follow, where at present the safeguarding of the environment is not rooted in the overarching vision.
Caithness and Sutherland	
5.2.2.	In the last sentence, the reference to Chapter 4 should be amended to a reference to Section 17 of the plan.
West Highland and Islands	

Figure 2	<p>The link roads for Portree and Fort William are too indicative in their location on this figure, being shown too far out into rural areas. These 'link road' lines should be much closer in to Portree and Fort William.</p> <p>It is unclear what is meant by the 'renewable base/natural resources' symbol. This seems to occur at Fort William, Mallaig, Kishorn and Broadford. Of these only Kishorn has recently been identified in the National Renewables Infrastructure Plan. 'Natural resources' implies that this could refer to minerals and forestry as well as renewable energy. This symbol and its use in this Spatial Strategy need clarification.</p>
Inner Moray Firth	
Figure 3	No 'improved rail connection' is shown for the Inverness-Aberdeen railway line.
Spatial Strategy	
Policy 8 Ness-side and Charleston	We recommend the following is added to the preceding text in para 9.21.1 – 'In preparing masterplans these should be informed for both parcels of land by a badger survey and protection plan' .
Map – East Inverness: Allocations and Phasing	<p>We recommend this map is made clearer in terms of the subsequent policies by showing which allocations and phased sites are included under –</p> <ul style="list-style-type: none"> • Beechwood Campus • Inverness Retail and Business Park • Stratton Farm <p>The map is unclear particularly in terms of Ashton, which is largely indicated as Phase 4 (of Stratton?) which is post-2031 i.e. beyond the period of this plan (except for an area by the railway line, phased for 2016-2021).</p>
Policies 8-13	<p>There is an error in the plan in the policy numbering here. There are two sets of Policies 8 and 9. We assume the policy numbering should run as follows –</p> <p>Policy 8 – Ness-side and Charleston Policy 9 – A96 Corridor: Phasing and Infrastructure Policy 10 – Beechwood Campus Policy 11 – Inverness Retail and Business Park Policy 12 – Stratton Policy 13 – Tornagrain</p>
Policy 23 Cawdor Expansion	We recommend that the reference to design in the developer requirements should be amended to – "A design framework will be required to ensure development fits with the landscape character and special qualities of the area"
Policy 25 Dounreay	The SEA (Appendix 5) sets out a number of developer requirements (e.g. protected species survey and mitigation plan) but these are not listed in this policy. To link the SEA effectively with the plan, unless this is fully covered by proposed Supplementary Guidance, we recommend that the identified developer requirements should be listed within this policy.

Policy 26 John O'Groats	The SEA (Appendix 5) sets out a number of developer requirements but these are not listed in this policy. To link the SEA effectively with the plan, we recommend that the identified developer requirements should be listed within this policy - unless this is fully covered by proposed Supplementary Guidance.
Policy 27 Castletown	<p>The SEA (Appendix 5) sets out a number of developer requirements but these are not listed in this policy. To link the SEA effectively with the plan, we recommend that the identified developer requirements should be listed within this policy - unless this is fully covered by proposed Supplementary Guidance. Other developer requirements relating to issues 17 and 18 should be added for the avoidance of any adverse effects on the adjacent Dunnet Links SSSI and a protected species survey and mitigation plan.</p> <p>Map 17 - The allocation (for 'Mixed Use') includes a small part of the Dunnet Links SSSI in the north-eastern corner. We presume this is a cartographical error and to avoid any confusion, we request that this allocation boundary is amended to exclude the SSSI, where recreational impact is an issue.</p>
Policy 30 Design Quality and Place Making	Design quality and place-making should relate to the key characteristics and qualities of the surrounding landscape. Although this policy mentions 'landscape', the wording is such that this appears to be important only in regards to historic pattern. We recommend the second sentence of the policy is amended to state: "Applicants should demonstrate sensitivity and respect towards local distinctiveness of the landscape, architecture, design and layouts in their proposals" .
Policy 32 Developer Contributions	While the table above the policy includes landscape and green networks, the policy in referring to 'services, facilities or infrastructure' may appear to omit these. One solution may be to include under the definition of 'infrastructure' in the glossary that this includes green infrastructure , e.g. landscaping, green networks, open space, paths – the word 'infrastructure' in the policy should be in italics.
Policy 35 Settlement Development Areas	The cross reference in the policy to Policy 59 should be amended to refer to Policy 58.
19.7.2	Reference should be included here to landscape character and the relevance of landscape character assessments. This would reflect what is said under Policy 37, which equally applies here. We recommend a sentence is added as follows – "Proposals should be sympathetic and relate to landscape character, having regard to landscape character assessments produced through Scottish Natural Heritage" .
19.7.3	There needs to be consistency in what the siting and design guidance is called throughout the plan – sometimes it's referred to as 'Housing in the Countryside – Siting and Design guidance' but the guidance itself does not make reference to 'Housing in the Countryside' in the title. It is unclear whether 'countryside areas' refers to rural Settlement Development Areas as well as wider countryside and hinterland areas

	and this should be clarified. The siting and design guidance would appear equally relevant to rural SDAs, especially if modified (as we have commented elsewhere) to include crofting townships.
19.7.4	There is no reference here to the proposed Housing Group Capacity Studies listed under Future Supplementary Guidance. Therefore we recommend adding here – “The ability of housing groups to accommodate additional development will be assessed through the preparation of Housing in the Countryside: Housing Group Capacity Studies Supplementary Guidance” .
Policy 36 Housing in the Countryside (hinterland areas)	Both policies 48 and 49 make reference to hinterland areas, whereas at present this policy only makes reference to Policy 49. Therefore we recommend reference is added to Policy 48 by amending the last bullet point to – ‘.... and meet the criteria set out in Safeguarding Inbye/AppORTioned Croftland Policy 48 and New/Extended Crofting Township Policy 49’ .
19.9.3	We recommend the 3 rd and 4 th sentences are amended to read - “The various landscape character assessments produced through Scottish Natural Heritage covering Highland broadly classify the types of landscape character present and highlight the characteristics of a landscape to which a development should relate. These will be applicable when examining proposals” .
Policy 37 Wider Countryside	<p>We recommend that the first bullet point should be amended to –</p> <ul style="list-style-type: none"> • are acceptable in terms of siting and design <p>We have provided detailed comments on the Draft Supplementary Guidance for Housing in the Countryside, and from this you will see that we also recommend the following additions to this policy. This is in view of the proposed exclusion of parts of Caithness and Nairnshire from the hinterland around towns area, and the need for policy to continue to reflect the balanced landscape character of these areas –</p> <p>Amend 3rd bullet point criterion to –</p> <ul style="list-style-type: none"> • are compatible with landscape character and do not exceed the capacity of the landscape to accommodate development while maintaining its distinctive characteristics <p>Add additional bullet point after this –</p> <ul style="list-style-type: none"> • avoid incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics <p>We have commented in our response to the draft Housing in the Countryside Supplementary Guidance that para 5.4 of this guidance appears significant enough to warrant inclusion in the policy itself, and so we recommend addition of wording along the lines of the following after the list of bullet point criteria – ‘The Council’s favoured approach is that the potential within existing housing groups</p>

	should represent the basis on which to initially consider proposals’.
Policy 42 Business and Industrial Land	Although the first sentence [of the 3 rd paragraph] implies a preference for business and industrial developments to use land zoned for this purpose, there is no ‘sequential test’ as such included. We therefore recommend that before the sentence which begins ‘Such proposals will still need to be assessed’ is added words to the effect of – “Applications will need to demonstrate to the Council’s satisfaction that development on an allocated site is not possible”.
20.13.1	We recommend a sentence is added as follows – “Guidance on siting and design is available in ‘Siting and Design Guidelines for Mobile Telecommunications Developments in the Highlands and Islands” http://www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/?q=telecommunication
Policy 48 Safeguarding of Inbye/Appportioned Croft Land	We support the reference to the Siting and Design guidance. However, the current draft of this guidance does not make it clear that it covers all inbye croft land including within Settlement Development Areas. At present, the guidance does not cover crofting landscape types in sufficient detail to give these landscapes the necessary level of protection. Therefore to make this cross reference effective, the guidance needs to be strengthened with regard to crofting townships.
20.17.1	In order to differentiate between increasing the number of crofts as opposed to the number of houses without associated crofts, we recommend that the wording of the 1 st sentence be clarified to read: ‘The Council wishes to support the creation of new crofting townships and significant extensions to existing townships through the creation of new crofts where circumstances allow’.
Policy 49 New/Extended Crofting Townships	The start of this policy is rather abrupt, with no context. At the outset there should be a reference to supporting new and extended townships where there is a demonstrable demand and need for additional crofts within the local community. We therefore recommend the policy commences as follows – ‘Subject to the following, the Council supports the creation of new crofting townships and the extension through additional crofts of existing townships where there is a demonstrable need and demand for additional crofts within the local community’. The start of the paragraph on hinterland areas should then be amended read: ‘In addition to local demand, proposals should also demonstrate a wider public interest...’ In the 1 st b/p the wording ‘landscape form and character’ is a bit confusing. We recommend this is reworded to state: <ul style="list-style-type: none"> • compatibility with landscape character, including landform and landscape pattern, having regard to existing crofting settlements The 7 th b/p may fit better with the hinterland paragraph, so we

	<p>recommend moving the 7th b/p to the paragraph on hinterland areas.</p> <p>For the 10th b/p re EIA, reference should also be made to the EIA (Agriculture) Regulations as well as the EIA (Forestry) Regulations. Therefore we recommend that the 10th b/p is amended to:</p> <ul style="list-style-type: none"> • where deforestation of an area is required, or the proposal involves the large scale restructuring of agricultural land or use of uncultivated/semi-natural areas for intensive purposes, then an Environmental Impact Assessment (EIA) may be required; <p>In the 11th (final) b/p, it would be good to highlight that the characteristic density of housing is important within crofting settlements. It is recommended that the wording is amended to: “...focussing on issues such as the preferred density, siting, design and layout of buildings ...”</p> <p>As for New Settlements (Policy 39) it would have been expected that details of any proposal for a New/Extended Crofting Township should be brought forward through the Area LDP process, and that this be added to the end of this policy. Therefore we recommend adding at end – ‘The detail of any proposal for a New/Extended Crofting Township should be brought forward through the area local development plan process’.</p>
20.19.1	The reference to Policy 59 should instead be to Policy 58.
Policy 50 Coastal Development	We recommend rewording the sentence third from the end of the policy to read: “ Other important factors will be potential impacts on landscape character and wildness qualities, impacts on coastal habitats and species and effect on the setting of coastal communities ”.
Policy 51 Aquaculture	<p>The meaning of the fourth bullet point in the first series (‘biological carrying capacity’) is unclear, and we recommend some additional text to clarify this.</p> <p>With regard to the second series of bullet points, we recommend that the second bullet point should read: “existing and consented aquaculture sites”. This is because consented sites are often not actually operational, yet could contribute to cumulative impacts in the future.</p> <p>A further bullet point could be added to the second series –</p> <ul style="list-style-type: none"> • navigation (including recreational) <p>With regard to the third series of bullet points, we recommend that the first bullet point should include reference to predator interactions, i.e.- ‘...fish farm escapes, predator interactions and disease’.</p> <p>With regard to the third series of bullet points we recommend that the second bullet point should read: “good design of cages, lines and associated facilities (please refer to Marine aquaculture and the</p>

	<p>Landscape...)". Otherwise, there is no explicit description within this policy for the need for good design of cages and longlines. We would advise that an updated version of the 'Marine Aquaculture and the Landscape' document is due in March 2011.</p> <p>A cross reference could be added in this policy to the Council's Coastal Development Strategy Supplementary Guidance, e.g. add at end of penultimate paragraph: 'Proposals will also be assessed against the requirements of the Highland Coastal Development Strategy: Supplementary Guidance'.</p>
20.23.1	<p>This paragraph should mention the contribution of trees to landscape character and distinctiveness within some areas; otherwise it might be assumed that the main role of trees and woodland is in linking/screening development. It is recommended that the first sentence is amended to read: "...and play a vital role in contributing to landscape character and distinctiveness of place, and in integrating..."</p>
20.27.2	<p>We recommend the 2nd sentence is amended to read: "Spatial mapping of peatland is available. However it does not provide any comprehensive information on the quality of the peatland."</p>
Policy 54 Minerals	<p>As presently laid out, the wording of this policy seems out of order. Sections do not run together that deal with natural heritage issues, restoration/aftercare and types of extraction that would be supported. We recommend that the wording of this policy is reordered to group sub-issues more logically together.</p> <p>We recommend that the key phrase <i>'The Council will expect all minerals developments to mitigate adequately their impact on residential amenity, the local natural and historic environment and infrastructure capacities'</i> should be moved more towards the beginning of the policy, i.e. after the set of three bullet points in the first paragraph.</p>
21.1.2	<p>Geological Conservation Review Sites and Regionally Important Geological Sites should be amended here to 'Un-notified Geological Conservation Review Sites and Local Geodiversity Sites' – this is correctly applied in Appendix 6.2</p>
21.1.7	<p>We recommend rewording as follows – 'Where necessary, appropriate assessment (assessing those aspects of the Local Development Plan that are likely to have a significant effect on a European Site in view of that site's conservation objectives and qualifying interests) is undertaken for allocations prior to adoption of the Local Development Plan. However, further appropriate assessments may be required to be carried out for proposed developments prior to determining planning applications.'</p>
21.1.9	<p>There is reference here to 'Background Maps' which we believe in the context of the HwLDP should be changed to the Proposals Map.</p>
Policy 58 Natural, Built and Cultural Heritage	<p>The opening paragraph has two references to 'nature' where the word is not used in the context of natural heritage, and so this is confusing. We therefore recommend that the first sentence is amended to read:</p>

	<p>“All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of development, and any impact on the feature and its setting”</p> <p>We are not clear why features of international importance are listed in the policy (58.3); it would be more compatible with the rest of the policy to omit this listing.</p>
21.3.3	There is a mis-print here – the cross reference should be to Policy 75 , not to Policy 79.
Policy 59 Protected Species	<p>We recommend that the first sentence be amended to read: ‘Where there is good reason to believe that a protected species may be present on site ...’. This is because the decision to request a survey should be based on presence of appropriate habitat.</p> <p>1. The web link in respect of Birds of Conservation Concern on the Red and Amber Lists should be amended to the following, which is more up to date –</p> <p>http://www.bto.org/bbs/2009/bocc3.pdf</p> <p>See also Appendix 6.4 and the need to update similarly there.</p> <p>2. Re badgers, this should be amended to – ‘.... the Protection of Badgers Act 1992 (as amended by the Nature Conservation (Scotland) Act 2004’</p>
Policy 60 Other Important Species	<p>Notwithstanding that the essence of this policy derives from the recent Sutherland and West Highland and Islands Local Plans, there is an inconsistency between the wording of this policy (‘Development proposals should avoid adverse effects</p> <p>’) and the wording of the next policy on Other Important Habitats (‘We will have regard to the value of’) which draws upon similar lists. Bearing in mind that UK and Local Biodiversity Action Plans and the Scottish Biodiversity List include common as well as rare species, we would not be averse to the beginning of this policy being amended to the following, to bring it into line with its associated policy (61) on habitats –</p> <p>‘We will have regard to the presence of the following Other Important Species and any adverse effects of development proposals on them, individually and/or cumulatively (see glossary), if not protected by other legislation or by nature conservation site designations:’</p>
Policy 61 Other Important Habitats	<p>There is no need to include ‘of principal importance’ in the 4th b/p re the Scottish Biodiversity List – this would then match similar wording in Policy 60 (by definition they are of principal importance).</p> <p>We recommend the last word should be ‘compensation’ rather than mitigation, given the context.</p>
Policy 62 Landscape	<p>We recommend that this policy specifically refers to the Siting and Design Guidance in addition to the Sustainable Design Guidance. Therefore we recommend the last sentence should read – ‘Landscape Character Assessments and the Council’s Supplementary</p>

	Guidance on Siting and Design and Sustainable Design should be taken into account
21.16.2	<p>We recommend a paragraph is added after this to cover the issue of water quality in areas frequently used by bottlenose dolphins in the Moray Firth SAC –</p> <p>'For new or modified discharges to the Moray Firth, in situations where the area over which the discharge of waste water is likely to disperse in 12-24 hours overlaps with areas known to be frequently used by dolphins, the treatment level should meet a bathing water standard (applied throughout the year rather than just for the June-September period).'</p>
Policy 68 Renewable Energy Developments	<p>With regard to the 6th bullet point in the policy, the wording is a bit confusing. By including '...landscape character of the Highlands' rather than just 'landscape character' it may be interpreted that significant effects are acceptable on local landscape character and will only be unacceptable if they affect the overall landscape character of the whole Highlands. For this reason, we recommend that "...of the Highlands" is omitted from this sentence, so that it reads: "visual impact, and impact on landscape character (the design and location of the proposal)".</p>
Policy 72 Safeguarding of waste management sites	<p>It is unclear how this safeguarding of the former Longman landfill site for waste management tallies with the mixed use allocation in Policy 5, including for community open space.</p>
Policy 75 Green Networks	<p>At present this policy reads as if green networks only exist when identified by the Council. Although this has been done to date for the A96 Corridor, and will be done for other key areas, green networks will still exist beyond these study areas, and will exist at the more micro scale. We therefore seek amendment of this policy to –</p> <p>'Green networks should be protected and enhanced. Development affecting green networks should seek to avoid fragmentation and/or improve connectivity, where appropriate. Detailed identification of the green network around regional and sub-regional centres (see Figure 10) will be carried out by the Council using the methodology described in Green Networks: Supplementary Guidance. Pending identification in these areas by the Council, and outwith these areas, developers should identify, protect and enhance green networks using the methodology in the guidance'.</p>
23.4 Figure 10 Green Network	<p>The figure indicates that the Council will identify green networks in an area between Inverness and Nairn, and between Dingwall and Invergordon. However it would be preferable if the area for further study in the Inner Moray Firth took more account of the Hinterland area running round Beauly and Muir of Ord, and also that these settlements are Local Centres. The hinterland area also runs up to the Tain/Dornoch area, both also Local Centres. We therefore recommend this figure is amended to include the area westwards from Inverness through Beauly, Muir of Ord and Conon Bridge to Dingwall, and to include the area from Invergordon to Tain. We would be happy</p>

	to work with the Council on these studies, presumably to inform the Inner Moray Firth LDP.
Policy 78 Public Access	We recommend an additional para 23.7.4 is inserted as follows – 'Guidance on the preparation of an outdoor access plan can be found on SNH's website at – http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/greenspace-and-outdoor-access/
Appendix 6.1 Glossary – Appropriate Assessment	We advise that this definition should be amended to – 'An assessment required under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) where a plan or project not directly connected with or necessary to the management of a European site would be likely to have a significant effect on such a site, either alone or in combination with other plans or projects. In the light of the conservation objectives of the site, the assessment should consider whether there would be any adverse effect on the integrity of the site as a result of the plan or project'.
Glossary – Green Network	This definition is incomplete when compared to the Draft Supplementary Guidance. After the text should be added – 'A green network can be made up of – <ul style="list-style-type: none"> • Woodlands • Other natural and semi-natural habitats • Watercourses and wetlands • Formal and informal greenspace in and around settlements, and • Active travel routes'
Glossary – Infrastructure	See comment under Policy 32 above (Developer Contributions) re inclusion of green infrastructure here.
Glossary – Wild land	It may be clearer to use terms included in the explanation in Appendix 6.2. Thus it is suggested that a combined definition is given that explains the distinction between 'Wildness, Wild Areas and Wild Land' following the SNH Policy Statement 'Wildness in Scotland's Countryside', as follows: "Wildness: a quality that can be experienced where there is a high degree of naturalness and lack of modern structures or land use, where an area is remote and access to it is physically challenging, where there is a perceived sense of sanctuary or solitude, and where the landscape offers a sense of awe/ anxiety and arresting qualities. Wild Area: a term used to describe an area of wildness qualities that may occur along a wide spectrum, from places fairly near to settlement but within which there are qualities of remoteness and naturalness, to more remote mountain and moorland interiors. Wild Land: those areas where wildness qualities are best

	expressed, defined by the Scottish Government as ‘uninhabited and often relatively inaccessible countryside where the influence of human activity on the character and quality of the environment has been minimal’.
Appendix 6.2 Definition of Natural, Built and Cultural Heritage Features	This refers in the opening paragraph of each of the three sets of features to Background maps and a map booklet, and we assume for the purposes of HwLDP that reference instead should be made to the Proposals Map . Also another reference to Background maps in the last paragraph. There is a mis-print in that Policy 58 is not fully cross-referred to.
Special Protection Areas (SPA)	This should be amended to refer to the 2009 European Birds Directive which has now replaced the 1997 EC Directive. Therefore the text should be amended to read – ‘Classified by Scottish Ministers under either the EC Wild Birds Directive (79/409/EC) or the European Birds Directive (2009/147/EC), which provides for’
Ramsar Sites	Delete reference under Policy Framework to Structure Plan Policies. It is unclear why ‘ <i>Ramsar Sites</i> ’ is in initial type – it should be normal type as for the other designations.
National Nature Reserves (NNR)	The policy framework wording has been slightly amended between NPPG 14 and the SPP, so the text should be amended to – ‘These areas are protected by national policy in that the integrity of the area or the qualities for which it has been designated should not be adversely affected’.
Sites of Special Scientific Interest (SSSI)	The policy framework wording has been slightly amended between NPPG 14 and the SPP, so the text should be amended to – ‘These areas are protected by national policy in that the integrity of the area or the qualities for which it has been designated should not be adversely affected’.
National Scenic Areas (NSA)	The policy framework wording has been slightly amended between NPPG 14 and the SPP, so the text should be amended to – ‘These areas are protected by national policy in that the integrity of the area or the qualities for which it has been designated should not be adversely affected’. Reference could now be made to the NSA Special Qualities Reports available at – http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/national-designations/nsa/special-qualities/
Battlefields and Designated Wrecks	We note there are presently no entries for these features.
Special Landscape Areas	A link could be added to the Special Qualities citations.

Wild areas	<p>This text broadly follows that agreed with the Council. The only exception is that, through slight re-wording of the second paragraph, this now comes over as a bit confusing. It does not make clear the distinction between SNH leading the mapping of wildness across Scotland and the identification of Wild Land at a national level (with THC contributing to the establishment and agreement of a method to do this, as will other LPAs too) and then THC identifying wild areas at a regional level (with SNH's assistance). We recommend the second paragraph is reworded as follows: "As part of a national programme, SNH will map wildness qualities across Scotland and will identify areas of Wild Land at a national level (in consultation with Highland Council and other Councils). Highland Council, with the assistance of SNH, will then identify wild areas of local/ regional importance to reflect the quality and value of wild areas at a local/ regional level".</p>
Sites of Local Nature Conservation Interest	<p>This title should be amended to Local Nature Conservation Sites, to accord with para 21.1.2</p>
Appendix 6.4 Links to Associated Documents	<p>As noted under Policy 59 Protected Species, the link to the Birds of Conservation Concern on the Red and Amber Lists should be amended to – http://www.bto.org/bbs/2009/bocc3.pdf</p>
	<p>Add link to Guidance on the Assessment of Significance of the Impacts on Birds outwith Designated Areas – http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/ Add link to Control of Woodland Removal Policy as included in justification for Policy 53 – www.forestry.gov.uk/pdf/fcfc125.pdf/\$FILE/fcfc125.pdf</p>
	<p>The link for the Scottish Biodiversity List should be amended to – http://www.scotland.gov.uk/Topics/Environment/Wildlife-Habitats/16118/Biodiversitylist</p>
Proposals Map	<p>The notes could add that up-to-date information on the location of SACs, SPAs, SSSIs and NSAs can be found on SNH's web site – http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/protected-areas/</p> <p>The notes could also add that where more than one natural, built or cultural heritage feature occurs for an area, only the topmost tier feature will be indicated on this map. Therefore other features may nest underneath this, which should also be taken into account.</p> <p>It isn't possible to see the SAC rivers or some of the smaller SSSIs (e.g. the fossil quarries in Caithness) due to the low resolution of the map. A note should be added to this effect, directing users of the paper version to SNH's website for more detailed maps (see above). If the Proposals Map is also to be an e-map that can be enlarged online, we recommend that it should be possible to increase the resolution so that users can zoom in and see these small/thin sites. Also the line that</p>

	<p>shows the coast is too thick and obscures some of the coastal strip SSSIs. Therefore we recommend that the coastal line be thinner so these SSSIs are visible.</p> <p>Various maps are indicated as 'insets' from the main Proposals Map (A96 Corridor, Nigg, Dounreay, John O' Groats, Castletown) – however these do not show the natural, built and cultural heritage features – it would be more consistent if they did.</p> <p>Likewise it would follow that all the individual maps of settlements and allocations should show natural, built and cultural heritage features.</p>
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