

Countryside



Chapter No:

5

65 - Scottish Natural Heritage [Written Submissions]

BACKGROUND

1. The objector is critical of Policy 2: Countryside and of Box 1: Hierarchy of Countryside Areas which follows it, as well as the paragraphs of justification at 7.11 and 7.12. The text of the policy and of Box 1 of the supporting paragraphs is shown in Appendix 1 to this report.

SUMMARY OF THE OBJECTION

2. The objector criticised the approach taken in the plan to areas shown in the Proposals Maps to lie outwith the Settlement Development Areas, in particular that set out in paragraphs 7.11 and 7.12, which it found to be confusing to the point of being misleading.

3. For example, the title of Policy 2: “Countryside” was confusing, inasmuch as some of the sensitivities which applied to the countryside areas, applied also to the Settlements (eg National Scenic Areas and Conservation Areas). The three-tier hierarchy of sensitivities failed to acknowledge a fourth tier, namely, those areas lying outwith the list of features identified in Box 1 (see Appendix 1 to this report). In addition, the use of the terms “low-”, “medium-“ or “high-sensitivity” confused the concepts of sensitivity and importance; a feature identified as of a certain importance could be more or less sensitive to development.

4. The objector continued that the use of the term “low-sensitivity” within the hierarchy of sensitivities detracted from the fact that the features identified were of recognised importance, and therefore presumably were sensitive to development relative to areas outwith any of the features identified in Box 1. Furthermore, having identified areas that supported locally important features contributing to the identity of Wester Ross, it was not appropriate then to consider areas with no such features as meriting the same policy safeguard.

5. Objection was therefore lodged against the fact that neither Policy 1: Settlement Development Areas nor Policy 2: Countryside offered protection to the features in Box 1: Hierarchy of Countryside Areas where they occurred within Settlement Development Areas; and nor were these shown on the Inset Maps. It was considered that this undermined the statutory protection afforded to some of these areas and did not recognise the fact that Scottish Natural Heritage would assess all proposals which affected these features against the tests in the relevant statute, regulation or guidance.

6. In order to overcome this problem, the objector sought the amendment of the Inset Maps to show the sensitivities. Similarly, the policies should be altered to ensure that the features set out in Box 1: Hierarchy of Countryside Areas were protected in accordance with the relevant tests, wherever they occurred. For example, Policy 1: Settlement Development Areas could cross-refer to Policy 2: Countryside (ie including the policy tests for these features); alternatively, the title of Policy 2: Countryside could be changed to “Settlements and Countryside” and the reference to “Outwith Settlement Development Areas” deleted from the first sentence. This would reflect the fact that many of the features in Box 1: Hierarchy of Countryside Areas occurred both within Settlement Development Areas as well as in areas outwith the Settlement Development Areas and would make Policy 2 less misleading.

7. Finally, although Box 1 distinguished between ‘Ancient and Long-Established Woodland’ and ‘Semi-Natural Woodland’, for reasons of increased clarity, the objector sought the addition of the words “semi-natural” in front of the former landscape type as well.

SUMMARY OF THE COUNCIL’S RESPONSE

8. The council considered that Policy 1: Settlement Development Areas clearly stated that development proposals would be judged in terms of their effect on any natural and cultural heritage resources within these areas and made reference to Box 1 and the Background Maps. In addition, each of the Settlement Development Area Inset Maps contained a development factor which highlighted that a number of sensitivities, as listed in Box 1, could occur within the boundary of the Settlement Development Area. This was given additional policy weight through Policy 4: Other Development Considerations, #8 Development Factors (see Appendix 1 to this report), which stated that developers were required to take account of the details set out in the Proposals Maps.

9. In addition, structure plan Policy G2: Design for Sustainability offered protection to natural and cultural heritage features, such as landscape, scenery, habitats and species, when it stated,

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

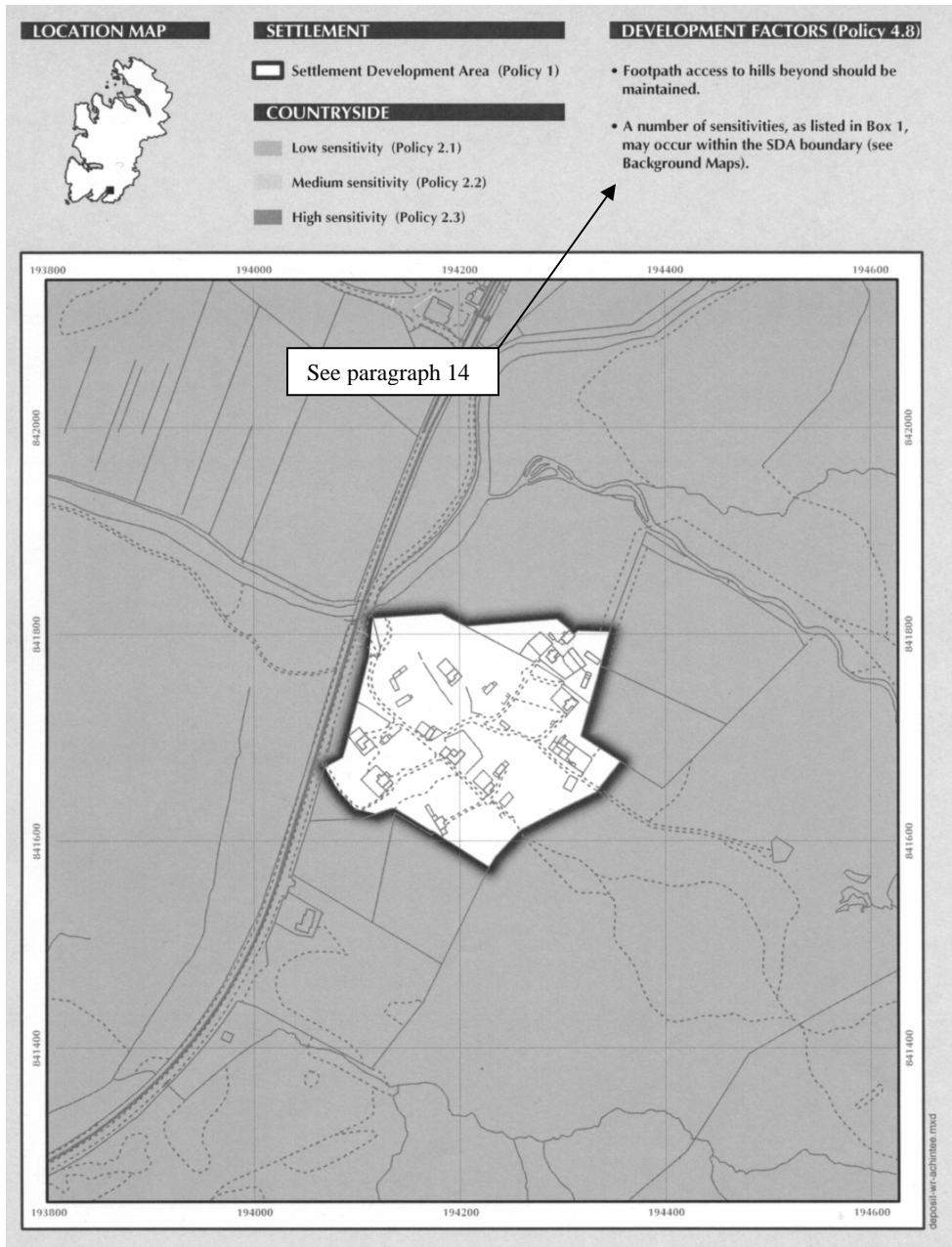
- ...
- impact on the following resources, including pollution and discharges, particularly within designated areas:

habitats	freshwater systems
species	marine systems
landscape	cultural heritage
scenery	air quality; ...

Developments which are judged to be significantly detrimental in terms of the above criteria shall not accord with the structure plan.”

10. The council considered that these policies provided sufficient protection to the features of Box 1 where they occurred within Settlement Development Areas. However, a change to the title of Box 1 was proposed. In order to reflect the protection of natural and cultural heritage features both within the countryside and within Settlement Development Areas, Box 1 would be changed to “Hierarchy of Natural and Cultural Heritage Features” and the reference on each of the Settlement Development Area Proposals Maps would also be amended to reflect this change.

11. As to the types of woodland, the council pointed out that the title of the relevant inventory was “Ancient, Long-Established and Semi-Natural Woodland”, and this included five categories of ancient and semi-natural woodland. Two of these had been placed in the Medium category and three in the Low category (to be called National and Local/Regional Importance respectively – see Chapter 6 below). This was clearly set out in the text accompanying the Background Maps. The two referred to in the objection were “Ancient Woodland” and “Long-Established Woodland of Semi-Natural Origin”. However, in order to avoid the implication that long-established coniferous woodland was included, the council proposed that the word “Inventoried” be inserted before both entries in Box 1.



Typical Inset Map from Wester Ross Local Plan (reduced in scale and set in monochrome)

12. On the basis set out by the council, the objector withdrew the objections.

CONCLUSIONS

13. The Proposals Map and its Inset Maps are consistent in their identification of Settlement Development Areas by representing them in white with a blue boundary set in an overall colour of green to denote low sensitivity, yellow for medium sensitivity and orange for high sensitivity. The example shown (left), although reproduced in monotones, demonstrates the principle.

14. In addition, as if to confirm the difference, Policy 2: Countryside states,

“When making decisions on development proposals outwith Settlement Development Areas, we will take account of the level of sensitivity of, and the effect on the natural and cultural heritage (see Box 1 and Background Maps) and compatibility with structure plan Policy G2: Design for Sustainability.”

The further note, referred to by the council and indicated on the sample inset map (see previous page) appears on each map. This states,

“A number of sensitivities, as listed in Box 1, may occur within the Settlement Development Area Boundary (see Background Maps).”

15. Despite this, given this style of presentation, and when reproduced with a key entitled “Countryside” and showing the solid area of colour as denoting the degree of sensitivity, I consider that any reasonable reader would conclude that the countryside areas were those that had the degree of sensitivity allocated to them; while the Settlement Development Area (Policy 1), shown in white under the heading of “Settlement”, and separated from the countryside, must have a different set of values. I therefore agree with the objector that, particularly when policy and plans are read together as they should be, the purpose of the plan is far from clear.

16. The council’s remedy is to alter the title of Box 1 so that it no longer applies solely to the countryside areas, and it appears that the objector was satisfied by this. I agree that it clarifies one part of the confusion, but consider that it leaves others; for example, the implication of the first sentence of Policy 2 (“When making decisions on development proposals outwith Settlement Development Areas, we will take account of the level of sensitivity...”) is that the levels of sensitivity apply only *outwith* the Settlement Development Areas, whereas the council insists that Policy 1: Settlement Development Areas also makes reference to Box 1 as well, which indeed it does. Nevertheless, I consider that the reader is still left with the very confusion described by the objector.

17. I therefore consider that the remedy must include an alteration to the title of Box 1, such as that suggested by the council, but that if the policy position is to be clarified fully, then it must also go further. First, as Box 1 applies equally to Policy 1 as it does to Policy 2, then the policies should contain a similar reference to the levels of sensitivity as set out in Box 1. To avoid repetition, it seems to me that this must involve a combination of the two. I therefore suggest the following:

Policy 1: Development

When making decisions on development proposals, we will take account of the level of sensitivity of and the effect on the natural and cultural heritage (see Box 1 and Background Maps) and compatibility with structure plan Policy G2: Design for Sustainability.

1. In areas of **low** sensitivity*, we will assess developments for their effects on any relevant interests. We will allow them if we believe that they will not have an unreasonable effect, particularly where it can be shown that it will support communities in fragile areas which are having difficulties in keeping their population and services.
2. In areas of **medium** sensitivity*, we will allow developments that can be shown not to compromise the amenity and heritage resource. For national designations, where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas which are having difficulties in keeping their population and services.
3. In areas of **high** sensitivity*, we will only allow development where there is no alternative solution and there are imperative reasons for/

* - further description added here in Chapter 6 below, and further amendments made to text of category 1 in Chapter 8

are imperative reasons for overriding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, prior consultation with the European Commission is required, unless the development is necessary for public health and safety reasons.

1A Settlement Development Areas

We will support proposals within Settlement Development Areas (as shown on the proposals map) as long as they meet Structure Plan Policy G2 Design for Sustainability, in particular the following:

- compatibility with service provision;
- sensitivity of siting and high quality design; and
- impact on individual and residential amenity.

We will also judge proposals in terms of how compatible they are with the existing pattern of development, how they conform with existing and approved adjacent land uses, and trees.

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

1B Other Development Considerations

1. Design for Sustainability – We will judge development proposals against a ‘Design for Sustainability’ statement which developers...

(...etc. as currently set out in Policy 4 of the deposit draft – see Appendix 1 to this report)

18. As many of the Settlement Development Areas identified on the inset maps include large areas of undeveloped and crofting land, and the sensitivity level evidently applies equally to such areas although it is not shown there, then it seems to me that there is no alternative but to take the colour denoting the level of sensitivity over the relevant parts of these areas, leaving the outer blue boundary to denote the extent of the Settlement Development Area as before. (The situation which has arisen in Chapter 34 below is a good example of the benefits of such a modification).

19. Some peripheral tidying up will also be required. For example, policy references in the Key to the inset maps will require to be changed; the note on the inset maps referred to in paragraph 14 above will require to be deleted; and the policies should be re-numbered so that Boxes 1, 2 and 3 will follow Policy 1 (including sections 1A and 1B of that policy), with Affordable Housing as Policy 2. The remainder of the plan will follow as before.

20. Finally, I see the logic of, and accept the council’s reasons for inserting the word “Inventoried” in Box 1, as explained in paragraph 11 above. Box 1 will require to be amended accordingly.

RECOMMENDATION

21. I therefore recommend that,

- (i) the modification to the Deposit draft Wester Ross Local Plan, as suggested by the

council, that of re-naming Box 1 as “Hierarchy of Natural and Cultural Heritage Features” be incorporated into the plan when adopted;

- (ii) the word “Inventoried” be inserted before ‘Ancient and Long-Established Woodland’ and before ‘Semi-Natural Woodland’ in both Box 1 and in the list of Countryside Areas – Low Sensitivity Features in the Background Maps document (or, as subsequently re-named in Chapter 6 which follows, “Low Sensitivity – including Locally and Regionally Important Natural and Cultural Features”); and
- (iii) the further modifications as set out in paragraphs 17, 18 and 19 above also be made to the plan prior to its adoption.