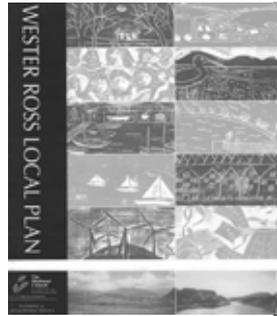


Areas of Avoidance



Chapter No:

21

BACKGROUND

1. Repeatedly, in the objections to the Settlement Development Areas which follow, there are objections relating to the disregard of areas of visual prominence, of vulnerable features and even to a lack of them, in each case making development undesirable. However, there is nothing in the plan to identify such areas; and nothing to discourage their development, or their redevelopment, especially when they lie within the boundaries of the Settlement Development Areas. This chapter seeks to restore the balance.

2. The council has confirmed that it used the Landscape Capacity Study to assist in identifying the Settlement Development Area boundaries. This study was prepared to assess the capacity of the Wester Ross landscape to accommodate additional housing, and in several cases where the plan overrides its recommendations, there is an objection (for example, Fearnbeg, Kinlochewe or North Erradale). In other cases, objections relate to the demand for a house in a countryside location where the study recommends otherwise; in these circumstances, the council accepts (for example, Polbain) or even relies upon (Culduie) the findings of the study.

SUMMARY OF THE COUNCIL'S RESPONSE

3. In its submissions in response to such objections, the council has set out that the Landscape Capacity Study comprised only one element of the local plan process. The Executive Summary of the Landscape Capacity Study stated that “the views expressed are those of the consultant and do not necessarily reflect those of the clients or sponsors of the report” (ie Scottish Natural Heritage and The Highland Council); in addition, it only addressed “issues of landscape concern, and as such is only one contribution to the local plan process.” In identifying the SDA boundaries, the plan confirmed that a number of factors had been taken into account. These included:

- “• the quality of the neighbouring croft or agricultural land;
- the type of land;
- the ability of the landscape to allow for development;
- the pattern of existing settlements; and
- the availability of infrastructure.”

Paragraph 7.2 of the plan continued,

“The plan aims to allow enough room for future development (including infill development) while recognising the physical limits due to the landscape and ground conditions. As a result, where possible, the plan identifies the boundaries of the settlement development areas relatively widely around the existing built-up areas.”

4. The overriding function of the Settlement Development Area boundaries was to act as a guide to users of the plan as to where the most acceptable areas for development were; the boundaries of the Settlement Development Areas therefore did not necessarily follow the exact boundaries of particular villages or towns.

5. Local plan Policy 2 recognised that not all development would be able to be accommodated within the Settlement Development Areas and aimed to set out the conditions under which different forms of development might be appropriate within the countryside, based upon the level of sensitivity of the natural and cultural heritage it contained. The level of sensitivity determined how acceptable any development proposals might be, although account would also be taken of the nature and scale of development.

CONCLUSIONS

6. Despite the withdrawal of so many of the objections relevant to this issue (a matter discussed at paragraph 8 of my Introduction in Chapter 1), it is clear to me from my visits to the area that despite the regular retreat of Scottish Natural Heritage from confrontation, the Landscape Capacity Study has highlighted many valid features and offered sensible guidance, often concluding that development should be avoided in certain areas. Nevertheless, the boundaries of the Settlement Development Areas often disregard such guidance and, in the more extreme cases, an objection from Scottish Natural Heritage to this effect has also been overridden.

7. Paragraph 4 of Scottish Planning Policy 1: The Planning System sets out how the aim of the planning system is to ensure that development and changes in land use occur in suitable locations and are sustainable; and how the planning system must also provide protection from inappropriate development (for full text, see Appendix 3 to this report). I appreciate that in Wester Ross, first, there is a need both to retain and sustain the existing population; and second, a dispersed settlement pattern of development is an established feature of this area, so that houses spreading out within, or even outwith a settlement do not appear untoward.

8. Despite these characteristics of the plan area, or perhaps because of them, areas of the landscape can be identified where the erection of any form of development is particularly undesirable, and from which it should therefore be discouraged. However, there is nothing in the plan as it stands to implement this basic prerequisite. There is no policy which suggests to a prospective developer “not there, but there”. Understandably, development control policies are relaxed, and even in areas of high sensitivity, social or economic reasons can justify development. Accordingly, I consider that there is a need for the plan not only to identify areas for development – as it already does – but also to identify those areas where development should be discouraged if at all possible. Only with this addition do I consider the plan to be offering complete advice, as is required of it.

9. The council argues that the Landscape Capacity Study is only one part of the process and that a number of other issues were taken into account in setting the Settlement Development Area boundaries. These are listed in the plan and in paragraph 3 above. Of course it is accepted that a number of factors contributed to the location of these boundaries, but in an area so reliant on its

tourism, and with some of the most notable scenery in the country (a major factor in the attraction of tourists to the area), I consider the landscape issue to be an important one. Naturally, there are areas where the landscape is particularly vulnerable and it seems to me that such areas should influence the location of development, and should do so even at the expense of some of the other considerations listed (ie existing settlement pattern, quality of land, etc).

10. The next submission is that the views expressed in the Landscape Capacity Study are those of the consultant and do not necessarily reflect those of the clients or sponsors of the report. In the case of the objections to the plan, it is very clear that a number of the recommendations in relation to landscape which have been ignored by the council are of concern to Scottish Natural Heritage. In addition, I have visited these areas and almost invariably I have found that I agree with the basis of the objection. In any case, in my experience, if a client employs a consultant to gain the benefit of their advice, it is unwise thereafter simply to ignore it; if it is to be ignored, then there should be valid and overriding reasons for doing so.

11. The council submits that the principal function of the Settlement Development Area boundaries is to act as a guide to users of the plan as to where the most acceptable areas for development are. In my opinion, it follows that there is equal merit in highlighting the least acceptable areas for development. There is no doubt that the Settlement Development Area boundaries have been drawn widely around the settlements, but this is not a major source of objection. Instead, objections are raised where the boundary has been shown to include a sensitive or vulnerable area of landscape. In these cases, I consider that the area of land in question should be removed from within the Settlement Development Area and identified for what it is – an area where development is particularly undesirable, where it should be discouraged, and where, if at all possible, it should be avoided. If it is not avoided however, positive landscape enhancement should be involved in order to achieve a net benefit to the area.

12. This principle applies particularly to the countryside areas. I have noted that the countryside areas include graded areas of sensitivity, and that at the highest level, the presumption in favour of development is less – it may even be negative. However, inevitably there will be areas even within this level of sensitivity where development should be discouraged to an even greater extent because of the circumstances surrounding the land form around them. I consider that such areas should also be recognised and acknowledged in the plan.

13. Accordingly, such areas require to be identified on the Proposals Maps, as well as on the Background Maps, where appropriate. I have referred to them as “Areas of Avoidance”, but it is their purpose which is important and not their name. A number have been identified in this report, as a result of objection. There will be many more such areas which have not been involved in objection. It may be possible to identify some of them within this plan without incurring further opposition, but I suspect that they will have to await the preparation of the next plan for a comprehensive policy to become effective. Nevertheless, I consider that there is significant value at the least in commencing the identification process in this plan prior to its adoption, by incorporating those areas which are the subject of such a recommendation in the following chapters of this report. The remaining areas are not before me, but the council will know where they are, as will the consulting bodies such as Scottish Natural Heritage.

14. I therefore suggest that an additional policy be added to the plan. For reasons of layout and economy, I have shown it to be incorporated within the revised Policy 1: Development, as section 1D of that policy, although it could follow as a separate policy. It should cover the reasons for the policy, those of protecting and enhancing of the natural and man-made features of the environment, and of improving visual amenity and landscape; and it should state the council’s

guiding principles for development, if any, within such areas. In the circumstances, these should presume against development within such areas without justifiable need. I have drafted such a policy in the following paragraph.

RECOMMENDATION

15. I therefore recommend that
- (i) A policy, such as the following, be added to the existing Development Policy:

1D Areas of Avoidance

It is the policy of the council to enhance the environment of Wester Ross by protecting the natural and man-made features of the landscape. Within areas identified on the Proposals Map and Background Maps as Areas of Avoidance, there will be a presumption against new development, which will be assessed against the specific need for that development to be located within the identified area, and which will only be permitted where it can be shown to enhance the natural and man-made landscape assets of the area. All applications for planning consent will require to submit detailed plans showing the elevations of the proposed development in its landscape setting, together with details of landscape enhancement measures. In appropriate cases, such measures will require to be implemented in advance of development in order to ensure that the landscape framework is in place before any development commences.

and

- (ii) Areas, and in particular areas around settlements, where development is especially undesirable (such as those identified elsewhere in this report) be identified and plotted on Proposals Maps, Inset Maps and Background Maps as Areas of Avoidance. Where such areas are currently shown to lie within Settlement Development Areas, the boundary should be redrawn to exclude them.