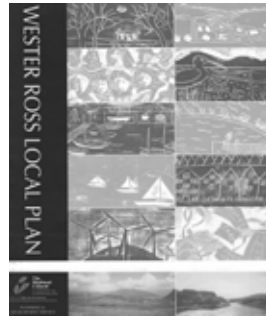


The Local Plan Policies



**Appendix
No:**

1

BACKGROUND

1. As is to be expected, over the course of this report, references have repeatedly been made to local plan policies. In order to avoid repetition of these policies and to save space, the relevant policies are set out below and have been included in the report merely by reference to this appendix. Similarly, references made to individual paragraphs of support or justification are contained within the paragraphs following the policies.

THE POLICIES

The policies referred to in this report are as follows:

2. Policy 1:

Policy 1: 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 the effect on any natural and cultural heritage resources within these areas (see Box 1 and Background Maps) and trees.

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

3. Policy 2, entitled “Countryside”, is in the following form, together with Box 1, which follows it:

Policy 2: Countryside

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.

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 of 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.

Box 1: Hierarchy of Countryside Areas

Low Sensitivity	Areas of Great Landscape Value Category B and C Listed Buildings Conservation Areas Sites and Monuments Record Archaeological Sites War Memorials Settlement Setting Semi-Natural Woodland Amenity Trees Views over Open Water Remote Landscapes of Value for Recreation Locally Important Croft Land Sites of Local Nature Conservation Interest Geological Conservation Review Sites
Medium Sensitivity	Scheduled Ancient Monuments Category A Listed Buildings National Nature Reserves Sites of Special Scientific Interest Inventoried Gardens and Designed Landscapes National Scenic Areas Isolated Coast Ancient and Long-Established Woodland Tree Preservation Orders Archaeological Heritage Areas
High Sensitivity	Special Protection Areas Special Areas of Conservation (including Candidate) Ramsar Sites

4. Policy 3 relates to affordable housing to which there has been no objection. Policy 4 establishes the other development considerations included by the council. This policy runs as follows:

Policy 4: Other Development Considerations

1. **Design for Sustainability** - We will judge development proposals against a ‘Design for Sustainability’ statement which developers will need to put forward with their planning applications, in line with the Development Plan Policy Guideline: Design for Sustainability.
2. **Waste Management** - We will assess proposals for waste management facilities under the conditions set out in the Highland Structure Plan and in line with the Highland Area Waste Plan.
3. **Surface Water Drainage** - Development proposals must meet the guidance set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland.
4. **Flood Risk** - Development proposals in areas susceptible to flooding will need a flood risk assessment (which the developer must pay for). We will assess them in terms of their suitability in line with the categories set out in the Development Plan Policy Guideline: Flood Risk.
5. **Physical Constraints** - Development proposals must consider whether they would be located within areas of constraint (as set out in Box 2 and, where possible, shown on the Background Maps). Within these areas, developers must show that their proposal is compatible with the constraint or that action is taken to reduce negative effects.
6. **Article 4 Directions** (see Glossary) - In areas affected by Article 4 Directions, permitted development rights, as specified, are suspended. Developers should refer to the Background Maps to identify where Article 4 Directions apply.
7. **Article 10 Features of the Habitat Directive** (see Glossary) - We will assess development proposals for any adverse effects on natural heritage features that form part of wildlife corridors, including woodlands, lochs, watercourse margins and wetlands.
8. **Development Factors** - Developers must take account of the details set out in the Proposals Maps. We will give particular consideration to the total effect of private water and sewage systems.
9. **European Protected Species** - We will assess development proposals for any disturbance to a European Protected Species, as listed in Box 3, or damage to a breeding site./resting place. Any development in such a area requires a separate licence from Scottish Ministers (or the local authority under a recent consultation) to enable works to proceed.

5. Policy 4 is followed by boxes 2 and 3. Box 2 appears as below:

Box 2: Physical Constraints (those marked with an asterisk (*) do not currently apply in the Wester Ross area)

- Radon gas areas*
- Poorly drained areas
- Within 1000m of large wind generators
- ESI Standards 43-8: “Overhead Line Clearances” (distance from power lines)*
- Areas of excessive slope (with a gradient of over 1 in 7)
- Existing or former waste management sites
- Land with possible contamination issues
- Areas that could erode or subside
- Safeguard areas around sewage treatment works
- Within 400m of an active quarry
- Next to waters that the European Union Shellfish Directive [applies] to

6. At this point, structure plan Policy G2: Design for Sustainability is reproduced in the plan, together with the observation that “this policy has been approved by Scottish Ministers and is not therefore subject to consultation.” It is followed by an unnumbered box entitled “Consultations”:

Consultations

Where development is located within a defined consultation area (as set out in Box 4 and, where possible, shown in the background maps), the developer and/or the planning authority must, where appropriate, consult the relevant infrastructure provider or regulatory agency when an application is being put forward.

There are a number of other features which cannot currently be mapped, many of which are protected under European Directives or national environmental legislation such as European Protected Species, Annex Species under the Wildlife and Countryside Act 1981, and water areas under the Water Framework Directive. As a result, it is important that developers refer to the background maps and contact the Scottish Environment Protection Agency and Scottish Natural Heritage to discuss proposals at an early date.

7. Last in the General Policies section of the plan is Box 4: Consultation Areas:

Box 4: Consultation Areas (those marked with an asterisk (*) do not currently apply in the Wester Ross area)

Consultation Area	Consultee
Safeguard distance away from hazardous sites*	Health and Safety Executive
Defence installations	Ministry of Defence
Civil Aviation Authority safeguards*	Civil Aviation Authority
Gas compounds*Explosive licences and storage	Health and Safety Executive
Water catchment areas	Scottish Water
Within 150m of trunk or A road corridors	Trunk Roads Authority/Roads Authority
Railway lines	Network Rail
Canals*	British Waterways
Trunk water mains	Scottish Water
Oil and gas pipelines*	Health and Safety Executive
Flood consultation areas (there is a risk of 0.5% Or one in every 200 years)	Scottish Environment Protection Agency

APPENDICES

8. The Appendices follow the Policies section of the plan. Appendix 2 is entitled “Working with Other Strategies” and lists these strategies, giving a brief explanation of each. The strategies listed are the Local Housing Strategy; the Highland Area Waste Plan; the Highland Access Strategy; the Loch Ewe and Loch Torridon Aquaculture Framework Plans and the Integrated Coastal Zone Management Project; the Wester Ross Local Biodiversity Action Plan; the Ross and Cromarty Landscape Character Assessment (1998) and the Historic Land Use Assessment (2003); the Draft Gypsy and Traveller Action Plan; and the Wester Ross National Scenic Area Revised Draft Management Strategy. Those which are the subject of objection read as follows:

“**Wester Ross Local Biodiversity Action Plan** (launched 2004) – We have a duty under the Nature Conservation (Scotland) Act 2004 to help to conserve biodiversity (the range of plant and animal life). The Local Biodiversity Action Plan is one way in which we will meet this duty. The Local Biodiversity Action Plan sets out what is important and valued about the natural heritage (in terms of broad habitats and species)

and identifies a number of actions and projects that could be carried out to help protect it or improve it. These may have an influence on the location of future development.”

“**Ross and Cromarty Landscape Character Assessment (1998) and the Historic Land Use Assessment (2003)** – The Landscape Character Assessment describes the landscape character of Wester Ross by defining various types. It also assesses the forces for change, with suggestions on how these can best be accommodated within the current landscape character. The Historic Land Use Assessment describes the evidence of past landscapes, from prehistoric times to now, and allows those that are rare or particularly characteristic of Wester Ross to be identified. Both can affect siting and design, and offer guidance to protect the natural and historic landscape character.”

“**Wester Ross National Scenic Area Revised Draft Management Strategy (2002)** – The Draft National Scenic Area strategy sets out a range of aims for managing the National Scenic Area and includes a description of the scenic qualities that give the area its special status. These scenic qualities and the special status given by the National Scenic Area have an effect on the nature and location of development in Wester Ross. (The northern Part of Wester Ross is covered by the Assynt-Coigach National Scenic Area, but there is currently no such strategy for this area).”

JUSTIFICATION

9. The following paragraphs are amongst those included earlier in the plan in support of the policies referred to in this report. The first of these which has been referred to in relation to an objection is paragraph 2.1, which is set out under the heading of “2: The Purpose of the Plan”, as follows:

“2 **The Purpose of the Plan**

2.1 The purpose of the plan is to help achieve the vision for the future of Wester Ross. It does this by guiding new development to appropriate locations by:

- identifying areas of land for development; and
- setting out the conditions we will use to assess applications for planning permission.

You **must** read this plan with the Highland Structure Plan (see section 3). You can get (*sic*) the structure plan (and all the other documents we have produced and mentioned in this plan) from:

The Highland Council
Planning and Development Service
Glenurquhart Road
Inverness
IV3 5NX
Phone: 01463 702507
Website: www.highland.gov.uk”

10. Chapter 3 of the Wester Ross Local Plan is entitled “Linking with Other Plans and Strategies”. The following are the sections of this chapter which are referred to in objections covered in this report:

“**Planning Policy Documents**

3.1 This plan forms part of a series of national and local planning policy documents that developers have to take into account when drawing up development proposals. We consider all of the following when making decisions on planning applications.

3.3 The Highland Structure Plan

The Highland Structure Plan is our main planning document and [it] sets out the strategic framework for the future development of Highland as a whole. It contains many general and detailed policies, including housing, minerals, renewable energy and utilities (gas and electricity). Scottish Ministers approved the current structure plan in March 2001.

3.4 The structure plan, along with the local plan, form the ‘development plan’ for an area. Under the Town and Country Planning (Scotland) Act 1997, we must make decisions on all development proposals in line with the development plan, unless material considerations mean otherwise.”

11. Chapter 4 of the Wester Ross Local Plan is entitled “The Main Issues for the Plan Area”. Its paragraph 1 includes a table:

“4.1 Public consultation exercises have highlighted the main issues for Wester Ross as follows.

<p>Economy</p> <ul style="list-style-type: none"> Increasing the economic sectors on which the economy is based. Maintaining and supporting existing economic activities. Reducing the dependence on seasonal employment. Creating new jobs linked with managing the environment. Making better use of existing industrial and commercial infrastructure Continuing to reduce unemployment. Increasing opportunities for jobs based in information technology. 	<p>Housing</p> <ul style="list-style-type: none"> Providing for an increasing population and an increasing number of households. Providing for more housing. Meeting the need for affordable housing. Reducing the effect of the high number of second and holiday homes. Achieving sustainable design. Making sure that land is available for housing (including using crofting land selectively). Overcoming factors which make development difficult (including high infrastructure costs and poor ground conditions).
<p>Infrastructure</p> <ul style="list-style-type: none"> Extending the availability of broadband. Improving investment in roads, water and sewage, and considering the effect of European Union directives. Considering whether upgrading electricity power lines (as part of the link from the Western Isles to the Central Belt) is appropriate. Promoting best practice for construction and design. 	<p>Fragility and Services</p> <ul style="list-style-type: none"> Providing for an ageing population. Recognising that population growth is uneven (with decline in some areas). Maintaining and improving existing services. Making sure that everyone has equal access to services, public transport and waste services.
<p>Natural and Cultural Heritage</p> <ul style="list-style-type: none"> Maintaining a high-quality natural heritage. Recognising the high number and extensive coverage of European and national designations (covering landscape and natural conservation). Taking account of cultural heritage sites (including historical landscapes, archæological sites and historic buildings). Dealing with demand for development, while protecting the quality and character of the environment. Recognising the importance of recreation and tourism. 	<p>Coast</p> <ul style="list-style-type: none"> Balancing the effect of fish farm developments against the quality of the environment. Recognising the relationship of development between the coast and the land. Looking at the possibility of further developing the coast, including marinas and renewable energy, for the benefit of local communities. Aiming to benefit from the rich natural variety and quality of marine life. Investigating the marine cultural heritage.”

12. Chapter 5 of the plan is entitled “Working Towards the Vision” and paragraphs 5.3 and 5.4 state,

“5.3 Here are some ways in which the vision will be reflected.

- **An increasing population** across all age groups.
- Everyone is **able to rent or buy suitable housing at a price they can afford**, by building on the work of the Highlands Small Communities Housing Trust and local housing associations in villages such as Torridon and Shieldaig.
- Everyone has **better access to high-quality services** particularly for the more remote rural areas) by using imaginative solutions such as the possible emergency helicopter landing area at Lochcarron and community centres (for example, the one at Achiltibuie).

- The economy is **prosperous** across all sectors, from the traditionally strong tourism sector to new sectors such as information technology, and economic prosperity spreads beyond the largest centres of Ullapool and Gairloch to smaller villages such as Lochcarron and Kinlochewe.
- We promote **year-round tourism** as well as new employment opportunities that are appropriate to the area (this might include information technology, small-scale renewable energy such as individual wind turbines, and specialist manufacturing).
- We **upgrade the main roads**, including Achnasheen to Gairloch and Achnasheen to Lochcarron, and regularly maintain all other routes.
- We **improve infrastructure** by making sure that as many people as possible have access to broadband, improving public transport to provide more frequent links to, for example, Dingwall and Inverness, increasing the supply of waste facilities such as the recycling centre in Lochcarron.
- We have an **outstanding natural and cultural environment** which is renowned for its mountains, lochs and coast that future generations can enjoy, but which is also recognised as offering economic opportunities.”

“5.4 The local plan will not achieve the vision alone. Although we can contribute significantly through the actions set out [in] our corporate plan, we will need to depend on a wide range of agencies, businesses and the community working together. We will also need to depend on other partnership and individual agency strategies, such as the Community Plan, Community Economic Development Plan, the Local Transport Strategy and the Natural Heritage Futures.”

13. Chapter 6 of the plan is entitled “The Strategy of the Plan”, and certain of these strategies are referred to:

“6 The Strategy of the Plan

6.1 Our structure plan identifies seven themes for Highland as a whole. The policies set out in this local plan broadly reflect these themes. This section outlines how each of the strategic themes is reflected in the policy section (section 9) of the plan.

Protecting and Promoting the Identity of Wester Ross

- Protecting areas and species which are recognised for their natural and cultural heritage value.
- Preserving the existing pattern of building within settlements.
- Identifying and protecting important local features which contribute to the area’s identity.
- Highlighting how European Union directives could affect development proposals.

Maintaining the Existing Settlement Hierarchy

- Focusing development within existing settlements.
- Recognising the role of Ullapool, Gairloch and Lochcarron as local centres.
- Making sure that there is enough land for housing.”

14. Chapter 7 of the plan deals with the Geographical Aspects of the Strategy, with paragraph 7.2 headed “Settlement Development Areas”. There is considerable reference to this paragraph in the second section of this report. It states,

“Settlement Development Areas

7.2 A number of parts of the strategy highlight the importance of supporting existing communities. As a result, we have defined Settlement Development Areas. These are the preferred areas for most types of development, including housing. This is consistent with structure plan Policy H3, which says that housing development will generally be within existing and planned new settlements. Because of this, we will meet the housing requirements (as shown in Appendix 3) within the Settlement Development Areas. This makes best use of existing infrastructure and services (including collecting waste and the fire services) and protects the character of the surrounding countryside. When defining Settlement Development Areas, we have taken account of a number of things, including:

- the quality of 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.

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

15. Paragraphs 7.10 and 7.11 of the local plan are contained within its Chapter 7: Geographical Aspects of the Strategy and state,

“Countryside

7.10 We recognise that there will continue to be demand for development outwith the settlement development areas. We must balance recognising the countryside as an economic resource with development potential against the possible effect of any development on the natural and cultural heritage of the area. In certain situations, this may include the area surrounding key features such as listed buildings or war memorials. This does not prevent development. Instead, the strategy identifies three categories of countryside based on the level of sensitivity of the natural and cultural heritage they contain (see box 1 in section 9 of the plan).

7.11 ‘Low Sensitivity Areas’ contain locally important features which contribute to the identity of Wester Ross, as well as areas with none of the features listed in Box 1. ‘Medium-Sensitivity Areas’ are mainly nationally important areas in line with National Planning Policy Guidelines 5 and 14. ‘High-Sensitivity Areas’ reflect the European importance of nature conservation features within Wester Ross and the fact that the local plan must put the EC Wild Birds and Habitats and Species Directives into practice. The level of sensitivity determines how acceptable any development proposals might be. We will also take account of the nature and scale of development. Only the highest level of sensitivity is shown on the Proposals Map, and lower levels may exist beneath these. All sensitivities must be considered when developing and assessing development proposals.”

16. Paragraph 7.12 is entitled “Fragile Areas” and is set out as follows:

“Fragile Areas

7.12 The strategy recognises the different social and economic circumstances between communities within Wester Ross and highlights the need to meet the development needs of rural areas for homes, jobs and services. An important part of the strategy is identifying areas that are fragile due to a range of social and economic factors (you can get the paper which explains how we identify these areas from our Planning and Development Service). These are generally in the south of the area around Applecross and Torridon (see the Proposals Map), but will change over time as circumstances change. This affects the balance between development and conservation. In fragile areas, we will attach more importance to development proposals outwith the settlement development areas which show that they would support communities which are experiencing difficulties in maintaining population and services. In those parts of Wester Ross which are not fragile, we have taken account of the need to increase the boundaries of Settlement Development Areas to accommodate development.”

17. Paragraph 8 deals with monitoring:

“Monitoring the Plan

8.1 It is important that we monitor the plan to identify how far policy is being put into practice and is still relevant. This is particularly important in terms of the effect of water and sewage from new development in small communities with no public systems. We will produce regular monitoring reports, taking account of development rates, information from service providers and emerging plans and strategies. These reports will help to show how effective the plan is and will highlight any need for an early review.”