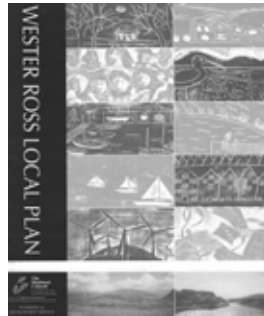


Summary of Proposed Amendments to Policies and Supporting Text



Appendix
No:

2

BACKGROUND

1. The following is a summary of all the amendments which have been either proposed by the council through modification prior to the commencement of the public local inquiry; or through recommended adjustments and alterations, particularly in the earlier chapters of this report. Although no longer consecutive, sections and paragraph numbers have been retained in a similar numerical order and form to Appendix 1 for purposes of direct comparison. The cross reference numbers relate to the chapter number in which any particular alteration was made (ie word¹ refers to an amendment recommended in chapter 1, word² refers to chapter 2 etc). Underlining or double underlining of additional text relates to the origin of the addition. As deletions are not shown, comparison should be made with the original reproduction of the policies in Appendix 1.

THE POLICIES

2. The policies as amended in this report are as follows. Policy 1:

Policy 1: Development⁵

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 and Settlement Inset⁹ Maps) and compatibility with structure plan Policy G2: Design for Sustainability.

1. In areas of **low** sensitivity (including Locally and Regionally Important Natural and Cultural Features), with:⁸
 - no local designation, we will support proposals⁸ where it can be shown that they⁸ will sustain⁸ communities in fragile areas which are having difficulties in keeping their population and services.
 - locally or regionally important features, we will allow developments if we believe that they will not have an unreasonable impact on the amenity and heritage features.⁸ particularly where it can be shown that they⁸ will support communities in fragile areas which are having difficulties in keeping their population and services.
2. In areas of **medium** sensitivity (including Nationally Important Natural and Cultural Features),⁸ 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./

3. In areas of **high** sensitivity (including Internationally Important Natural and Cultural Features),⁸ we will only allow development if it will not adversely affect the integrity of the site. Proposals that would adversely affect the relevant interest for which the site is designated, will only be allowed if¹⁴ there is no alternative solution and there 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 Areas⁵

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, as shown on page ** of this plan.^{10 and 17}

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.

1B⁵ 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 and Settlement Inset⁹ 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 and Settlement Inset⁹ 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.
10. **Scheduled Species** - The presence of species protected under the Wildlife and Countryside Act 1981, as amended by the Nature Conservation (Scotland) Act 2004, will be considered as a material consideration in any proposals for development.¹⁹

11./

11. Overhead Power Lines – We will oppose the erection of overhead transmission lines between Ullapool (Ardmair or Loch Broom) and Beauly, on the basis that they would be unattractive for Highland Interests.⁴

1C Note on Compliance¹⁸

Developments which are judged to be significantly detrimental in terms of any part of this policy and for which no mitigating action can be taken, shall not accord with the local plan.^{15 and 18}

1D Areas of Avoidance²¹

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.²¹

Box 1: Hierarchy of Natural and Cultural Heritage Features⁵

<p>Low Sensitivity <u>(including Locally and Regionally Important Natural and Cultural Features)</u>⁶</p>	<p>Areas of Great Landscape Value Category B and C Listed Buildings Conservation Areas Sites and Monuments Record Archæological Sites <u>Archæological Heritage Areas</u>⁸ War Memorials Settlement Setting <u>Inventoried</u>⁵ Semi-Natural Woodland Amenity Trees Views over Open Water <u>Isolated Coast</u>⁸ Remote Landscapes Locally Important Croft Land Sites of Local Nature Conservation Interest Geological Conservation Review Sites</p>
<p>Medium Sensitivity <u>(including Nationally Important Natural and Cultural Features)</u>⁶</p>	<p>Scheduled Ancient Monuments Category A Listed Buildings <u>Conservation Areas</u>⁸ National Nature Reserves Sites of Special Scientific Interest Inventoried Gardens and Designed Landscapes National Scenic Areas Isolated Coast <u>Inventoried</u>⁵ Ancient and Long-Established Woodland Tree Preservation Orders Archæological Heritage Areas</p>
<p>High Sensitivity <u>(including Internationally Important Natural and Cultural Features)</u>⁶</p>	<p>Special Protection Areas Special Areas of Conservation (including Candidate) Ramsar Sites</p>

5. Boxes 2 and 3 will follow at this point (Box 3 unaltered, and so not shown):

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
Bathing Water Directive areas¹⁵
European Union Shellfish Hygiene Waters¹⁵
 Next to waters that the European Union Shellfish Directive applies to

6. Structure plan Policy G2: Design for Sustainability is reproduced here 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, priority habitats outwith candidate Special Areas of Conservation under the Habitats Directive, Scheduled¹⁹ Species under the Wildlife and Countryside Act 1981, as amended by the Nature Conservation (Scotland) Act 1981¹⁹, 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. Box 4 remains at this point as drafted in the plan, and it details the Consultation Areas.

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. Those which are the subject of objection and recommended amendment 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. The Scottish Biodiversity Strategy outlines other relevant duties in respect of biodiversity.²⁰

“**Ross and Cromarty Landscape Character Assessment** (1998), **Wester Ross Settlement Landscape Capacity Study** (*add date*),²⁰ 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 Wester Ross Settlement Landscape Character Assessment provides an appraisal of opportunities and constraints for housing for most settlements in Wester Ross in landscape terms.²⁰ 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. All three²⁰ 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 and objectives²⁰ 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 previous appendix in support of the policies referred to in this report. As for the Appendices to the plan, unless they have been altered or amended, they have been omitted:

12. Chapter 5 of the plan is entitled “Working Towards the Vision” and paragraphs 5.3 and 5.4 have been involved in amendment:

“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, and supporting the creation of the Trans-Highland Cycle Route from Dingwall to Ullapool.³
- 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 in²⁰ 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, the Highlands of Scotland Tourism Strategy,²⁰ the Natural Heritage Futures, etc.”²⁰

15. Paragraphs 7.10 and 7.11 of the local plan are contained within its Chapter 7: Geographical Aspects of the Strategy and paragraph 7.11 has been amended:

“Countryside

7.11 Locally and regionally important natural and cultural features (referred to in Policy 1: Development; Box 1: Hierarchy of Natural and Cultural Heritage Features; and on the Background and Inset⁹ Maps as areas of ‘Low Sensitivity’) are mostly identified by us, and⁶ contribute to the identity of Wester Ross. Nationally important natural and cultural heritage features (referred to as areas of ‘Medium Sensitivity’) are identified by national organisations, or by us under national legislation⁶ in line with National Planning Policy Guidelines 5, 13⁶ and 14. [⊗] Internationally important natural and cultural heritage features (referred to as areas of ‘High Sensitivity’) are identified under government directives and conventions. How sensitive these features are to development depends upon their level of importance,⁶ the nature and scale of development, and the likely effect on the feature in question.⁶ Only the most important feature⁶ is shown on the Proposals Map, and lower levels may exist beneath these. All natural and cultural heritage features⁶ must be considered when formulating⁶ and assessing development proposals

16. Paragraph 7.12 is entitled “Fragile Areas” and amendments are recommended 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 obtain⁷ the paper which explains how we identify these areas from our Planning and Development Service). Identifying these areas is based only on statistical analysis. As a result of the level at which the data is available, there may be areas which have not been identified as fragile, but which are still fragile in some way.⁴⁵ 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, particularly within countryside areas of local and regional importance,⁷ we will support⁷ development proposals outwith the settlement development areas which show that they would sustain⁷ communities which are experiencing difficulties in maintaining population and services. In areas of national importance, we will support development proposals outwith settlement development areas which show they would sustain communities which are having difficulties in maintaining population and services, as long as they can be shown not to harm that heritage.⁷ 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.”

[⊗] - reference to be included at this point to the forthcoming Development Plan Policy Guideline: Design for Sustainability, the Scottish Executive Planning Advice Notes and the objector’s own guidance notes (for example, those on hydro and wind energy).