

# Physical Constraints Cuingealachdan Corporra



## Physical Constraints Supplementary Guidance

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## Introduction

### Ro-ràdh

There are a range of physical and technical factors, including those that affect public health and safety that need to be assessed when considering development proposals, covering issues such as noise, odour and pollution. We have produced this guidance to provide prospective developers with an up to date list of such constraints on development.

It is important to note that such constraints do not necessarily preclude development, however where a proposed development is affected by any of the constraints listed, developers should demonstrate compatibility with the constraint or outline appropriate mitigation measures.

For specific types of development, reference should also be made to additional supplementary guidance where appropriate. For example, proposed wind farm developments should take account of specific guidance within 'On-shore Wind Energy: Supplementary Guidance'.

## Status of the guidance

### Inbhe an Stiùirideadh

The guidance reflects the policy advice given in Scottish Planning Policy, and will supplement Policy 30 of The Highland Council's Highland wide Local Development Plan which states:

#### **Policy 30 Physical Constraints**

Developers must consider whether their proposals would be located within areas of constraints as set out in Physical Constraints: Supplementary Guidance. The main principles of the guidance are:

- to provide developers with up to date information regarding physical constraints to development in Highland; and
- to ensure proposed developments do not adversely affect human health and safety or pose risk to safeguarded sites.

Where a proposed development is affected by any of the constraints detailed within the guidance, developers must demonstrate compatibility with the constraint or outline appropriate mitigation measures to be provided.

This guidance is to be adopted as statutory Supplementary Guidance under the Planning Etc. (Scotland) Act 2006.

The Highland Council will monitor the effectiveness of the guidance and review its contents at regular intervals to ensure it remains relevant and compliant with Scottish Government Policy and Highland Council Policies and Strategies.

## How to use the guidance and maps

### Mar a chleachdas sibh an stiùireadh agus na mapaichean

Over the following pages, this guidance identifies the range of physical constraints which exist across Highland, provides a description of each and outlines why it should be taken into consideration.

Where to view maps: The guidance and maps are available to view through the Online Local Development Plan (OLDP) System at:  
<http://www.highland.gov.uk/developmentplans>

Where mapped data is available from other sources, we have provided a link to this within the list of constraints. In some instances, mapped data is not currently available to publish. However we aim to provide this as part of further revisions of the guidance. We may hold some data on these constraints and developers are advised to check with their local planning office. This guidance will be a live document and will be updated online when new data/information becomes available.

## Contacts

### Cuir fios gu

For additional information on this guidance please contact:

Development Plans Team  
01463 702264  
[devplans@highland.gov.uk](mailto:devplans@highland.gov.uk)

## List of Constraints

### Liosta chuingealachaidhean

Constraint	Description	Source
Within 15m of any water body or water dependant habitat identified in the Register of Protected Areas	<p>These are the protected areas identified for the Scotland River Basin District and currently include:</p> <ul style="list-style-type: none"> <li>• Areas designated to protect economically significant species</li> <li>• Bathing waters</li> <li>• Nutrient sensitive areas</li> <li>• Areas designated for the protection of habitats or species and;</li> <li>• Waters used for the abstraction of drinking waters</li> </ul>	SEPA Register of Protected Areas  Background information is also available in Chapter 5 of SEPA's River Basin Management Plan
Hazards identified by the Health and Safety Executive	<p>These are hazards that have been identified as potentially having an adverse impact on public health and safety. Specifically they comprise of:</p> <ul style="list-style-type: none"> <li>• Areas which may be affected by Radon Gas</li> <li>• Areas which contain a gas compound</li> <li>• Areas which are used for explosive storage military or otherwise.</li> <li>• Public Safety Zones (areas where there are significant public safety risks due to existing land uses)</li> </ul>	OLDP
Defence installations	<p>These are areas which are actively used by the Ministry of Defence and require to be safeguarded due to the nature of their uses. Such areas can include training ranges and airfields.</p>	No comprehensive data is currently available to publish – we will update this element of the guidance in future revisions

Constraint	Description	Source
Safeguarding of aerodromes	Aerodromes should be safeguarded in order to ensure both their operation and development are not inhibited by future developments. Further information and a list of current aerodromes is contained within Scottish Government Circular 2/2003	Scottish Government Circular 2/2003 CAP 738 – Safeguarding of Aerodromes CAP 764 – CAA Policy and Guidelines on Wind Turbines
Private water supplies	New developments have the potential to disrupt private water supply to the development it serves as well as posing a risk to the supply in terms of contamination.	If you think your development may be affected by a private water supply, you are advised to contact Environmental Health who maintain a register of all known private water supplies. They are currently working towards making this register map based which will be included in a future revision of this guidance
Designated airport safeguarding areas	These are areas which are safeguarded from specific types of development which may impact on the operation of an airport or its potential for future expansion	OLDP

<b>Constraint</b>	<b>Description</b>	<b>Source</b>
Within 400m of an active quarry	Active quarries have the potential to impact on public amenity through increase in noise	No comprehensive data is currently available to publish – we will update this element of the guidance in future revisions
Proven mineral reserves	These are areas where it has been proven through land investigations that mineral resources are present on the site. Such mineral resources are essential in ensuring ongoing development within the Highlands and should be protected wherever possible	No comprehensive data is currently available to publish, however forthcoming Local Development Plans will examine mineral reserves and this information will be included within future revisions of this guidance
Poorly drained areas	These are areas which have drainage issues and may result in persistent flooding and waterlogging problems. Potential future developments within these areas will require a drainage impact assessment	OLDP

Constraint	Description	Source
Within 1000m of wind turbines	<p>Proposed developments should take into consideration the potential impact that they may have on the operational efficiency of existing and proposed wind turbines.</p> <p>In addition the development of new turbines should take into consideration the impact that they may have on the amenity of other uses.</p> <p>Further guidance on both these issues can be found in the On-shore Wind Energy: Supplementary Guidance and the Small Scale Wind Turbine Supplementary Guidance available online at:</p> <p><a href="http://www.highland.gov.uk/developmentplans">Http://www.highland.gov.uk/developmentplans</a></p>	<p>OLDP</p> <p>*Please note that this data will be augmented and updated in due course.</p>
Within 150m of trunk/major road corridors	<p>The main purpose of the trunk road network is to provide for the safe and efficient movement of long distance through traffic. To ensure this there are strict limits on the number of direct accesses onto trunk roads. The full implications of development proposals on traffic and road safety must be taken into account. This includes Trunk Roads and other locally significant roads (for example A99 to John O' Groats)</p>	<p>OLDP</p>
ENA Standards 43-48: Overhead line clearances	<p>It is essential that overhead lines are not disturbed by new development as well as ensuring they can be readily accessed for maintenance. This standard provides technical specifications which govern the minimum clearance to be maintained between the conductors, ground, roads, trees and objects on which a person may stand</p>	<p>ENA Standards 43-48</p>



Constraint	Description	Source
Railway infrastructure	<p>Any new development can potentially pose a risk to the running of the operational railway or impact on existing railway infrastructure such as: bridges; tunnels; embankments; railway access; and level crossings.</p> <p>There are a significant number of level crossings in the Highland Local Authority Area. Development proposals that are likely to result in a significant percentage increase level crossing use must assess level crossing capacity and potential safety impacts borne from proposals including appropriate mitigation where necessary.</p> <p>In addition, a further consideration is that the operational railway produces noise as part of the day to day running of the railway.</p>	OLDP
Trunk water mains	<p>All trunk water mains are essential to maintaining the supply of water to the Highlands and may be adversely affected by new development. It is also crucial to ensure such mains can be readily accessed for repair or maintenance works. Developers should contact Scottish Water as early as possible to discuss protective measures and to obtain general advice on sites containing trunk assets.</p>	OLDP
Oil/Gas pipelines	<p>Pipelines carrying oil and gas pose special safety concerns due to their flammable or explosive nature.</p>	OLDP
Areas of excessive slope	<p>Alterations to areas where the slope of the land is more than a gradient of 1 in 7 can result in increased erosion, landslides as well as an increased fire hazard</p>	OLDP

<b>Constraint</b>	<b>Description</b>	<b>Source</b>
Flood risk areas	These are areas which have an annual probability of flooding of 0.5% or greater (1 in 200 year return period flood extent). This information may be found on the SEPA Indicative Flood Maps. Please note that other information may also be available which indicates areas have a risk of flooding.	SEPA Flood Map
Rights of way	Any path which is included in the Highland Path Record and subsequently included in one of the Highland Council Core Path Plans should be maintained in new development	Core Path Plans
Within 20m of woodland	Areas to prevent the loss of amenity of woodland	Highland Forest and Woodland Strategy
New, existing or former waste management site	Regard must be had to the safeguarding of waste management sites as well as to any potential impact that the operation of facilities on such a site might have on a proposed development	SEPA Waste Infrastructure Maps
Other contaminated land	Areas which have had potentially contaminating previous land uses. Within such areas, remediation measures may be required to ensure the site is safe for new development	If you think your proposed development site may previously have had a potentially contaminating use, you are advised to contact our Contaminated Land department
Within proximity of a sewerage treatment works	Areas to ensure room for expansion of treatment works and to ensure no detrimental impact on public amenity	Sewerage Nuisance Code of Practice (Scotland) Order 2006
Transmitters	This can be radio, television or telecommunication transmitters	OLDP

<b>Constraint</b>	<b>Description</b>	<b>Source</b>
Areas liable to erosion or subsidence	Areas identified as being at risk of erosion or subsidence.	No comprehensive data is currently available to publish – we will update this element of the guidance in future revisions



## Getting Involved

**If you would like more information or to get involved in the production of future plans please contact us in one of the following ways:**

### Telephone

(01463) 702259

### Post

Director of Planning and Development, The Highland Council, Glenurquhart Road, Inverness IV3 5NX

### Email

devplans@highland.gov.uk

### Fax

(01463) 702298

**For the most up to date news on the work of the Development Plans Team (and more) please follow our twitter account, 'Like' our Facebook page and check out our blog:**

### Twitter

[www.twitter.com/highlanddevplan](http://www.twitter.com/highlanddevplan)

### Facebook

[www.facebook.com/highlandLDPs](http://www.facebook.com/highlandLDPs)

### Blog

[hwldp.blogspot.co.uk](http://hwldp.blogspot.co.uk)

### Feedback

If you have any experience of Development Planning that you would like to comment on please complete a customer satisfaction survey:

<http://www.surveymonkey.com/s/X89YVTY>

