

How to Read and Use the Plan

This Local Plan (as continued in force) must be read in conjunction with the Highland-wide Local Development Plan (HwLDP). The HwLDP contains the Spatial Strategy, Vision and all general policy against which development proposals will be assessed. General policies within the Highland-wide Local Development Plan can found in Sections 18 to 23 (inc).

Wester Ross Local Plan (as continued in force)

The adopted Highland-wide Local Development Plan replaced the Highland Structure Plan (March 2001) (except within the Cairngorms National Park) and updates/supersedes the “general policies” of the existing adopted Local Plans. In order to retain the other elements of the existing adopted Local Plans (including but not limited to; site allocations, settlement development areas not covered by the Highland-wide Local Development Plan and site specific policies) a Parliamentary Order was laid before Scottish Parliament on 16th March 2012 to enable these elements to remain in force to the extent so specified as required by Schedule 1 of The Town and Country Planning (Scotland) Act 1997 As Amended. The Order is called The Town and Country Planning (Continuation in force of Local Plans) (Highland) (Scotland) Order 2012 and came into force on 1st April 2012.

The elements of the adopted Local Plans which remain in force are included within the Retention Schedule as contained in Appendix 7 of the Highland-wide Local Development Plan. These retained elements of local plans will remain retained until the time a new area Local Development Plan is prepared covering that area. At that time the retained elements of the local plan will no longer be part of the Development Plan.

The Retained Elements of the Plan are contained in the following sections of this document, the original Local Plan documents have been redacted to remove or shade out sections of text no longer in force. The continued in force parts of the Plan remain with the HwLDP providing the general policy context for these sections of text and mapping.

Habitats Regulation Appraisal and Strategic Environmental Assessment

For the Order to be passed it had to be clear that the retained elements of the adopted local plans have met the requirements of European Community Law with respect to Habitats Regulation Appraisal (HRA) and Strategic Environmental Assessment. The Habitats Regulations Appraisal (HRA) considers all the policies and proposals of the adopted local plans which are intended to be retained in force. The Plan must be read alongside the HRA.

Provisions of Local Plan Map(s) as continued in force

The provisions of the Proposals Map (including any inset contained in or accompanying it and the policies and proposals shown on such inset) and related notations, referencing and explanatory text, only to the extent to which those provisions show, illustrate or explain any provision of the local plan which is continued in force by the Parliamentary Order* and as detailed in the Retention Schedule.

The Retention Schedule (extract) below lists the retained elements to the area Local Plan.

Wester Ross Local Plan (Adopted: 29 June 2006)

Provisions of Wester Ross Local Plan to continue in force	Limitations and exclusions
1. The provisions of the Written Statement contained in—	
Chapter 9 (general policies)	Only the provisions of paragraph 8 (development factors) of policy 4 (other development considerations) and the final paragraph of Policy 4 to the extent to which it relates to that paragraph.
2. The provisions of the Proposals Map (including any inset contained in or accompanying it and the policies and proposals shown on such inset) and related notations, referencing and explanatory text	Only to the extent to which those provisions show, illustrate or explain any provision of the local plan which is continued in force by this Order.

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Appendix 1 Wester Ross facts and figures

Appendix 2 Working with other strategies

Appendix 3 Housing requirements 2003-2012

Glossary

Proposals map

Settlement development areas

Lochbroom area

Gairloch area

Lochcarron area

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 Habitats 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 an 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.

Developments which are judged to be significantly detrimental in terms of the above criteria and for which no satisfactory mitigating action can be taken shall not accord with the Local Plan.