

APPENDIX 2

TO:

**23 SEPTEMBER PLANNING,
ENVIRONMENT AND
DEVELOPMENT COMMITTEE ITEM**

SUTHERLAND LOCAL PLAN

**GENERAL POLICIES WITH
TRACKED CHANGES**

5 General Policies

The fundamental part of this Plan strategy is to direct the right sorts of development to the right places, thereby *making better places*. The Plan sets out below a range of general policies to achieve its objectives.

It is very important that users of this Plan note that each planning application will be assessed against all policies and legislation relevant to the particular proposal and location. Conformity with a single policy will not necessarily indicate that a proposed development is acceptable.

1 Settlement Development Areas

The Plan highlights 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 the Structure Plan Policy H3, which says that housing development will generally be within existing and planned new settlements. Because of this, we hope to meet the majority of the housing requirement, set out in the Vision / Strategy, within the *Settlement Development Areas*. This makes best use of existing infrastructure and 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 the landscape and ground conditions. As a result, where possible we have drawn the boundaries of the settlement development areas relatively widely around the existing built-up areas. [We have also had regard to the Sutherland and Caithness Landscape Character Assessment \(see Appendix 3\) and the Sutherland Landscape Capacity Study* in preparing the Plan.](#)

For each of the *Settlement Development Areas*, the Plan will set out a number of *Objectives* which will include *Development Factors* and *Developer Requirements* which will need to be taken into account in that particular area. This will include for example, important views which should be retained or other improvements required.

* *SNH commissioned report No. 147 “Sutherland landscape capacity study: an analysis of housing potential” (2006)*

We will support proposals within *Settlement Development Areas* (as shown on the Proposals Map insets) if they meet the requirements of Structure Plan Policy G2 Design for Sustainability, as shown on page X of this Plan.

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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 feature within these areas (see Policy 4, Appendix 1 and Background Maps).

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

2 Land Allocations

The Vision / Strategy recognises that most of the future growth in the Plan area will be in the main settlements. These include the communities:

which have experienced the greatest development pressures;

where the main services are;

where the best transport links are; and

where larger-scale industrial and business development is the most practical.

Within the *Settlement Development Areas* we have allocated sites for the following types of land use, in the table below.

The Plan also identifies a number of *Developer Requirements* which are associated with these sites and which must be addressed by developers in taking proposals forward on them. These have been identified through consultation or through the Strategic Environmental Assessment process. In some cases the Action Programme which will accompany the Plan will identify the need for a development brief or master plan to be prepared prior to the site being developed.

Indicative site capacities are given where appropriate in the settlements section of the Plan for housing or part housing allocations.

Developers must take account of the details set out on the Proposals Map insets. We will give particular consideration to the total effect of private water and sewage systems.

3 Wider Countryside

It is recognised that given the rural nature of much of the Plan area, there will continue to be demand for development outwith the settlement development areas. The Local Plan seeks to balance recognising the countryside as an economic resource with development potential against the possible effect of any development on the natural, built and cultural heritage of the area.

Development can have a significant impact upon the character of the landscape. Proposals should be sympathetic to this and landscape is a key consideration under Policy G2 of the Structure Plan. The impact will depend upon the type of development and the type of landscape character present and there may be potential for mitigation to be included in proposals. The Caithness & Sutherland Landscape Character Assessment (1997) broadly classifies the types of landscape character present and provides advice about assessing proposals. Where necessary it will be referred to as a material consideration when examining proposals. Landscape impact is a consideration throughout the Plan area but is particularly important outside Settlement Development Areas where sites are not allocated for specific uses in the Plan and where there is generally less intensive development already as part of the landscape, or where there is no development at all (see Appendix 3 landscape character assessment). For some existing settlements the Plan identifies particular importance of or sensitivity with their settings. In those areas of the wider countryside, development will only be supported if it does not harm the settlement setting.

Development in the wider countryside may help support communities in fragile areas (see glossary). There are in particular many 'townships' in the Plan area, not defined by Settlement Development Areas but where there is significant settlement within a locality and which is identifiable loosely as an established rural community. Development which is considered appropriate in the countryside and which would be compatible with existing townships might be located in those communities with particular advantage (if that is compatible with other policies of the Development Plan), as it may help to support existing communities through sustainable development.

Deleted: Development in the wider countryside may help support communities in fragile rural areas who are having difficulties in keeping their population and services.

The general approach to development outwith the settlement development areas is set out in Policy 3. However, it should be read in conjunction with all other relevant policies of the Plan; it is particularly important to highlight that General Policies 3, 4 and in the case of housing development 16 are related and should be read together.

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Outwith Settlement Development Areas, proposals may be acceptable where they help support communities in fragile rural areas who are having difficulties in keeping their population and services by helping to repopulate communities and strengthen services.. Suitably designed proposals will be supported if they:

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- are consistent with other policies in the Highland Structure Plan and this Local Plan;
- are in accordance with the existing settlement pattern and landscape character and avoid, where possible, the loss of locally important croft land; and

· account for drainage constraints or can otherwise be adequately serviced and do not involve undue public expenditure or infrastructure out of keeping with the rural character of the area.

4 Natural, Built and Cultural Heritage

The outstanding natural, built and cultural heritage of the Plan area has to be fully considered when development proposals come forward throughout the area. The Plan identifies three categories based on the type and importance of natural, built and cultural heritage they contain. These categories are local and regionally important, nationally important and internationally important.

Local and regionally important features are mostly identified by The Council, and contribute to the identity of the Plan area.

- Areas of Great Landscape Value
- Category B and C(S) listed buildings
- Sites and Monuments Record archaeological sites
- War memorials
- Settlement setting
- Inventoried Semi-Natural Woodland and Long-Established Woodland (Plantation)
- 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
- Isolated coast
 - Archaeological Heritage Areas
- Conservation Areas

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Nationally important natural, built and cultural heritage features are identified by national organisations or by The Council under national legislation.

- Scheduled Ancient Monuments
- Category A listed buildings
- National Nature Reserves
- Sites of Special Scientific Interest
- Inventoried Gardens and Designed Landscapes
- National Scenic Areas
- Inventoried Ancient Woodland and Long-Established Woodland (Semi-Natural)
- Tree Preservation Orders

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Internationally important natural and cultural heritage features are identified under government directives and European conventions.

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- Special Protection Areas
(including proposed)
- Special Areas of Conservation
(including candidate)
 - Ramsar sites

These categories and the features included within them may be updated should circumstances change during the Plan period.

This policy must be read in conjunction with the Background Maps and the policy frameworks identified in Appendix 1

How sensitive these features are to development depends on their level of importance and on the nature and scale of development and the likely effect on the feature in question. Policy 4 therefore sets out the tests against which all development which affects these heritage features must be assessed. Only the most important feature is shown on the Proposals Map, and other features may exist beneath these. Where necessary, Appropriate Assessment (assessing the impacts a Local Plan will have on a range of European designated sites) is undertaken for allocations prior to adoption of the Local Plan, however individual Appropriate Assessments may be required to be completed for proposed developments prior to determining planning applications.

There are parts of Sutherland which are fragile areas (see glossary) and there may be opportunities through some developments to support communities in fragile areas

who are having difficulties in keeping their population and services. This can be done by helping to repopulate communities and strengthening services.

Note that the individual Proposals Maps do not show coverage of these Natural, Built and Cultural Heritage features within the settlement boundaries to allow for the clear illustration of the proposed land allocations. However, the full extent of these features, including their coverage within settlements, can be found on the Background Maps which are contained in the Map Booklet.

The impact on all natural and cultural heritage features must be addressed however when considering and assessing development proposals, and the Background maps which are contained in the Map booklet of the Plan set out the locations of all these different features in so far as they have been mapped digitally on our system.

Features identified by the Council as being present at the time a proposal is considered and which are of the types indicated under the policy, but which have not yet been mapped, will still be subject of protection under this policy. Also, the boundaries of some features (such as Areas of Great Landscape Value) are in the process of being refined and reviewed and Appendix 1 indicates the current position.

When making decisions on development proposals we will take account of the level of importance of, and the effect on natural, built and cultural heritage features. This will include where appropriate, not just the feature itself but the wider setting and impacts which must be taken into account. This policy must be read in conjunction with the Background Maps and the policy frameworks identified in Appendix 1.

1. For features of local/regional importance we will allow developments if we believe that they will not have an unacceptable impact on the amenity and heritage resource.

2. For features of national importance we will allow developments that can be shown not to compromise the amenity and heritage resource. 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 who are having difficulties in keeping their population and services.

3. For features of international importance (Natura 2000 (SPA, SAC) and Ramsar sites), developments likely to have a significant effect on the integrity of a site, will be subject to an appropriate assessment. Where we are unable to conclude that a proposal will not adversely affect the integrity of a site, we will allow development, but only where there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social, environmental or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, prior consultation with the European Commission (via Scottish Ministers) is required unless the proposal is necessary for public health or safety reasons or will have beneficial consequences of primary importance to the environment.

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5 Affordable housing

The Council's Local Housing Strategy identifies the existence of unmet housing need in the Plan area and its Delivery Plan seeks opportunities to increase the supply of both affordable rented housing and low cost affordable houses. To help meet need for affordable homes, the local plan aims to make sure that new housing development makes a contribution towards the supply of affordable housing. This applies to development on both allocated and unallocated sites. The Council's [Supplementary Planning Guidance](#) on Affordable Housing, in its revised form (2008), reflects the policy in this Plan and provides guidance as to its application.

The Housing Strategy Local Action Plan will indicate any areas where a contribution of more than 25% will be expected. It will also indicate the tenure split required for affordable housing in order to best meet needs.

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In accordance with the [Supplementary Planning Guidance](#) on Affordable Housing, on sites allocated for housing with an indicative overall capacity of four or more houses the Council will expect to either negotiate a Section 75 Agreement with the landowner(s) and other interested parties, or utilise other mechanisms to provide for a contribution towards affordable housing (as defined in the Guideline), such contribution normally being a minimum of 25%. Negotiations will be subject to market and site conditions, and the contribution may be in the form of land, housing units or a financial contribution.

On these allocated sites, and to prevent the subdivision of larger plots, where an application is made for less than four houses, developers will be expected to provide a financial contribution in proportion to the number of units proposed, and a Section 75 agreement (or other mechanisms) will be required to ensure that any further development on the site will include an appropriate proportion of affordable housing.

This will also apply to proposals for development on sites not allocated for housing within this Local Plan and which would be expected to accommodate four or more houses at density levels consistent with the existing settlement or density patterns. When making decisions on development proposals we will take account of other policy considerations, such as the level of importance of, and the effect on, the natural and cultural heritage (see Appendix 1 and Background Maps).

Proposals which include affordable housing should be carefully designed to fully integrate the affordable housing plots as part of a single, overall development of the site and the affordable homes should be indistinguishable from the general market homes [in terms of standard of design and average density](#).

In the landward areas, a contribution towards affordable homes attributed against the primary landholding, will apply in respect of every fourth dwelling granted planning permission, within that same landownership.

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6 Designing for Sustainability

SPP1 The Planning System makes it clear that the planning system should link principles and actions to enable sustainable development. This is reinforced under the Planning etc. (Scotland) Act 2006 which requires the planning authority to exercise its development planning function with the objective of contributing to sustainable development. Highland Structure Plan Policy G2 sets out the requirement for all development to be designed for sustainability. As a result, the Council will normally require planning applicants to demonstrate, by means of a Sustainable Design Statement (SDS), that their proposals take account of sustainable design practice.

For example, applicants will be expected to investigate the use of grey water and micro renewable energy systems.

The Council has developed a Development Plan Policy Guideline on Designing for Sustainability to provide further advice to applicants about what will be assessed. As part of the implementation of the Guideline, we will develop further guidance on the level of detail sought in SDSs for various thresholds sizes and types of development. By raising the sustainability 'rating' of new development across Sutherland there may be opportunity to promote an uplift in the standard of services and facilities generally, for example in waste water treatment. A minimum threshold will be set to exclude very minor developments.

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The purpose of this guidance is to support the preparation of an SDS by those involved in applying for planning permission. It is the Council's intention that the statements will be used as a planning tool throughout the Highland Area to meet the requirements of the Planning Act 2006. In introducing the SDS requirement the Council's primary focus will be to ensure that planning applicants reap the benefits of sustainable design, while minimising the extra effort involved in preparing a planning application.

The requirement for submission of an SDS will be supported by the forthcoming secondary legislation in regard to Development Management is finalised and comes in to force towards the end of 2008.

The Council is preparing, in advance of the legislation, further guidance to inform the factors which require to be addressed in a checklist with supporting information on the scoring of each aspect of the assessment.

The guidance takes account of all the relevant Scottish Government policy and in particular the more recent SPP 6 Renewable Energy and PAN 84 Reducing Carbon Emissions in New Development.

We will judge development proposals against a 'Design for Sustainability' statement which we will normally require developers to submit with their planning applications in line with the Development Plan Policy Guideline on Designing for Sustainability.

7 Waste Water Treatment

The best way to deal with the effluent generated by larger developments and/or settlements is by means of a 'publicly' maintained network of sewers and related sewage plants. SEPA as the relevant environmental agency has adopted a policy to encourage such treatment.

However, it is necessary to allow other private sewage treatment options in certain circumstances, in particular, where settlements are smaller, more dispersed in pattern and often not served by adequate existing or programmed existing public sewage systems. Developers should refer to SEPA's Policy on the Provision of Waste Water Drainage in Settlements, for information.

Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 is required for all new development proposals:

- Either in settlements identified in the plan with a population equivalent of more than 2000 (SEPA can advise on this); or
- Wherever single developments of 25 or more units are proposed.

In all other cases a connection to the public sewer will be required, unless the applicant can demonstrate that:

- 1) the development is unable to connect to public sewer for technical or economic reasons; or
- 2) The receiving waste water treatment plant is at capacity and Scottish Water has no programmed investment to increase that capacity;

And that the proposal is not likely to result in or add to significant environmental or health problems.

The Council's preference is that any private system should discharge to land rather than water.

Within or adjacent to the public sewer, where connection to the public sewer is not permitted because there is no capacity but Scottish Water has confirmed that investment to address this constraint has been specifically allocated within its investment programme, a temporary private system would only be supported if:

- The system would be designed and built to a standard which will allow adoption by Scottish Water.
- The system is designed such that it can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection. The developer must provide Scottish Water with the funds which will allow Scottish Water to complete the connection once the sewerage system has been upgraded.

8 Waste Management

Sustainable waste management is an important consideration for The Council.

Scottish Planning Policy 10 “Planning for Waste Management” states that waste management has to be driven forward to move away from the reliance on landfill and to promote the waste hierarchy. The preferred options in the waste hierarchy are to prevent, reuse and recycle or otherwise recover value from waste before disposal.

A key role of the Plan is to direct waste management uses to the most appropriate locations, which are generally either existing or former waste management sites or on business and industrial land where they are compatible with existing or proposed uses. The Settlements section of the Plan sets out any allocations that have already been identified for specific future waste management proposals, whilst a number of existing and former waste management sites are shown on the Background Mapping. Another key role of the Plan is to seek the inclusion of arrangements for sustainable waste management wherever relevant as part of all new development, for example in proposals for new housing or industrial premises. Use of the Council’s Development Plan Policy Guideline on Designing for Sustainability will be important in fulfilling that role.

The Highland Structure Plan sets out the strategic policy framework for all types of waste management use, but the Highland Area Waste Plan, The National Waste Plan and the National Waste Strategy are very important considerations. Regard must also be had to SPP10, particularly as it is more recent. The Scottish Government’s emerging plans for ‘zero waste Scotland’ may provide further material considerations. Further guidance on issues to be considered as part of waste management proposals has been produced by SEPA.

Proposals for waste management facilities will be assessed in line with the approach set out within the Highland Structure Plan subject to taking into account the Highland Area Waste Plan, the National Waste Plan, the National Waste Strategy and SPP10. Developers will be expected to demonstrate how these considerations have been taken into account.

Waste management facilities will be supported:

- on business or industrial land in line with the Highland Structure Plan; or
- in the case of community composting facilities and recycling points, in other locations close to source;

provided that they are compatible with surrounding uses and meet other criteria relating to environmental impact and transportation.

Proposals for redevelopment of existing waste management facilities will be assessed against the National Waste Strategy, the National Waste Plan and the Highland Area

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1. Connection is not feasible, for technical or economic reasons, or, ¶

2. The receiving waste water treatment plant is at capacity and Scottish Water has no programmed investment to increase that capacity; and ¶

3. The proposal is not likely to result in or add to significant environmental or health problems. ¶

Planning permission for developments with private waste water systems will only be allowed where proposals satisfy (1) or (2) above, and satisfy (3). Any such systems in areas adjacent to waters designated under EC Directives must discharge to land rather than water. ¶

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Waste Plan to determine whether the site should be safeguarded for future waste management purposes, and will be subject to consultation with SEPA.

In considering proposals for any type of new development, the Council will also take into account the extent to which they effectively manage and promote the reduction, reuse, recycling and recovery of waste during the construction and operation of the development including any measures for waste separation and collection at source.

9 Flood Risk

The risk of flooding from all sources is likely to increase with projected climate change. It is therefore important not to allocate land at risk for inappropriate development to ensure compliance with Scottish Planning Policy 7: Planning and Flooding. Flood risk has been an integral to the choice of site allocations. Additional guidance on these issues - including maps of the medium to high flood risk areas (1:200 or greater annual probability of flooding)- may be sought from the Scottish Environment Protection Agency (SEPA). These maps are the starting point for the consideration of the flood risk implications of development proposals.

Additionally we will have regard to any other information known to be available, especially any more detailed or up-to-date assessments of flood risk, in order to take account of the potential for flooding from all sources as required by SPP7. A Flood Risk Assessment may be necessary where a site is partially within, bordering or adjacent to the medium to high flood risk area, a small unmodelled watercourse flows within or adjacent to the site, there is historical flooding known on the site or the development may have an impact on flooding elsewhere e.g. “down slope”.

Flood Risk Assessments shall accompany planning applications when required by the Council. This is an assessment carried out to predict and assess the probability of flooding for a particular site or area and recommends mitigation measures including maintenance.

Development proposals within or bordering areas susceptible to flooding, being areas with a medium to high flood risk (1:200 or greater annual probability of flooding), will need to demonstrate that the probability of flooding and any required mitigation has been assessed; a flood risk assessment will need to be submitted with the planning application. Development proposals outwith the medium to high flood risk areas may be acceptable unless local circumstances dictate otherwise, and a Flood Risk Assessment may be required.

However, development proposals *within* the medium to high flood risk areas will normally be restricted to:

- Within built-up areas - residential, commercial and industrial development, providing that flood-prevention measures to the appropriate standard already exist or are under construction. Water resistant materials and construction methods should be considered to mitigate the effects of flooding.

Deleted: In line with the Highland Structure Plan, waste management facilities will be supported on business or industrial land provided they are compatible with surrounding uses and meet other criteria relating to environmental impact and transportation. ¶

Proposals for redevelopment of existing waste management facilities will be assessed against the Area Waste Plan and National Waste Strategy, and will be subject to consultation with SEPA. ¶

The Council will also take into account the extent to which development proposals effectively manage and promote the reduction, reuse, recycling and recovery of waste.¶

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· On undeveloped or sparsely developed areas - essential infrastructure, navigational, recreation, transportation, environmental or conservation uses, as well as job-related residential uses with a locational need, providing adequate evacuation procedures are in place. Alternative lower risk locations should always be explored first, and any essential infrastructure should be designed to remain operational during floods.

Developments may also be possible where they are in accord with the flood prevention or management measures as specified within a Local Plan allocation or a Development Brief. Any developments, particularly those on the flood plain, should not compromise the objectives of the EU Water Framework Directive.

10 Other Development Considerations

Physical Constraints

There are a range of public health and safety factors that need to be assessed when considering development proposals. These are listed in the policy below and cover issues such as noise, odour, slope stability and pollution.

Sources for further information on the physical constraints listed, where available, are given in footnotes. These maps may be updated should circumstances change during the Plan period.

Subject also to the principle of development, developers will be expected to demonstrate appropriate mitigation, to the satisfaction of the Planning Authority, if their proposals affect or are affected by the constraints below (where appropriate these are shown on the background maps). Where relevant developers will need to have regard to both existing constraint features and to those consented but not yet built.

- Poorly drained areas
- Within 1,000m of large wind generators
- ENA Standards 43-8: "Overhead Line Clearances" (distance from power lines)
- Areas of excessive slope (with a gradient of over 1 in 7)
- New, existing or former waste management sites in accordance with SPP10

- Areas that could erode or subside
- Safeguard areas around sewage treatment works
- Within 400m of an active quarry

- Any waters that an EU Directive applies to in accordance with PAN79

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Areas affected by Radon Gas

- Hazardous Sites as shown on the Hazard Sites consultation area map
- Radio Telecommunications Services
- HSE Notifiable Hazardous Sites
- Trunk, A Roads and Rail Lines
- Trunk Water Mains and Water Catchment Areas
- Land with possible contamination issues (Where the past history of land-use/management indicates that contamination may have occurred, developers will be required to undertake a risk assessment to establish the level of contamination if any; provide an assessment of the impact of contamination including any contaminant migration and effect on controlled waters together with provisions for treatment/amelioration; and decontaminate the site prior to any further occupation.)

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1 <http://www.energynetworks.org>

2 *The Sewerage Nuisance (code of practice) (Scotland)*
<http://www.scotland.gov.uk/Publications/2006/04/2014033/0>

Species and Habitats

Certain species are protected under European and/or UK law and their presence on or near a development site will require consideration. Similarly, certain habitats are a general development consideration.

Article 10 Features of the Habitats Directive include for example, rivers and burns, loch and ponds, wetlands, hedgerows and other traditional field boundaries, areas of woodland and coastal habitats.

Sources for further information on the habitats and species protected, where available, are given in footnotes.

11 Protected Species

Where there is good reason to believe that a protected species is present on site or may be affected by a proposed development, we will require a survey to be carried out to establish any such presence before determining the application.

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<http://www.sepa.org.uk/data/shellfish/directive.htm>
4
<http://ec.europa.eu/water/water/water-bathing/index-en.html>

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Development that is likely to have an adverse effect on European Protected Species (see Glossary) will only be permitted where:

- There is no satisfactory alternative; and
- Development is required for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and
- Development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Development that is likely to have an adverse effect on protected bird species (see Glossary) will only be permitted where:

- There is no other satisfactory solution; and
- Development is required in the interests of public health or public safety.

Development that is likely to have an adverse effect on other protected animals and plants (see Glossary) will only be permitted where the development is required for preserving public health or public safety.

12 Other Important Species

Development proposals should avoid adverse effects on the following species if not protected by other legislation or by nature conservation site designations:

- Species listed in Annexes II and V of the EC Habitats Directive
- Priority species listed in the UK and Local Biodiversity Action Plans
- Species of principal importance included on the Scottish Biodiversity List
- Badgers under the Protection of Badgers Act 1992

We will use conditions and agreements to ensure that harm to these species is avoided.

13 Important Habitats

We will seek to safeguard the integrity of features of the landscape which are of major importance because of their linear and continuous structure or combination as habitat “stepping stones” for the movement of wild fauna and flora. (Article 10 Features).

We will consider the value of the following Other Important Habitats, where not protected by nature conservation site designations, in the assessment of any development proposal which may affect them:

- Habitats listed in Annex I of the EC Habitats Directive
- Habitats of protected bird species (see Glossary)
- Priority habitats listed in the UK and Local Biodiversity Action Plans

- Habitats of principal importance included on the Scottish Biodiversity List

We will use conditions and agreements to ensure that significant harm to the ecological function and integrity of Article 10 Features and Other Habitats is avoided. Where we judge that the reasons in favour of a development clearly outweigh the desirability of retaining those important habitats, we will seek satisfactory mitigation measures including compensatory habitat creation or enhancement of retained habitat and which, in the case of Article 10 Features, allows for continued movement of wild fauna and flora. The Council will also support, where appropriate, opportunities to create new habitat areas through development.

www.ukbap.org.uk

www.highlandbiodiversity.com

www.biodiversityscotland.gov.uk

14 Surface Water Drainage

Localised flooding can be caused or worsened by inadequate surface water drainage arrangements in new developments. Sustainable Drainage Systems provide control over quality and quantity of surface water drainage and provide opportunities for amenity and ecological enhancement. Best practice can be encouraged by a general policy requirement, cross-referenced to the latest CIRIA document on the subject of Sustainable Drainage Systems, namely "The SUDS Manual" (2007) and to Scottish Water's Technical Manual "Sewers for Scotland 2," Development proposals must also include the making of agreements for the on-going maintenance of surface water drainage systems. The following documents are relevant to this policy: Scottish Planning Policy 7 Planning and Flooding; The SuDS Manual (CIRIA C697); Sewers for Scotland Manual 2nd Edition; PAN 69.

All proposed development must be drained by Sustainable Drainage Systems (SuDS) designed in accordance with The CIRIA SuDS Manual and, where appropriate, the Sewers for Scotland Manual 2nd Edition. Planning applications should be submitted with information in accordance with PAN 69 paragraphs 23 and 24.

15 Developer Contributions

It is necessary and appropriate to mitigate the impact of new development. Existing deficiencies in public services, facilities or infrastructure can be made worse by new building and new deficiencies created. The principle of proportionate developer

Deleted: We will assess development proposals for any disturbance to a European Protected Species, as listed below, 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. ¶

Animals Plants ¶
Bats (all species) Killarney fern ¶
Wild Cat Slender naiad ¶
Otter Yellow marsh saxifrage ¶
Dolphins, porpoises & whales Floating-leaved water plantain ¶
Loggerhead turtle ¶
Green turtle ¶
Kemp's Ridley turtle ¶
Hawksbill turtle ¶
Leatherback turtle ¶
Natterjack toad ¶
Great crested newt ¶
Sturgeon ¶

Deleted: Policy 12 Article 10 Features¶

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.¶

Deleted: Policy 13 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 a ... [1]

Deleted: 5 Habitats directive: http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm ¶
6- Wildlife and Countryside Act 1981: <http://www.jncc.gov.uk/page-3614>

Deleted: Sewers For Scotland

Deleted: which is being redrafted to incorporate SUDS

Deleted: Development proposals must meet the guidance set out in The SUDS Manual and in Sewers For Scotland, including the making of agreements for the on-going maintenance of surface water drainage systems.

contributions is underpinned by the general policy below and may be secured through a Section 75 Agreement where necessary.

The Council is moving towards a position where its Local Plans will provide specific information on the anticipated deficiencies to be met and mitigation to be provided through developments. We have specified deficiencies under the "developer requirements" for the proposals in this Plan but others may emerge during the consideration of planning applications. Applicants for planning permission should therefore discuss these matters with the Council prior to submission of their applications for specific development proposals.

The following are examples of issues for which developer contributions may be sought (this is not an exclusive list) and a broad indication of how need will be assessed:

[\(There is a list of Potential Developer Contributions:](#)

[Infrastructure: The need for improvement of road, water and sewerage infrastructure.](#)

The Council will seek appropriate developer contributions in association with development proposals emerging from partnership activity, from the development plan process and from planning applications. This will be proportionate to the scale, nature, impact and planning purposes associated with the development, and may be in addition to contributions made by a developer as part of an Affordable Housing agreement. Where public signage is to be provided as part of a development, the Council will encourage bilingual provision.

16 Housing in the Countryside

This policy is necessary in order to conform to Structure Plan Policy H3 and in particular the part dealing with housing development within the hinterland of towns where there is generally tighter restraint than in other parts of the countryside. The policy sets out exceptions and further information about these is available in the Council's "Housing in the Countryside" Development Planning Policy Guideline. In the case of Sutherland, a hinterland area is identified around Tain which extends into the Plan area. The boundary has been refined, protecting countryside areas subject to commuter housing pressures and is defined on the Proposals Map of the Local Plan.

Limited potential for development has been identified at Evelix (up to 6 units) where there are opportunities for suitably sited and designed houses to consolidate the existing grouping, subject to the adequacy of services and infrastructure. Outwith this area potential relates only to proposals that meet with the exceptions indicated in the policy. Like the DPPG, this policy also seeks to reflect Structure Plan Policy H2 dealing with new settlements.

This policy should be read in conjunction with all other relevant policies of the Plan [and PAN 72 Housing in the Countryside](#); it is particularly important to highlight that [General Policies 3, 4 and 16 are related and should be read together](#)

Deleted: it should be read in conjunction with Policy 3 and Policy 4

The Council will presume against housing in the open countryside of hinterland around towns as defined within the Local Plan (see Glossary, Proposals Map, Structure Plan Policy H3: Housing in the Countryside and the approved Development Plan Policy Guideline). Exceptions to the policy will only be made where at least one of the following apply:

- A house is essential for land management or family purposes related to the management of the land (retired farmers and their spouses);
- Affordable housing is required to meet a demonstrable local affordable housing need;
- Housing is essential in association with an existing or new rural business;
- The house proposed is a replacement of an existing dwelling which does not meet the requirements for modern living and where the costs of upgrading are not justified on economic or environmental grounds (subject to the existing dwellings being demolished);
- The proposal involves conversion or reuse of traditional buildings or the redevelopment of derelict land;
- The proposal forms part of a comprehensively planned new settlement which meets the criteria set out in Structure Plan Policy H2 "New settlements". However, in the Sutherland Local Plan area this will only take the form of new crofting townships.

Deleted: Social housing

Where exceptions are justified, all proposals should accord with the general policies of the Plan, and indicate suitable drainage and other servicing, avoid conflict with natural and cultural heritage interests including locally important croft land and hazards, and be suitably sited and designed [Structure Plan Policy G2].

In the open countryside outwith the hinterland of towns, we will assess proposals in the context of Policy 3 Wider Countryside and, in the case of proposals which form part of a comprehensively planned new settlement, will support them if they meet the criteria set out in Structure Plan Policy H2 "New settlements". However, in the Sutherland Local Plan area the development of new settlements will only take the form of new crofting townships.

17 Commerce

This policy will provide a context for consideration of retail developments within the Plan area. It is intended to support existing centres of settlements in providing for a range of commercial and leisure needs of the wider community. This will help in the retention of services and facilities which serve both the settlement and the wider rural area. The policy also seeks to apply a sequential approach to site identification and to follow the approach advocated in Scottish Planning Policy 8: Town Centres and Retailing.

The Council will encourage retail, office, and leisure development (Use Classes 1-3, 7, 10 & 11), within the following network of centres.

[Specific opportunities for land assembly / redevelopment are allocated within the relevant settlement sections.]

Outwith the above centres, proposals will be judged against the following criteria:

- its compliance with the sequential approach to site identification;
- its accessibility by means of public transport, walking and cycling;
- its impact, including any cumulative impact, on the vitality and viability of a centre defined in a Highland development plan;
- its fit with the aim of creating a retail hierarchy in which travel is minimised;
- whether the type and scale of development proposed can reasonably be accommodated within a centre defined in the Plan;
- the extent to which the proposals meet with identified deficiencies;
- whether any developer funded mitigation of the above is offered.

18 Design Quality and Place-Making

This policy seeks a high quality of design in development within the Plan area and the creation of high quality environments in which people can live and work. It responds to the place-making agenda by reflecting the drive of a wide range of Scottish Government policy and guidance which is usefully referenced in the 'easy-read' guide "Design Snapshot" (2007) and includes, for example PAN67 "Housing Quality", PAN68 "Design Statements", "Designing Places: A Policy Statement for Scotland" and other key documents.

New development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located. Applicants should demonstrate [sensitivity and respect towards](#) local distinctiveness of architecture and design in their proposals.

Where relevant we will judge proposals in terms of their contribution to place-making. They should have regard to the historic pattern of development [and open space](#) in the locality and should, where relevant, be an integral part of the settlement. We will examine proposals to ensure that people may move safely and conveniently within the development and, where appropriate, to facilities in other parts of the

settlement. Proposals will also be examined in terms of their creation of attractive and effective streetscapes and other open space.

19 Travel

INSERT GENERAL POLICY ON TRAVEL

The Plan highlights the importance of supporting sustainable development. A key component is that development should be located and designed in such a way that, wherever possible, the need to travel is reduced and people have a choice of sustainable modes of travel between the main places where they might reside, work, shop, learn and do leisure activities. In particular, careful design can create places that are attractive and convenient for people and can significantly improve ease of access by non car modes, for example through the use/ implementation of 'Home Zones' and 'Safer Routes to School'. High quality infrastructure is important in attracting people to use alternatives to the car.

Given the rural nature of the Plan area, significant use of the private car can be expected to continue for many trips, particularly in the more remote and sparsely populated areas or where the population is highly dispersed. Nevertheless, through careful consideration of development proposals a greater level of sustainability can be achieved in new development in the Plan area overall, supporting sustainable travel modes. Opportunities may be taken through this to bring about accessibility improvements of wider benefit to communities, helping in their economic and social development.

Regard will be had to Local and Regional Transport Strategies, national transport policies and priorities and relevant guidelines produced by the Council in implementing the Plan.

Policy 19: Travel

Development proposals that involve travel generation must include sufficient information with the application to enable the Council to consider any likely on- and off- site transport implications of the development and should:

1. be well served by the most sustainable modes of travel available in the locality from the outset, providing choice of mode wherever possible, having regard to key travel desire lines;
2. be designed for the safety and convenience of all potential users;
3. incorporate appropriate mitigation on site and/or off site, provided through developer contributions where necessary, which might include improvements and enhancements to the walking/ cycling network and public transport services, road improvements and new roads;

4. incorporate an appropriate level of parking provision, having regard to the travel modes and services which will be available and key travel desire lines and to the maximum parking standards laid out in SPP17 or those set by the Council.

The Council may seek the implementation and monitoring of Travel Plans in support of significant travel generating developments.

Where site masterplans are prepared, they should include consideration of the impact of proposals on the transport network.

In assessing development proposals the Council will also have regard to any implications arising from the Core Path Plan, which will be a material consideration.

Policy 13 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.