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| <b>Issue (ref and heading):</b>  | <b>GENERAL POLICIES: Introductory paragraphs</b>                                | <b>83</b> |
| <b>Development plan reference:</b>   | <b>Chapter 5 General Policies, paragraph 5.02, WS 31</b>                        |           |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>  |   |           |
| Airtricity (646)   |   |           |
| <b>Provision of the Development Plan to which the issue relates:</b>   | Advice in the Plan's text about how each planning application will be assessed. |           |
| <b>Summary of representation(s):</b>   |   |           |
| <p><u>Airtricity (646)</u>: In the second introductory paragraph to the General Policies chapter, the Plan confirms that compliance with 'a single local plan policy will not necessarily indicate that a proposed development is acceptable'. It could also be argued that non-compliance with a single local plan policy will not necessarily indicate that a proposed development is unacceptable. Each development proposal will be assessed on its individual planning merits, as acknowledged in the Planning Act.</p>   |   |           |
| <b>Modifications sought by those submitting representations:</b>   |   |           |
| <p><u>Airtricity (646)</u>: This paragraph should be reworded to clarify that each development proposal will be assessed on its individual planning merits.</p>  |   |           |
| <b>Summary of response (including reasons) by planning authority</b>   |   |           |
| <p><u>Response(s) and Reasons</u> –</p> <p><u>Airtricity (646)</u>:</p> <p>Text should be added as requested but also the existing message to the plan user should be retained that applications will be assessed against all policies and legislation relevant and that conformity with a single policy will not necessarily indicate that a proposed development is acceptable.</p> <p>The Council agrees that the suggested modification will provide clarity and reflect the legal position. However, the Council also considers that the original message should also remain; it is a precautionary note to the Plan user, intended to guard against the possibility of the Plan user making the assumption, without full consideration of the issues, that their proposed development will be supported.</p> <p>[For information, Airtricity also raised essentially the same issue in respect of the West Highland &amp; Islands Local Plan and the Council's response on that issue in respect of both Plans is the same.</p> <p><u>NB</u>. All of the General Policies are wholly or largely identical between the two Local Plans and, in the interests of streamlining its development plans, the Council wishes to maintain consistency between the policy frameworks where possible and appropriate.]</p> |   |           |
| <b>Any Further Plan Changes Commended by THC</b>   |   |           |
| <p>Revise the second introductory paragraph to the General Policies chapter to read as follows:</p> <p>"It is very important that users of the Plan note that, in accordance with the Planning Act, each development proposal will be assessed on its individual planning merits. This will</p>  |   |           |

include each planning application being 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.”

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| <b>Issue (ref and heading):</b>  | <b>SETTLEMENT DEVELOPMENT AREAS</b>  | <b>84</b> |
| <b>Development plan reference:</b>   | <b>General Policy 1 Settlement Development Areas and supporting text 5.1.1-5.1.3, WS 32, and MB various</b>                    |           |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>  |  |           |
| Scottish Natural Heritage (326)  |  |           |
| <b>Provision of the Development Plan to which the issue relates:</b>   | Policy framework relating to Settlement Development Areas identified in the Plan, and consequential references in Map Booklet. |           |
| <b>Summary of representation(s):</b>   |  |           |
| <u>Scottish Natural Heritage (326):</u>  |  |           |
| <p>The third bullet point in the supporting text states that Settlement Development Areas (SDAs) have been defined taking into account the ability of the landscape to allow for development. Specific reference elsewhere in the supporting text for this policy to regard having been had to landscape character assessment documents is welcomed. However, a cross-reference to landscape character should be within this policy itself. This would bring it into line with the Policy 3 (second bullet point) and ensure landscape character is a consideration for proposals within SDAs as well as in the definition of the SDA boundaries.</p> <p>Features of natural and cultural heritage importance occur within the SDAs but do not appear on the inset maps. This fact is recognised in the text of Policy 1 with its cross-reference there to Policy 4. However, SNH considers that more specific reference should be made in the Plan to features present in respect of each individual SDA.</p> |  |           |
| <b>Modifications sought by those submitting representations:</b>   |  |           |
| <u>Scottish Natural Heritage (326):</u>  |  |           |
| <p>Within Policy 1, after the words “how compatible they are with the existing pattern of development” insert “and landscape character”.</p> <p>Checking each SDA for any international and national features of natural or cultural heritage that are present within the SDA, mention those features within the Development Factors list for that Settlement in the Map Booklet.</p>  |  |           |
| <b>Summary of response (including reasons) by planning authority</b>   |  |           |
| <u>Response(s) and Reasons -</u>   |  |           |
| <u>Scottish Natural Heritage (326):</u>  |  |           |
| <p>The Council agrees with SNH that inclusion in the policy of reference to landscape character would be appropriate. As suggested, it will bring it in to line with Policy 3 (second bullet point) (or third bullet point in the Council’s commended changed version of Policy 3). The Council further suggests addition to Policy 1’s supporting text of a further reference to landscape character assessments, which will make it more consistent with the supporting text of Policy 3.</p> <p>The Council understands the concern raised by SNH and is happy in principle with the</p>  |  |           |

suggestion. The concern could equally apply to built features. It would be onerous to attempt to list all local features. The exercise should be limited to international and national features. Features that are large in area and few in number at individual settlement level such as National Scenic Areas may be referred to specifically by individual name, whilst the presence of those that may be more numerous such as Tree Preservation Orders may more appropriately be highlighted in more general terms.

[For information, SNH also raised essentially the same two sub-issues in respect of the West Highland & Islands Local Plan and the Council's response on that issue in respect of both Plans is the same.]

#### **Any Further Plan Changes Commended by THC**

Within Policy 1, after the words "how compatible they are with the existing pattern of development" insert "and landscape character". Additionally, in the second paragraph of supporting text, after the final sentence, add: "Where necessary the landscape character assessment for the area will also be referred to as a material consideration when examining individual development proposals."

Checking each SDA for any international and national features of natural, built or cultural heritage that are present within the SDA, refer (in specific or general terms as appropriate) to the presence of those features within the Development Factors list for that Settlement in the Map Booklet.

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| <b>Issue (ref and heading):</b>  | <b>WIDER COUNTRYSIDE</b>  | <b>85</b> |
| <b>Development plan reference:</b>   | <b>General Policy 3 Wider Countryside and supporting text 5.3.1-5.3.4, WS 34-35</b> |           |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>  |   |           |
| P Polson and A Ogilvie (240)<br>Laid Grazings Committee (307)<br>W G Murray (575)<br>Airtricity (646)  |   |           |
| <b>Provision of the Development Plan to which the issue relates:</b>   | Policy framework relating to the Wider Countryside area.                            |           |
| <b>Summary of representation(s):</b>   |   |           |
| <p><u>P Polson and A Ogilvie (240)</u>: Since 1983 local plans covering the Golspie area have consistently identified the development constraints at Backies, necessitating a policy presuming against house building that is not essential to the management of the land. In particular, the narrow single track access roads to Backies from Golspie via low railway bridges and water supply to properties above a certain elevation continue to remain as development constraints. More significant housing development would increase traffic and consequently the risk of accidents on the road and potential road closures with the resultant detrimental impact upon residential amenity. The Plan does not identify such areas where development constraints clearly exist but relies upon the broad provisions or criterion of General Policies 3 and 4.</p> <p><u>Laid Grazings Committee (307)</u>: There is little attention given in the Plan to small settlements. Over recent years the population of Laid has not only increased but also several small businesses have been set up. This is a trend which it is felt will continue as more people opt for the sort of quality of life available in the area, which the Plan overlooks by concentrating on places higher up in the "settlement hierarchy". The Plan as it stands reads as a housing plan but does little to suggest how the 1,300 new houses are going to be filled. The Council consulted at an earlier stage on a potential settlement development area for Laid, which the Grazings Committee was happy with but which no longer appears in the Plan.</p> <p><u>W G Murray (575)</u>: In the hinterland of towns and villages planning permission for further housing is being denied. There is a demand for accommodation in rural areas, because not everyone would want to live cheek by jowl with their neighbours in urban housing estates. People living in small communities in the countryside, although they may wish to see their communities develop and increase in size, cannot visualise this ever happening because of the current planning restrictions.</p> <p><u>Airtricity (646)</u>: Policy 3 states that developments may be 'acceptable' where they 'support communities in fragile rural areas who are having difficulties in keeping their population and services by helping to repopulate communities and strengthen services'. The policy does not adequately explain what constitutes a 'fragile area'. It is generally accepted that larger wind farm development sites are more suited to sites outwith settlement areas (as directed through Scottish Planning Policy 6) i.e. wider countryside locations but the policy does not appear to accommodate onshore wind farm development as it is considered unlikely that this type of development will 'repopulate communities and strengthen services'. The policy also does not appear to consider the impact of development outwith settlement development areas on rural communities that are not of a fragile nature. The policy continues: 'suitably designed proposals will be supported if they: do not involve infrastructure out of keeping with</p> |   |           |

the rural character of the area'. Onshore wind farm development infrastructure is not indigenous to the countryside. However, this does not mean that is inappropriate in a rural location. The policy should reflect wind farm development in a rural location.

#### **Modifications sought by those submitting representations:**

P Polson and A Ogilvie (240): Identification of areas where development constraints clearly exist.

Laid Grazings Committee (307): More attention in the Plan to the development opportunities of small settlements.

W G Murray (575): Take a less restrictive approach to development in small communities in the countryside.

Airtricity (646): There should be a greater explanation of what constitutes a 'fragile area' and settlements that fit this category should be listed or identified on the proposals map. Also, the policy wording should be amended as appropriate to reflect wind farm development in a rural location.

#### **Summary of response (including reasons) by planning authority**

##### Response(s) and Reasons -

P Polson and A Ogilvie (240): No change is required to the Plan. The Local Plan is not specifically promoting development of the Backies area through any land allocation. The Council is satisfied that the policy framework provided by the Structure Plan and this Plan, supplemented by its Housing in the Countryside Development Plan Policy Guideline, provides an appropriate context for considering proposals and for having regard to any existing development constraints. The Council may nevertheless, from time-to-time, make information available (separately from the Local Plan) on particular development constraints existing in specific areas as a further guide to developers and to assist decision-making.

Laid Grazings Committee (307): No change is required to the Plan. The larger settlements have allocations because this is where most of the future growth and larger developments will occur, where the main services are and greater development pressure exists. These therefore have land allocated for larger development and a Settlement Development Area (SDA), which promotes development which makes best use of infrastructure and services whilst protecting the character of the surrounding countryside. However within the wider countryside there is opportunity for development, generally of a smaller scale or where the type of use proposed is such that it is better located, or needs to be located, outwith an SDA. Assessment of each planning application in the context of General Policies 3 and 4 is considered the most appropriate approach in support of these communities, particularly given the comparatively low build rate in such areas. The SDA and development site identified in Laid in the earlier Local Plan issues consultation document "Sutherland Futures" was identified before the Council had fully developed the general policy framework. Once that had been done, the Council considered it was more appropriate to maintain the flexibility for these very small settlements and deal with proposals for them on a case by case basis, in the context of General Policies 3 and 4 in particular.

W G Murray (575): No change is required to the Plan. In terms of non-housing development in the countryside (outside Settlement Development Areas) and housing development in that part of the countryside lying outwith the defined hinterland of towns, the Council is satisfied that assessment of each planning application in the context of General Policies 3 and 4 is an appropriate approach in support of these communities. In terms of housing development in that part of the countryside lying within the defined hinterland of towns, such proposals are dealt with by General Policy 16 (rather than Policy 3) which complies with the Structure Plan

policy and fits with the Council's Housing in the Countryside Development Plan Policy Guideline (DPPG). The DPPG has recently been under review. The review examined the effectiveness and fit for purpose of the existing housing in the countryside policy as set out in the Structure Plan, Local Plans and associated Development Plan Policy Guidance. An outcome of the review has been the preparation of Interim Supplementary Planning Guidance which has recently been consulted upon. The results of consultation will soon be considered by Committee. It is intended that the interim guidance will provide the Council's policy approach to Housing in the Countryside in advance of the Highland wide Local Development Plan.

Airtricity (646): The Council acknowledges that the policy would benefit from some rewording. In particular, it should be reworded to more clearly state the intended criteria for consideration, in the context of development in the wider countryside, emphasising the importance of design, referring to 'patterns of development in the area' rather than 'settlement pattern', including landscape capacity and removing the unnecessary reference to other policies if the Development Plan (which is a point covered in the introductory paragraphs to the General Policies chapter and in Introduction & Context chapter). Also, the policy could more clearly provide for the consideration of the extent to which proposals would help, if at all, to support communities in fragile areas; it is not intended that development in the wider countryside will only be permitted where it supports fragile communities, but development that does may gain particular support. However, mapping of fragile areas should not be included in this Plan. The Council has previously undertaken some mapping of 'fragility'. Highlands & Islands Enterprise (HIE) has also previously worked on mapping of fragile areas and the Council continues to work with HIE to develop fragile areas information. A definition of 'fragile areas' is given in the Plan's glossary which assists with implementation of Policy 3. The Council is examining fragile areas as a planning policy consideration further as part of preparation of the forthcoming Highland-wide Local Development Plan (HLDP). In that regard, the Council notes that National Planning Framework 2 includes mapping of fragile areas which fits with the HIE mapping. The HLDP and associated Guidance currently being prepared by the Council will provide a more specific spatial planning framework to guide and assist the consideration of windfarm developments in accordance with SPP6 Annex A. In the interim, the Structure Plan and the Highland Renewable Energy Strategy are important to the consideration of proposals. Information on the HLDP and associated Guidance being prepared is provided in the Council's Development Plan Scheme.

The Development Plan Scheme is available at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanscheme.htm>

[For information, Airtricity also raised essentially the same issue in respect of the West Highland & Islands Local Plan and the Council's response on that issue in respect of both Plans is the same.]

#### **Any Further Plan Changes Commended by THC**

Rewording of Policy 3 as follows:

"Outwith Settlement Development Areas, development proposals will be assessed for the extent to which they:

- are considered acceptable in terms of design;
- are sympathetic to existing patterns of development in the area;
- are compatible with landscape character and capacity;
- 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.

Development proposals may be supported if they are judged to be not significantly detrimental under the terms of this policy. In considering proposals, regard will also be had to the extent to which they would help, if at all, to support communities in fragile areas in maintaining their population and services by helping to repopulate communities and strengthen services.”



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| <b>Issue (ref and heading):</b>  | <b>NATURAL, BUILT AND CULTURAL HERITAGE</b>  | <b>86</b> |
| <b>Development plan reference:</b>   | <b>General Policy 4 Natural, Built and Cultural Heritage and supporting text 5.4.1-5.4.10, WS 35-37</b>                                      |           |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>  |  |           |
| Scottish Natural Heritage (326)<br>Historic Scotland (495)   |  |           |
| <b>Provision of the Development Plan to which the issue relates:</b>   | Policy framework relating to consideration of impact of development on Natural, Built and Cultural Heritage features as defined in the Plan. |           |
| <b>Summary of representation(s):</b>   |  |           |
| <u>Scottish Natural Heritage (326):</u>  |  |           |
| <p>In respect of Policy 4, paragraph number 2, it is understood that the Council wishes to broadly retain the policy wording in order to apply it to all the features of national importance, rather than introducing variations of the policy wording to reflect specific national policy tests applying to particular types of feature. Therefore SNH proposes that the first test in paragraph 25 of National Planning Policy Guidance 14 should be included under the 'Background' text for SSSIs, NNRs and NSAs in Appendix 1.</p> <p>The wording of Policy 4, paragraph number 3, is not quite compliant with the Conservation (Natural Habitats &amp;c) Regulations 1994 as amended. SNH objects unless the policy is amended in accordance with the wording suggested. SNH is content to leave to the Council whether the features are listed (as at present) in the policy.</p>   |  |           |
| <u>Historic Scotland (495):</u>  |  |           |
| <p>Policy 4 does not provide detailed policies and clear guidance on how the historic environment should be taken into account when making decisions on development proposals. Given this lack, there is a clear need for significant additional supplementary planning guidance (SPG) on the historic environment.</p> <p>Policy 4, as it stands, affords different levels of protection to features of different importance and thus to different categories of listed building. However, under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and NPPG18, all buildings are provided with the same level of protection. In other words, the management of the resource does not flow from its categorisation but from its identification as a listed building.</p> <p>Policy 4, as it stands, does not recognise the need to protect a historic environment feature and its setting. The text of the policy and its supporting information should be altered to include such reference.</p> <p>The sixth paragraph of the supporting text to Policy 4 states: "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". However, the sensitivity of a feature is not a function of its level of importance. The issue of importance is more to do with decision-making.</p> |  |           |
| <b>Modifications sought by those submitting representations:</b>   |  |           |

**Scottish Natural Heritage (326):**

Words to the following effect should be included under the 'Background' text for SSSIs, NNRs and NSAs in Appendix 1: "These areas are protected by national policy in that the objectives or qualities of designation and the overall integrity of the area should not be compromised".

The paragraph numbered 3 in Policy 4 should be reworded as follows:

"For features of international importance, developments likely to have a significant effect on a site will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will allow development, provided 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 Annex 1 of the Habitats Directive) would be affected, development in such circumstances will be allowed provided that the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers)".

**Historic Scotland (495):**

The Local Plan should include a commitment to prepare SPG on the historic environment, and clearly identify its scope.

The wording of Policy 4 should be amended to reflect national legislation and policy for listed buildings.

In the first paragraph of Policy 4, after the first sentence, add: "Impact on historic environment features will be considered in terms of impact on both the site and setting of the feature."

In the supporting text to Policy 4, at the end of the ninth paragraph, add: "Impact on historic environment features (i.e. archaeological sites, Scheduled Ancient Monuments, listed buildings, and Gardens and Designed Landscapes) should be considered in terms of impact on both the site and setting of the feature".

The first sentence of the sixth paragraph of the supporting text to Policy 4 be amended to read "In assessing development proposals, the Council will consider the level of importance and nature of these features, the nature and scale of development, and the likely effect on the feature (including setting) in question".

**Summary of response (including reasons) by planning authority****Response(s) and Reasons****Scottish Natural Heritage (326):**

Appendix 1 can be usefully embellished with information on the test referred to, enabling the Plan to retain the approach of a single policy for natural, built and cultural heritage features whilst still providing more information about how proposals will be considered in respect of individual feature types.

The Council also agrees that the wording of the Policy in respect of international sites should be modified to properly reflect the legal position, although it would be useful to retain the narrow list of feature types to which that part of the Policy applies.

Historic Scotland (495):

The Council is satisfied that Policy 4, read in conjunction with Appendix 1 (to which it clearly cross-refers), other relevant policies of the Development Plan and national policy and guidance, provides a sound basis for decision-making whilst being succinct and avoiding undue repetition. Policy 4 provides a common form of words and policy approach for a range of natural, built and cultural heritage features, therefore by its very nature it cannot reflect the precise legal position of each designation in the policy. Therefore, the wording of the Policy should not be amended in respect of listed buildings. There will always be a requirement for readers to consult other documents, in conjunction with this general policy. Appendix 1 provides a definition of all the features, provides background (such as, in the case of listed buildings, the basis for their listing) and indicates relevant policy framework. For information, the Council has previously adopted a similar approach to that taken in Policy 4, within the Wester Ross Local Plan, which has been developed for the purposes of this Plan.

The Council does not currently have programmed in its Development Plan Scheme the preparation of any SPG on the Historic Environment. However, as part of development of the policy framework for inclusion in the forthcoming Highland-wide Local Development Plan, there will be opportunity to consider whether any Guidance is required to supplement policy.

The Council has in fact already included, in the 2008 Deposit Draft version of Policy 4, reference to the consideration of setting that is similar to that suggested but which apply not only to features of the historic environment but to any features where that is a relevant consideration. Appendix 1 indicates in respect of a feature if that is a particular consideration. Given these references, the Council considers that further revision to the policy or addition to the supporting text on this issue (apart from that indicated below) is unnecessary.

It is agreed that the Plan could be clearer where it refers in the supporting text to the sensitivity of features; the alternative wording suggested is clear, subject to clarifying that setting is considered where relevant.

The Council's other Local Plans are available at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/localplans/>

[For information, Scottish Natural Heritage and Historic Scotland also each raised essentially the same sub-issues in respect of the West Highland & Islands Local Plan and the Council's response on the issue in respect of both Plans is the same.]

**Any Further Plan Changes Commended by THC**

Insert the wording suggested by SNH under the "Background" text for SSSIs, NNRs and NSAs in Appendix 1.

Reword the paragraph numbered 3 in Policy 4 in accordance with the wording suggested by SNH but also further modify it by including, after the words "international importance", the words "(Natura 2000 (SPA, SAC) and Ramsar sites)".

Amend the first sentence of the sixth paragraph of the supporting text to Policy 4 as suggested by Historic Scotland subject to inclusion after "setting" of the words "where appropriate".

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| <b>Issue (ref and heading):</b>  | <b>DESIGNING FOR SUSTAINABILITY</b>   | <b>87</b> |
| <b>Development plan reference:</b>   | <b>General Policy 6 Designing for Sustainability and supporting text 5.6.1-5.6.6, WS 39</b> |           |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>  |   |           |
| Scottish Environment Protection Agency (311)   |   |           |
| <b>Provision of the Development Plan to which the issue relates:</b>   | Policy framework relating to requirements for Designing for Sustainability.                 |           |
| <b>Summary of representation(s):</b>   |   |           |
| <p><u>Scottish Environment Protection Agency (311)</u>: SEPA welcomes the explanation in the Plan of how the Council will, in the near future, update its Development Plan Policy Guideline (DPPG) on Designing for Sustainability. It is SEPA's understanding that this will include a section on when a sustainable design statement will be required. For the avoidance of doubt and to provide clarity to developers, the word 'normally' should be deleted from the policy.</p>   |   |           |
| <b>Modifications sought by those submitting representations:</b>   |   |           |
| <p><u>Scottish Environment Protection Agency (311)</u>: The word 'normally' should be deleted from Policy 6.</p>   |   |           |
| <b>Summary of response (including reasons) by planning authority</b>   |   |           |
| <p><u>Response(s) and Reasons -</u></p> <p><u>Scottish Environment Protection Agency (311)</u>: The Council agrees that removal of the word 'normally' would clarify the policy. The policy refers to submission of statements in line with the Council's guideline. Through any necessary revision to the guideline and through information provided in association with the roll-out of its implementation, the Council will establish and make clear which development proposals will be required to be accompanied by a statement. Some additional wording is therefore suggested for inclusion in the policy to clarify this.</p> <p>[For information, SEPA also raised essentially the same sub-issue in respect of the West Highland &amp; Islands Local Plan and the Council's response on that issue in respect of both Plans is the same.]</p> <p>The Council's DPPG is available at:<br/> <a href="http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanpolicyguidance/">http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanpolicyguidance/</a></p> |   |           |
| <b>Any Further Plan Changes Commended by THC</b>   |   |           |
| <p>Delete 'normally' from Policy 6 but also insert 'implementation of the' to read thus:</p> <p>"We will judge development proposals against a 'Design for Sustainability' statement which we will require developers to submit with their planning applications in line with the implementation of the Development Plan Policy Guideline on Designing for Sustainability."</p>  |   |           |

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| <b>Issue (ref and heading):</b>   | <b>WASTE WATER TREATMENT</b>   | <b>88</b> |
| <b>Development plan reference:</b>  | <b>General Policy 7 Waste Water Treatment and supporting text 5.7.1-5.7.2, WS 41</b>     |           |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>   |  |           |
| Scottish Water (214)<br>Scottish Environment Protection Agency (311)  |  |           |
| <b>Provision of the Development Plan to which the issue relates:</b>  | Policy framework relating to arrangements for Waste Water Treatment for new development. |           |
| <b>Summary of representation(s):</b>  |  |           |
| <p><u>Scottish Water (214)</u>: Where connection to the public sewer is not possible, careful consideration must be given to the design and maintenance provision of private systems in order that they meet the criteria such that the system may be adopted by Scottish Water if required.</p> <p><u>Scottish Environment Protection Agency (311)</u>: Policy 7 should be revised to make foul drainage requirements clear to developers (wording is suggested). SEPA considers that this policy wording would make requirements for suitable foul drainage for all allocations explicit and therefore that generally the requirements do not need to be inserted in Developer Requirements for individual sites. However, SEPA does seek inclusion of a developer requirement for connection to the public sewer for each allocation of 25 or more units and for certain other allocated sites (identified by SEPA in its representation). SEPA considers that if a sustainable foul drainage solution is not feasible for an allocation then it is not a sustainable location for a development.</p>  |  |           |
| <b>Modifications sought by those submitting representations:</b>  |  |           |
| <p><u>Scottish Water (214)</u>: None specified, but check adequacy of policy to ensure that private systems will meet the criteria such that they may be adopted by Scottish Water if required.</p> <p><u>Scottish Environment Protection Agency (311)</u>:</p> <p>Reword Policy 7 as follows:</p> <p>"Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 is required for all new development proposals:</p> <ul style="list-style-type: none"> <li>-either in settlements identified in the plan with a population equivalent of more than 2000; or</li> <li>-wherever single developments of 25 or more units are proposed.</li> </ul> <p>In all other cases a connection to the public sewer will be required, unless the applicant can demonstrate that:</p> <ol style="list-style-type: none"> <li>1) the development is unable to connect to public sewer for technical or economic reasons; and</li> <li>2) that the proposal is not likely to result in or add to significant environmental or health problems.</li> </ol> <p>The Council's preference is that any private system should discharge to land rather than water.</p> <p>For all proposals where connection to the public sewer is not currently feasible and Scottish</p> |  |           |

Water has confirmed public sewer improvements or first time public sewerage within its investment programme that would enable the development to connect, a private system would only be supported if:

- the system is 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."

Generally, remove the Developer Requirements for individual sites which specify foul drainage arrangements required. Include a developer requirement for connection to the public sewer for each allocation of 25 or more units and for certain other allocated sites (identified by SEPA in its representation).

#### **Summary of response (including reasons) by planning authority**

##### Response(s) and Reasons -

Scottish Water (214): The Council is satisfied that the Plan does not require further modification in respect of this issue, beyond those changes commended below which will provide greater clarity about the arrangements required for foul drainage and be more effective. In circumstances where private systems are permissible the Council will ensure, if it is reasonable to do so, that the system is designed and built to a standard which will allow adoption by Scottish Water and is designed such that it can be easily connected to a public sewer in the future. It would be reasonable to do so if (as stated in the Policy) Scottish Water has confirmed public sewer improvements or first time public sewerage within its investment programme that would enable the development to connect.

Scottish Environment Protection Agency (311): The Council agrees with the suggested rewording of Policy 7. It will be clearer about the arrangements required for foul drainage and generally will be more effective at enabling and/ or achieving connection to the public sewer, whilst enabling some development to be served by private systems if necessary and appropriate and temporary private systems of a suitable standard under given circumstances. The Council agrees that this will enable developer requirements for individual sites to be removed from the Plan. The Council's response to SEPA's request for the inclusion of particular developer requirements for certain allocated sites is reported under the relevant 'site' issues and under the "General" Issue.

[For information, SEPA also raised essentially the same issue in respect of the West Highland & Islands Local Plan and the Council's response on that issue in respect of both Plans is the same.]

#### **Any Further Plan Changes Commended by THC**

Modify Policy 7 to read as suggested by SEPA.

Remove developer requirement for individual sites where indicated by SEPA as not required. (See also any relevant commended changes reported under relevant 'site' issues and under the "General" Issue.)



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| <b>Issue (ref and heading):</b>   | <b>WASTE MANAGEMENT</b>  | <b>89</b> |
| <b>Development plan reference:</b>  | <b>General Policy 8 Waste Management and supporting text 5.8.1-5.8.3, WS 42-43</b>   |           |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>   |  |           |
| Scottish Environment Protection Agency (311)  |  |           |
| <b>Provision of the Development Plan to which the issue relates:</b>  | Policy framework relating to Waste Management including existing sites, new facilities and considerations for new development. |           |
| <b>Summary of representation(s):</b>  |  |           |
| <p>In order to bring the Policy fully in line with the National Waste Plan, National Waste Strategy and Scottish Planning Policy 10 "Planning and Waste Management" (SPP10) further revisions are required. In assessing proposals, regard should be had to SEPA's Thermal Treatment Guidelines where relevant. The Plan should also provide clearer policy context for the consideration of proposals on, or which may affect, existing or former waste management sites.</p> <p>SPP10 is likely to be superseded prior to the Reporter's Report of the Examination by the forthcoming Scottish Planning Policy: Part Three. Policy references to SPP10 should therefore be amended at that time to reflect this change in national policy and ensure the final policy wording is up to date.</p> <p>The Plan's glossary should be updated to include reference to waste management facilities.</p>  |  |           |
| <b>Modifications sought by those submitting representations:</b>  |  |           |
| <p>Revision of the first sentence of the policy to include reference to SEPA's Thermal Treatment Guidelines, to read: ".....the National Waste Strategy, SPP10 and where relevant SEPA's Thermal Treatment Guidelines".</p> <p>Replacement of the penultimate paragraph of the policy with the following:</p> <p>"Existing or former waste management facilities and their sites shall be safeguarded. Development proposals on or adjacent to the site of such a facility will be assessed against the National Waste Strategy, the National Waste Plan, and the Area Waste Plan, and will be subject to consultation with SEPA. If the proposed development would adversely affect the operation of the waste management facility, or would be likely to cause the site of the facility to be unavailable or unsuitable for future waste management purposes for which it will be required, the proposed development will not be favoured."</p> <p>Policy references to SPP10 to be amended at the time of the new SPP Part 3 coming into force, to reflect this change in national policy and ensure the final policy wording is up to date.</p> <p>Updating of the Plan's glossary to include: "Waste management facilities- for the purposes of this Plan and specifically Policy 8, facilities for the treatment and disposal of municipal and commercial waste, including (but not limited to) waste transfer stations and recycling centres."</p> |  |           |



**Summary of response (including reasons) by planning authority**Response(s) and Reasons -

The Council agrees that the Policy would benefit in this instance from the more comprehensive cross-referencing to material considerations, specifically to SEPA's guidelines that will be considered for such proposals as energy-from-waste plants.

The Council further agrees with the suggestion that the Policy could be clearer in its reference to the safeguarding of existing or former waste management sites and set out clearly how they will be considered in development proposals, including the circumstances in which development will be permissible. In doing so, the Policy should provide a context for considering not only proposals for redevelopment of such sites but any development proposals on or adjacent to such sites, the latter being absent from the Policy as currently written.

It is particularly useful therefore to define what is meant by 'waste management facilities' for the purposes of this Policy in the glossary and the definition suggested is suitable.

It would indeed be desirable to appropriately update references to national policy if it is replaced, particularly if that can be done with ease because the new national policy does not differ in a material way that raises conflict with the approach taken in the Plan. If updating references, it would be appropriate to do this not only in the Policy but to update such references in all parts of the Plan for consistency.

[For information, SEPA also raised essentially the same issue in respect of the West Highland & Islands Local Plan and the Council's response on that issue in respect of both Plans is the same.]

**Any Further Plan Changes Commended by THC**

Modification of Policy 8 and the Plan's glossary, exactly as requested by SEPA.

In the event that SPP Part 3 is finalised before the Plan is, any appropriate updating of references to national policy in any part of the Plan.

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| <b>Issue (ref and heading):</b>   | <b>FLOOD RISK</b>   | <b>90</b> |
| <b>Development plan reference:</b>  | <b>General Policy 9 Flood Risk and supporting text 5.9.1-5.9.3, WS 44</b> |           |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>   |   |           |
| Scottish Water (214)<br>Scottish Environment Protection Agency (311)  |   |           |
| <b>Provision of the Development Plan to which the issue relates:</b>  | Policy framework relating to Flood Risk as a development consideration.   |           |
| <b>Summary of representation(s):</b>  |   |           |
| <p><u>Scottish Water (214)</u>: Clarification is sought that in respect of instances where infrastructure works may be required to be located within functional flood plains where they are intended to address flood issues, such works would be exempt from any presumption against infrastructure development in these areas.</p> <p><u>Scottish Environment Protection Agency (311)</u>:</p> <p>In order to fully comply with Scottish Planning Policy 7 "Planning and Flooding" (SPP7), Policy 9 should be modified as suggested. SEPA notes that SPP7 is likely to be superseded prior to the Reporter's Decision Letter by the forthcoming Scottish Planning Policy: Part Three. Therefore SEPA recommends that policy references to SPP7 are amended at that time to reflect this change in national policy and ensure the final policy wording is up to date. For the avoidance of doubt SEPA recommends that the explanation of medium to high flood risk areas in the supporting text is amended as suggested and would welcome this explanation included within the Glossary as well.</p> <p>For certain allocated sites (identified by SEPA in its representation) SEPA seeks one or more of the following:</p> <ul style="list-style-type: none"> <li>• inclusion of specific developer requirements (dependent on site circumstances and/ or intended use);</li> <li>• modification of allocation boundaries;</li> <li>• various other changes to the text for the site in its reference to flood risk matters.</li> </ul> |   |           |
| <b>Modifications sought by those submitting representations:</b>  |   |           |
| <p><u>Scottish Water (214)</u>: None specified, but check clarity of the Plan's policy framework as a basis for dealing with infrastructure development located within functional flood plains.</p> <p><u>Scottish Environment Protection Agency (311)</u>:</p> <p>Revise Policy 9 to read:</p> <p>"Development proposals should avoid areas susceptible to flooding.</p> <p>Development proposals within or bordering medium to high flood risk areas, will need to demonstrate compliance with Scottish Planning Policy 7 "Planning and Flood Risk" through the submission of a Flood Risk Assessment.</p> <p>Development proposals outwith the medium to high flood risk areas may be acceptable. However, where better local flood risk information and/or the sensitivity of the proposed use suggest(s) otherwise, a Flood Risk Assessment which demonstrates compliance with SPP7</p>  |   |           |

will be required.

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.”

In the supporting text to Policy 9, amend the explanation of medium to high flood risk areas to state "...medium to high flood risk areas (1 in 200 or greater than 0.5% annual probability of flooding)” and add that explanation to the Plan’s Glossary as well.

Policy references to SPP7 to be amended at the time of the new SPP Part 3 coming into force, to reflect this change in national policy and ensure the final policy wording is up to date.

Inclusion of specific developer requirements for certain allocated sites (identified by SEPA in its representation) dependent on site circumstances and/ or intended use:

- For some, inclusion of the requirement: “Flood Risk Assessment will be required, built development to avoid flood risk area.”
- For some, inclusion of the requirement: “Flood Risk Assessment will be required, built development to avoid flood risk area. Only water-related or harbour uses would be acceptable within flood risk areas.”

Modification of the allocation boundaries for certain allocated sites (identified by SEPA in its representation) to exclude the medium to high flood risk areas.

Various other changes to the text for certain allocated sites (identified by SEPA in its representation) in their reference to flood risk matters.

### **Summary of response (including reasons) by planning authority**

#### Response(s) and Reasons -

Scottish Water (214): This part of the Plan refers to and is set in the context of Scottish Planning Policy 7. The changes commended below strengthen this such that the suggested revised policy references, and seeks compliance with, SPP7 in which paragraph 17 and the Risk Framework provide exceptionally for some utilities infrastructure in the medium to high risk areas if the location is essential for operational reasons, an alternative lower risk location is not achievable and certain other criteria in paragraph 17 are met. Therefore no further modification of the Plan, beyond the changes commended below, are required in response to this issue.

#### Scottish Environment Protection Agency (311):

The Council agrees with the suggested rewording of Policy 9. This will provide clarity, aligning the policy better to SPP7 whilst avoiding unnecessary repetition of that national policy. It will strengthen and promote the application of the flood avoidance principle.

It would indeed be desirable to appropriately update references to national policy if it is replaced, particularly if that can be done with ease because the new national policy does not differ in a material way that raises conflict with the approach taken in the Plan. If updating references, it would be appropriate to do this not only in the Policy but to update such references in all parts of the Plan for consistency.

The suggested amendment to the supporting text of Policy 9 will clarify its meaning, and

inclusion additionally in the Glossary would be sensible.

The Council's response to SEPA's requests in respect of certain allocated sites is reported under the relevant 'site' issues and under the "General" Issue.

[For information, SEPA also raised essentially the same issue in respect of the West Highland & Islands Local Plan and the Council's response on that issue in respect of both Plans is the same.]

**Any Further Plan Changes Commended by THC**

Modify Policy 9 and add to its supporting text and to the Glossary exactly as suggested by SEPA.

In the event that SPP Part 3 is finalised before the Plan is, any appropriate updating of references to national policy in any part of the Plan.

(See also any relevant commended changes reported under relevant 'site' issues and under the "General" Issue.)

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| <b>Issue (ref and heading):</b>  | <b>PHYSICAL CONSTRAINTS</b>   | <b>91</b> |
| <b>Development plan reference:</b>   | <b>General Policy 10 Physical Constraints and supporting text (Other Development Considerations) 5.10.1-5.10.2, WS 45</b> |           |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>  |   |           |
| <p>Scottish Environment Protection Agency (311)<br/> Airtricity (646)<br/> Transport Scotland (659)</p>  |   |           |
| <b>Provision of the Development Plan to which the issue relates:</b>   | Policy framework relating to various Physical Constraints as development considerations, as identified in the Plan.       |           |
| <b>Summary of representation(s):</b>   |   |           |
| <p><u>Scottish Environment Protection Agency (311)</u>: Revisions are required to ensure that the Policy:</p> <ul style="list-style-type: none"> <li>• safeguards existing waste sites;</li> <li>• in respect of land with possible contamination issues- provides clearer guidance to developers and brings it in line with best practice in respect of water environment considerations, and ensures measures which can actually be implemented are agreed prior to any activity on the site to ensure any contamination is dealt with adequately.</li> </ul> <p><u>Airtricity (646)</u>: The Policy provides guidance to developers on constraints that should be observed when proposing a development. This includes a constraint of 'within 1000m of large wind generators'. There is no indication of what would constitute a 'large' wind generator. Scottish Planning Policy 6 suggests a separation distance between settlements and large scale wind farms as a guide but does not state that a development embargo should be implemented with a 1000m radius of a large scale wind farm.</p> <p><u>Transport Scotland (659)</u>: The Scottish Government has a policy of a presumption against new junctions on the trunk road network. This is set out and explained in national policy and advice, in Scottish Planning Policy 17 and Planning Advice Note 66 respectively. The Plan does not include a clear statement on that policy nor does it include it as a physical constraint in Policy 10.</p> |   |           |
| <b>Modifications sought by those submitting representations:</b>   |   |           |
| <p><u>Scottish Environment Protection Agency (311)</u>:</p> <p>Add to the fifth bullet point: "(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 the proposed development)".</p> <p>Modify the final sentence of Policy 10 from "...controlled waters..." to "...the water environment..." and also modify that sentence from "...the site prior to any further occupation.)" to " ... the site prior to development.)"</p> <p><u>Airtricity (646)</u>: Delete from the policy the constraint of 'within 1000m of large wind generators'.</p> <p><u>Transport Scotland (659)</u>:</p> <p>Include the policy of a presumption against new junctions on the trunk road network as an additional physical constraint in Policy 10.</p>   |   |           |

Include the following statement within the Plan's Written Statement:

"It should be noted that there is a Scottish Government policy of a presumption against new junctions on the trunk road network. Where a new or significantly improved junction is proposed to facilitate development, within the transport accessibility assessment for a specific land use allocation, appropriate justification of such a strategy will require to be provided in support of such an access strategy. This will enable Transport Scotland to determine if such a justification is sufficient to set aside this policy."

#### **Summary of response (including reasons) by planning authority**

##### Response(s) and Reasons -

Scottish Environment Protection Agency (311): Revise the policy wording as suggested. The modification in respect of waste sites would be a sensible improvement and reflect changes commended by the Council to Policy 8. The modifications on the matter of possibly contaminated land would likewise be sensible improvements to the policy, for the reasons stated by SEPA.

Airtricity (646): No change. The policy lists constraints and asks for appropriate consultation and mitigation. It does not carry an automatic negative policy presumption. In any case, in respect of wind energy its intent is to safeguard the operational efficiency of approved and constructed wind farms in the consideration of adjacent proposed developments or other land use changes, in accordance with Structure Plan Policy E3.

Transport Scotland (659): No change. The plan already indicates in the supporting text to Policy 19 "Travel" that regard will be had to national transport policies and priorities in implementing the plan. It is not necessary for the Local Plan to repeat individual policies from other documents. It should be noted that Policy 10 currently refers to Trunk Roads, together with A Roads and Rail Lines- as constraint features in general terms and in so doing relates to the Background Map (in the Map Booklet) entitled "Road and Rail Buffers". This mechanism helps to highlight at Local Plan level some considerations for development, which are set out in more general and strategic terms in Structure Plan Policy G2.

#### **Any Further Plan Changes Commended by THC**

Modification of Policy 10 exactly as requested by SEPA.

No other changes.

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| <b>Issue (ref and heading):</b>   | <b>DEVELOPER CONTRIBUTIONS</b>   | <b>92</b> |
| <b>Development plan reference:</b>  | <b>General Policy 15 Developer Contributions and supporting text 5.15.1-5.15.3, WS 48-49</b> |           |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>   |  |           |
| Scottish Water (214)<br>Airtricity (646)  |  |           |
| <b>Provision of the Development Plan to which the issue relates:</b>  | Policy framework relating to requirements for Developer Contributions from new development.  |           |
| <b>Summary of representation(s):</b>  |  |           |
| <p><u>Scottish Water (214)</u>: In order to address Parts 4 (strategic assets such as water treatment works and water reservoirs) and Part 3 (i.e. local infrastructure, to which developers will have to make an apportioned contribution) infrastructure planning requirements, and to avoid a “piecemeal” approach to asset investment, there will be an increased demand for modelling of water supply, wastewater networks and wastewater treatment capacity. Much of this work will need to be funded by developers. Scottish Water is committed to working jointly with Highland Council to develop a common approach to impact assessment.</p> <p><u>Airtricity (646)</u>: Policy 15 states that ‘the Council will seek appropriate developer contributions in association with development proposals’ and the level of contribution will be ‘proportionate to the scale, nature, impact and planning purposes associated with the development’. While it is implied through this policy that the developer contributions referred to are applicable to residential development this is not explicit in the text that this is the only type of development that this policy could be applied to and therefore it could also be applied to wind farm development. Firstly, it should be reminded that for wind farm development there is no legal obligation for the developer to make any voluntary financial payment to either the local community or the appropriate planning authority. Secondly, there needs to be a clear distinction made between community benefit and developer contributions (payment made to the planning authority). Any contribution made to a community should not be used to replicate a service that would otherwise be provided by the Council or Government. A developer contribution on the other hand would financially assist in the provision of a service provided by the council or government. At present, the Plan is ambiguous and subjective. Elsewhere in the Plan, paragraph 4.43 ‘A Competitive Place (r)’ states: ‘exploration of opportunities to potentially gain economic and/or community benefit from Sutherland’s natural resources, such as ... renewable energy generation’. This statement is unclear as to what financial payment a wind farm developer would make other than a community benefit.</p> |  |           |
| <b>Modifications sought by those submitting representations:</b>  |  |           |
| <p><u>Scottish Water (214)</u>: None specified, but check adequacy of the Plan in providing a context for developer-funded modelling of water supply, wastewater networks and wastewater treatment capacity.</p> <p><u>Airtricity (646)</u>: The Plan should clarify: that for wind farm development there is no legal obligation for the developer to make any voluntary financial payment to either the local community or the appropriate planning authority; that there needs to be a clear distinction made between community benefit and developer contributions; in respect of paragraph 4.43(r), what economic benefit a wind farm developer would make other than a community benefit.</p>   |  |           |
| <b>Summary of response (including reasons) by planning authority</b>  |  |           |



Response(s) and Reasons -Scottish Water (214):

Policy 15 provides an adequate basis for seeking the resolution of infrastructure issues that are required to enable development to proceed, through developer contributions. The Council will need to be satisfied that the development will be adequately serviced and will therefore require that developers provide any necessary assessments to demonstrate that, if such assessments are not already available. The Council will consult Scottish Water on its forthcoming Supplementary Guidance (SG) on Developer Contributions, which is referred to in its Development Plan Scheme, in due course.

The Council acknowledges in the Plan that there is a wide variety of issues for which developer contributions may be sought (water and sewerage infrastructure being just two examples). In respect of the Deposit Draft of the West Highland & Islands Local Plan, which contains an identical policy to this Plan, the Council has considered a representation by Highlands & Islands Enterprise (HIE) which seeks a modification to make explicit reference to the potential reduction in developer contributions where development costs on allocated sites are abnormally high (for example due to ground conditions). HIE suggests this in order to avoid potential developers being put off and development potential thus being stifled. In its submissions for the Examination for that Plan, the Council has commended a modification of the Policy to provide for reduction if exceptional/ abnormal development costs can be demonstrated by open book accounting. The Council considers that it would be appropriate to consider and frame Policy 15 in the Sutherland Local Plan in like terms and so commends that such a change be made for this Plan.

Airtricity (646): Policy 15 neither refers to nor seeks voluntary community benefit payments. It deals solely with developer contributions through the planning system. Developer contributions are not sought solely from residential developers. The Council is very clear about the distinction between developer contributions and community benefit payments. This is evidenced by its corporate policy on Community Benefits and information on its website. The forthcoming SG on Developer Contributions will provide further clarity. Therefore no modifications are required in response. Regarding paragraph 4.43(r), in terms of economic benefits of wind farm development this is part of a broader reference in the Plan's Vision and is in recognition that Sutherland's natural resources could be the focus of certain business and industry with consequential benefits to the local and regional economy; the Council considers that no modification should be made to the Plan on that matter.

The Development Plan Scheme is available at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanscheme.htm>

The Council's corporate policy on Community Benefit is available at:

<http://www.highland.gov.uk/livinghere/communityplanning/communitybenefit/>

**Any Further Plan Changes Commended by THC**

Modification of Policy 15 (it is suggested by inclusion of a second paragraph) to provide for reduction in developer contributions if exceptional/ abnormal development costs can be demonstrated by open book accounting.

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| <b>Issue (ref and heading):</b>  | <b>HOUSING IN THE COUNTRYSIDE</b>   | <b>93</b> |
| <b>Development plan reference:</b>   | <b>General Policy 16 Housing in the Countryside and supporting text 5.16.1-5.16.3, WS 50-51</b>     |           |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>  |   |           |
| <p>Edderton Community Council (295)<br/> H Murray (306)<br/> John Clegg &amp; Co (for O Merckelbach) (353)<br/> A Rodden (535)<br/> G C W Beazley (641)<br/> Highland Planning Consultancy (for G Davidson) (648)</p>  |   |           |
| <b>Provision of the Development Plan to which the issue relates:</b>   | Policy framework relating to Housing in the Countryside within the identified hinterlands of towns. |           |
| <b>Summary of representation(s):</b>   |   |           |
| <p><u>Edderton Community Council (295)</u>: The areas around Ardmore and Balleigh already have such a concentration of building that they no longer resemble the landscape Highland Council's hinterland policy is designed to protect, and so they should be removed from hinterland restrictions.</p> <p><u>H Murray (306)</u>: The plan as it stands is almost completely opposed to house building in the hinterland of towns or villages (for example Dornoch). This would appear to be the case even where a house has stood hitherto on the site and where part of the original building is still standing. In those situations the rules should certainly be relaxed. It is not everyone's wish to live in a housing estate cheek by jowl with their neighbours, and there certainly is a demand for housing outwith the areas currently laid down for housing development.</p> <p><u>John Clegg &amp; Co (for O Merckelbach) (353)</u>: The area adjacent to the Whiteface settlement (map provided) should not be categorised as Hinterland (Policy 16) as there is adequate scope and potential to identify at least 3 units. This would enhance the small community, utilising existing bare ground with little impact on the landscape character or woodland habitat. The infrastructure can be adjusted to accommodate this. The plan needs to be more accommodating with respect to settlement development areas, as there are several areas that are already being given approval that are not linked to existing settlements. There has to be some flexibility on the margins of Hinterland and settlements to allow low density housing in order to maintain small communities. Giving locals or those wishing to move in to the area the choice to inhabit a rural location.</p> <p>Additionally, it is considered that the category of Hinterland should not cover areas of commercial woodland, irrespective of the location and potential to permit development of discrete and sensitively designed rural housing. At Clashmore Forest (map provided), two areas are highlighted that are categorised as Hinterland (Policy 16). The draft plan has identified limited potential (up to 6 units) for suitably sited and designed housing which is welcomed. However there is further scope to create an expansion area adjacent to the A9, west of Rose Cottage. Suitable access could be taken from the Trunk road in consultation with TEC services to allow creation of a small settlement or low density housing. Furthermore, to the west of the forest there is potential to accommodate up to 6 units to the north of Clashmore village in an area that would not have any impact on landscape, habitat or productive farmland. Low density development is already taking place and with the mains water line adjacent there would be adequate scope to create expansion. Allowing locals or those relocating the opportunity to stay in the area.</p> |   |           |

A Rodden (535): As owners of croft 45 Astle, Dornoch, built a one and a half storey house in 1995 and decrofted the building area. Now wish to build a smaller bungalow in the scrub land as approaching retirement as present house is too large due to back problems but manage to look after livestock. Have spent a fair amount on this area (drainage/fencing) from own funds as the crofting community did not consider this as agricultural ground. Would spend more to improve arability as I would still have 3 acres to improve for livestock. However, this area is now considered as Hinterland (albeit on the very edge) and therefore apparently cannot build a smaller house on own land. If have to sell the croft, the livestock and poultry would have to be sold or euthanized as I would not be able to buy another house locally enough to run the croft. Additionally, looks after the cattle and sheep of a crofter friend who uses 8 acres of the land that have improved to arable ground. If have to leave the croft and sell privately, there would be no guarantee a new buyer would be interested in utilising the land for crofting and the land could be lost to livestock. Have turned the land from neglected, weed infested ground into arable land to support animals and the crofting environment. Feel it is in the interest of the crofting community that can stay here and continue to improve the land. The Council should consider more flexibility in the Hinterland policy.

G C W Beazley (641): Would be hopeful of restoring out of historic interest the croft house 219, Rossel. Ownership has been retained of the croft house site and access thereto and none of it is subject to crofting tenure. It is a particularly interesting croft house of historic design and has not been improved. Careful restoration to secure the future of the features of a traditional 18th century croft house would be worth preserving and should be part of planning policy to preserve where appropriate historic traditional crofting dwellings.

Highland Planning Consultancy (for G Davidson) (648): It is understood that land at croft 336-339 (north of Achinchanter Farm), Hilton of Embo, Dornoch has a history of planning approval which has lapsed and appears now to not be favoured by the Council's planners for development. Given the background, it may be that the new Local Plan is the best vehicle to seek to have the site's residential status reconfirmed.

#### **Modifications sought by those submitting representations:**

Edderton Community Council (295): Remove the areas around Ardmore and Balleigh from hinterland restrictions.

H Murray (306): In the Local Plan, Planning Officers should be given discretion to allow development to proceed on sites in the hinterland of towns and villages, so long as the development would not encroach on good agricultural land.

John Clegg & Co (for O Merckelbach) (353): The area adjacent to the Whiteface settlement (map provided) should not be categorised as Hinterland (Policy 16) as there is adequate scope and potential to identify at least 3 units. Additionally, the category of Hinterland should not cover areas of commercial woodland.

A Rodden (535): The Council should consider more flexibility in the Hinterland policy in response to specific circumstances affecting accommodation sought.

G C W Beazley (641): Planning policy should provide for preservation where appropriate of historic traditional crofting dwellings.

Highland Planning Consultancy (for G Davidson) (648): Identify land at croft 336-339 (north of Achinchanter Farm), Hilton of Embo, Dornoch as suitable for residential development purposes in the Plan.

#### **Summary of response (including reasons) by planning authority**

**Response(s) and Reasons -**

Edderton Community Council (295), H Murray (306), John Clegg & Co (for O Merckelbach) (353), A Rodden (535), G C W Beazley (641), Highland Planning Consultancy (for G Davidson) (648):

The Council considers that no changes should be made to this part of the Plan. The Local Plan policy has been designed to fit closely with the Structure Plan and the Housing in the Countryside Development Plan Policy Guideline. What the Council has taken opportunity to do in this Plan is refine the extent of the hinterland area of Tain, as shown on the Proposals Map. Policy H3 of the Structure Plan and Policy 16 of the Local Plan are seeking to manage housing development in the hinterland areas of certain towns which would otherwise be subject to significant commuter housing pressure. Whilst this policy approach does seek to safeguard the character of rural areas, there are several other reasons for pursuing it as stated in paragraph 2.2.8 of the Structure Plan. In refining the hinterland area through the Deposit Draft Local Plan, the Council has sought to be more discreet and specific about which areas are likely to be under pressure for development, for example having regard to access opportunities and constraints.

Policy 16 presumes against housing in the open countryside around towns as defined in the local plan (the hinterland area). The policy only affects certain areas of Sutherland and the general policy lists a number of exceptions to the policy. One of the exceptions is where a proposal involves conversion or reuse of traditional buildings or the redevelopment of derelict land. The policy also allows for housing on crofts if it can be shown that the house is essential for land management or family purposes related to the management of the land (retired farmers and their spouses). Policy 16 only addresses housing development. Policy 3 Wider Countryside provides the context for considering proposals for other types of development, as well as for housing development beyond the hinterland and helps support rural communities.

The local plan does not identify and allocate sites for single houses in the open countryside or for new ad-hoc groups of houses. Settlement Development Areas (SDAs) are the preferred areas for most types of development, including housing. This is to make best use of existing infrastructure and services and to protect the character of the surrounding countryside.

For information, the DPPG has recently been under review. The review examined the effectiveness and fit for purpose of the existing housing in the countryside policy as set out in the Structure Plan, Local Plans and associated Development Plan Policy Guidance. An outcome of the review has been the preparation of Interim Supplementary Planning Guidance which has recently been consulted upon. The results of consultation will soon be considered by Committee. It is intended that the interim guidance will provide the Council's policy approach to Housing in the Countryside in advance of the Highland wide Local Development Plan.

The Housing in the Countryside DPPG and Draft Interim SPG are both available at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanpolicyguidance/>

**Any Further Plan Changes Commended by THC**

None.

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| <b>Issue (ref and heading):</b>  | <b>DESIGN QUALITY AND PLACE-MAKING</b>   | <b>94</b> |
| <b>Development plan reference:</b>   | <b>General Policy 18 Design Quality and Place-Making and supporting text 5.18.1, WS 53</b>       |           |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>  |  |           |
| Scottish Natural Heritage (326)  |  |           |
| <b>Provision of the Development Plan to which the issue relates:</b>   | Policy framework relating to Design Quality and Place-Making considerations for new development. |           |
| <b>Summary of representation(s):</b>   |  |           |
| <u>Scottish Natural Heritage (326):</u>  |  |           |
| <p>The Plan currently does not meet guidance set out in NPPG 14 and SPP 11 in its coverage of public access, including core paths, rights of way and other routes. There is no policy on access and recreation and no explicit reference to the protection of rights of way and other important paths, nor to the enhancement of recreational opportunities through the development of further paths. Because access rights and core paths plans are material considerations in determining applications for planning permission, the Local Plan should contain appropriate policy references for this purpose.</p> <p>SNH therefore wishes the Council's Development Plan to include the key recreational path network on its proposals map, and a further general policy which has regard to the maintenance and enhancement of that network (SNH has suggested some wording). However, SNH understands that Access (with linkage to Core Path Plans) will be dealt with in the forthcoming Highland-wide Local Development Plan. Given that, SNH would be content for this Local Plan to include a more explicit reference to the Core Path Plan than it has currently. In the absence of a section and policy on access, this could be incorporated in the general policy section under Design Quality and Place Making.</p> |  |           |
| <b>Modifications sought by those submitting representations:</b>   |  |           |
| <u>Scottish Natural Heritage (326):</u>  |  |           |
| <p>Include the following wording in the justification text preceding General Policy 18: "Public access should be maintained and improved, with core paths upheld" (reference to Core Path Plan).</p>   |  |           |
| <b>Summary of response (including reasons) by planning authority</b>   |  |           |
| <u>Scottish Natural Heritage (326):</u>  |  |           |
| <p><u>Response(s)</u> – NO CHANGE.</p> <p><u>Reasons</u> - The Local Plan does already make reference to Core Path Plans, within the Vision and within the policy sections on Developer Contributions and Travel. The wording suggested for inclusion in the justification text preceding General Policy 18 is itself written as a policy; the forthcoming Highland-wide Local Development Plan (HLDP) and other guidance will cover this issue with adequate balance. The Council's Development Plan Scheme (Spring 2009) listed 22 key policy areas which will be looked at as part of the HLDP and includes the topic of 'Access', which will include considering further the matters raised by the objectors on this issue and policy options.</p>   |  |           |

[For information, SEPA also raised essentially the same issue in respect of the West Highland & Islands Local Plan and the Council's response on that issue in respect of both Plans is the same.]

The Development Plan Scheme is available at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanscheme.htm>

Information on the preparation of Core Path Plans for the Highland Council is available at:

<http://www.highland.gov.uk/leisureandtourism/what-to-see/countrysideaccess/>

**Any Further Plan Changes Commended by THC**

None.



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| <b>Issue (ref and heading):</b>   | <b>GENERAL POLICIES: Omission of policy on protection of the Water Environment</b> | <b>95</b> |
| <b>Development plan reference:</b>  | <b>Chapter 5 General Policies, WS 31-55</b>  |           |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>   |  |           |
| Scottish Environment Protection Agency (311)  |  |           |
| <b>Provision of the Development Plan to which the issue relates:</b>  | Policy framework's provision for protection of the Water Environment.              |           |
| <b>Summary of representation(s):</b>  |  |           |
| <u>Scottish Environment Protection Agency (311):</u>  |  |           |
| <p>SEPA objects to the omission of a specific policy on protection of the water environment, for the following reasons:</p> <ul style="list-style-type: none"> <li>• NPPG 14 states that planning authorities should seek to safeguard the natural heritage value of certain types of water bodies within the context of a wider framework of water catchment management, particularly important in this Plan area where allocations in close proximity or enclosing watercourses are common.</li> <li>• Structure Plan Policy FA11 states that the Council will, in co-operation in partners, use the planning system and voluntary codes of good practice to ensure the proper management of river systems.</li> <li>• The EC Water Framework Directive (2000/60/EC) is aimed at maintaining and improving the quality of aquatic ecosystems and requires that any ecological risks to the water environment associated with development (including engineering operations) be identified and controlled.</li> <li>• The Water Environment and Water Services (Scotland) (WEWS) Act 2003 implements the Directive and under the Act Local Authorities are Responsible Authorities and therefore must give consideration to the aims of the Directive when exercising their functions, including preparation of Development Plans. One of the key tasks of the Directive regime is the production of River Basin Management Plans (RBMP) and the land use planning system has an important role to play in maintaining and enhancing the water environment, particularly prior to RBMPs being produced. The Highland Council is partner in the production of RBMP covering this area.</li> </ul> |  |           |
| <b>Modifications sought by those submitting representations:</b>  |  |           |
| <u>Scottish Environment Protection Agency (311):</u>  |  |           |
| <p>1. A policy included in the Plan which states that planning applications will be determined in compliance with the Water Framework Directive, SEPA recommending that such policy would state that any development that may have a detrimental impact on the water environment would not be supported unless suitable mitigation can be put in place to ensure compliance with the objectives of the Water Framework Directive or SEPA have confirmed that an exemption from Water Framework Directive requirements will apply.</p> <p>Or alternatively SEPA will now agree to:</p> <p>2. No modification to the Plan but a formal commitment by the Council to including a policy on this in the forthcoming Highland Local Development Plan.</p>  |  |           |
| <b>Summary of response (including reasons) by planning authority</b>  |  |           |



**Scottish Environment Protection Agency (311):**

**Response(s)** – NO CHANGE but the Council will continue to work with SEPA on this issue in respect of the Highland-wide Local Development Plan in order to explore policy options.

**Reasons** - A key task of The Water Framework Directive regime is the production of River Basin Management Plans. That work is ongoing and will inform the future Development Plan. It would be appropriate that consideration of what planning policy framework may be required for assessing compliance of planning applications with the Directive be carried out on a Highland-wide basis. The Council is considering policy options for this through preparation of the Highland-wide Local Development Plan (HLDP). The Council's Development Plan Scheme (Spring 2009) listed 22 key policy areas which will be looked at as part of the HLDP. Whilst that list did not include the Water Environment (and RBMP) specifically, that topic has since been added and has been discussed with SEPA together with Council officers involved in RBMP work in order to inform the Main Issues Report for the HLDP (although clearly, in advance of consultation on the Main Issues Report, the Council is unable to confirm at this time the inclusion of a particular policy within the eventual Proposed Plan). In the interim, Structure Plan policies FA11 and G2 provide a broad basis for consideration of relevant issues. In addition, certain development land allocations in the Plan have a developer requirement requiring retention and integration of existing watercourses as natural features within the development.

[For information, SEPA also raised essentially the same issue in respect of the West Highland & Islands Local Plan and the Council's response on that issue in respect of both Plans is the same.]

The Development Plan Scheme is available at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanscheme.htm>

**Any Further Plan Changes Commended by THC**

None.

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| <b>Issue (ref and heading):</b>   | <b>GENERAL POLICIES: Omission of policy on Air Quality issues</b> | <b>96</b> |
| <b>Development plan reference:</b>  | <b>Chapter 5 General Policies, WS 31-55</b>                       |           |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>   |   |           |
| Scottish Environment Protection Agency (311)  |   |           |
| <b>Provision of the Development Plan to which the issue relates:</b>  | Policy framework's provision for Air Quality issues.              |           |
| <b>Summary of representation(s):</b>  |   |           |
| <u>Scottish Environment Protection Agency (311):</u>  |   |           |
| <p>SEPA objects to the omission of an appropriate policy addressing air quality, for the following reasons:</p> <ul style="list-style-type: none"> <li>• Structure Plan Policy W12 requires the Council to adhere to certain principles in considering development proposals, and where appropriate, new developments will be required to submit an environmental assessment which address air pollution.</li> <li>• Policy guidance from the Scottish Executive dated March 2004 'Air Quality and Land Use Planning' states that the planning system has a particularly important role to play both in efforts to improve air quality and to at least ensure that existing air quality does not deteriorate. It says that local authorities should integrate air quality considerations within the planning process at the earliest possible stage and consider developing supplementary planning guidance or protocols. SEPA considers that review of the Local Plan provides the opportunity for such integration of air quality considerations.</li> <li>• The guidance goes on to identify a number of issues that should be considered in the preparation of development plans, and which may also be material in the consideration of individual planning applications, as follows: <ul style="list-style-type: none"> <li>- ensuring that land use planning makes an appropriate contribution to the achievement of air quality objectives;</li> <li>- the need to identify land, or establish criteria for the location of potentially polluting developments and the availability of alternative sites;</li> <li>- inclusion of policies on the appropriate location for new development, including reducing the need to travel and promoting public transport;</li> <li>- the potential effects of particular types of development on existing and likely future air quality, particularly in and around Air Quality Management Areas; and</li> <li>- the requirements of air quality action plans.</li> </ul> </li> </ul> |   |           |
| <b>Modifications sought by those submitting representations:</b>  |   |           |
| <u>Scottish Environment Protection Agency (311):</u>  |   |           |
| <p>1. A policy included in the Plan which states that the Planning Authority will take into account the impact of development on air quality in general and the findings of its Local Air Quality Management review and assessment of air quality in particular, and in addition which states that an assessment of the impact on air quality would be required for all development proposals that are likely to have significant air quality impacts.</p> <p>Or alternatively SEPA will now agree to:</p> <p>2. No modification to the Plan but a formal commitment by the Council to including a policy</p>   |   |           |

on this in the forthcoming Highland Local Development Plan.

**Summary of response (including reasons) by planning authority**

Scottish Environment Protection Agency (311):

Response(s) – NO CHANGE but the Council will continue to work with SEPA on this issue in respect of the Highland-wide Local Development Plan in order to explore policy options.

Reasons – Air quality is only one of many important matters for consideration and the Council would be concerned if it were highlighted above other relevant planning considerations. It would be appropriate that consideration of what planning policy framework may be required for assessing the air quality implications of planning applications be carried out on a Highland-wide basis. The Council is considering policy options for this through preparation of the Highland-wide Local Development Plan (HLDP). The Council's Development Plan Scheme (Spring 2009) listed 22 key policy areas which will be looked at as part of the HLDP. That list includes Air Quality specifically and has since been discussed with SEPA together with Council officers dealing with air quality matters in order to inform the Main Issues Report for the HLDP (although clearly, in advance of consultation on the Main Issues Report, the Council is unable to confirm at this time the inclusion of a particular policy within the eventual Proposed Plan). In the interim, Structure Plan policies W12 and G2 provide a broad basis for consideration of relevant issues. The Council considers therefore that it is not necessary to introduce air quality as a specific consideration within the policies of the Plan which is subject of this Examination, but suggests that if the Reporter disagrees then a brief reference to air quality as a development consideration be added to General Policy 10 Physical Constraints (Other Development Considerations).

[For information, SEPA also raised essentially the same issue in respect of the West Highland & Islands Local Plan and the Council's response on that issue in respect of both Plans is the same.]

The Development Plan Scheme is available at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanscheme.htm>

**Any Further Plan Changes Commended by THC**

None.

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| <b>Issue (ref and heading):</b>   | <b>GENERAL POLICIES: Omission of policy on Renewable Energy Development issues</b> | <b>97</b> |
| <b>Development plan reference:</b>  | <b>Chapter 5 General Policies, WS 31-55</b>  |           |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>   |  |           |
| Laid Grazings Committee (307)<br>Rider-French Consulting (632)<br>Airtricity (646)  |  |           |
| <b>Provision of the Development Plan to which the issue relates:</b>  | Policy framework's provision for Renewable Energy Development issues.              |           |
| <b>Summary of representation(s):</b>  |  |           |
| <p><u>Laid Grazings Committee (307)</u>: The Grazings Committee supports the idea of wind farms exporting to the National Grid as stated in paragraph 4.43(q) of the Plan. There are many areas in Sutherland where wind farms could be accommodated without scarring the landscape. However, it is suggested that transmission lines be buried in line with preserving Sutherland's outstanding landscape.</p> <p><u>Rider-French Consulting (632)</u>: Rider-French moved to Rogart in 1982 in order to benefit from its excellent natural environment. After 25 years of very satisfactory activity in the community, the company has now re-located, a direct result of the inappropriate construction of unnecessary windfarms across East Sutherland and in Rogart parish itself, with the consequent destruction of this once excellent location. The opinion of Rider-French, based on the experience of the windfarm planning process, is that the Council does not heed the results of public consultations but follows its own agenda regardless.</p> <p><u>Airtricity (646)</u>: Whilst it is recognised that any proposed onshore wind farm development will be 'guided' by the Council's emerging revised "Highland Renewable Energy Strategy and Planning Guidelines" (HRES), and assessed against new supplementary planning guidance (currently being prepared), the Plan lacks policy and preferred areas of search mapping for renewable energy development and should reflect the requirements of national planning policy and advice on this and be informed by consultation. Furthermore, one of the main constraints to the utilisation of onshore wind farm development within the Highland region is the current grid infrastructure, which is highlighted as a constraint under paragraph 4.43(q) of the Plan. Highland Council should pursue this through the National Planning Framework.</p> |  |           |
| <b>Modifications sought by those submitting representations:</b>  |  |           |
| <p><u>Laid Grazings Committee (307)</u>: Require that transmission lines be buried in line with preserving Sutherland's outstanding landscape.</p> <p><u>Rider-French Consulting (632)</u>: None specified, but consider the adequacy of the policy framework to guide consideration of the impacts of windfarm development.</p> <p><u>Airtricity (646)</u>: The inclusion of policy specifically dealing with renewable energy development. Furthermore, action by the Council to pursue improvement of grid infrastructure through the National Planning Framework.</p>   |  |           |
| <b>Summary of response (including reasons) by planning authority</b>  |  |           |
| <u>Response(s) and Reasons</u> –  |  |           |
| <u>Laid Grazings Committee (307) and Rider-French Consulting (632)</u> : The Council considers  |  |           |

that no change should be made to the Sutherland Local Plan in response to either Laid Grazings Committee or Rider-French Consulting. The Council disagrees with Rider-French; the Council does heed the results of public consultation and has regard to that, as well as to national policy and its own policies and to the merits of the individual proposal. The forthcoming Highland-wide Local Development Plan (HLDP) and associated Guidance for on-shore wind energy development currently being prepared by the Council, and related updating of the Highland Renewable Energy Strategy & Planning Guidelines (HRES), will provide a more specific spatial planning framework to guide and assist the consideration of windfarm developments in accordance with Annex A of Scottish Planning Policy 6. Landscape sensitivity will be a key consideration within the new policies and guidance being prepared, including consideration of cumulative impact.

Airtricity (646):

No change should be made to the Local Plan, other than certain minor changes. Earlier drafts of the Plan contained some locational guidance for renewable technologies based on HRES. However, in view of it not being fully compliant with Scottish Planning Policy 6 and that it is going to be updated and partly replaced as explained below, the 2008 Deposit Draft generally does not contain such locational guidance. For the avoidance of doubt, any remaining locational guidance should be deleted (whilst retaining references to support in principle for renewable energy development). Cross-references to HRES and emerging policy and guidance for renewables should be updated to reflect progress made.

The forthcoming Highland-wide Local Development Plan (HLDP) and associated Guidance for on-shore wind energy development currently being prepared by the Council, and related updating of HRES, will respond to SPP6 and National Planning Framework 2 (NPF2). Together they will provide a suite of policies for renewable energy, and a more specific spatial planning framework to guide and assist the consideration of windfarm developments in accordance with SPP6 Annex A. It is appropriate to develop these policies and guidance (including reviewing existing ones) on a Highland-wide basis. Preparation of both the HLDP and associated Guidance are in progress and they will be consulted on later this year before finalisation and adoption. In the interim, as well as the Local Plan the Structure Plan and HRES are important to the consideration of proposals, together with SPP6. Information on the HLDP and associated Guidance being prepared is provided in the Council's Development Plan Scheme. A key consideration within those documents in respect of windfarms will be landscape sensitivity and impact assessment, including cumulative impact assessment which is not fully addressed by the Council's existing documents. A major input to the work is therefore a landscape study looking at these issues and the final report of the consultant undertaking that study for the Council is expected during Summer 2009. With regard to national policy, the Council made representations on NPF2 including on renewable energy and grid issues. The Council is aware of the current grid constraints in the context of seeking to meet targets for renewables set out in HRES. The Council will continue to engage with Scottish Government and others on these issues.

[For information, Airtricity also raised essentially the same issue in respect of the West Highland & Islands Local Plan and the Council's response on that issue in respect of both Plans is the same.]

The Development Plan Scheme is available at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanscheme.htm>

**Any Further Plan Changes Commended by THC**

Delete any remaining locational guidance in the Local Plan for renewable technologies (whilst retaining references to support in principle for renewable energy development).

Update cross-references to HRES and emerging policy and guidance for renewables to reflect progress made.

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| <b>Issue (ref and heading):</b>   | <b>GENERAL POLICIES: Omission of policy on Open Space issues</b> | <b>98</b> |
| <b>Development plan reference:</b>  | <b>Chapter 5 General Policies, WS 31-55</b>                      |           |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>   |  |           |
| Scottish Natural Heritage (326)<br>Sport Scotland (496)   |  |           |
| <b>Provision of the Development Plan to which the issue relates:</b>  | Policy framework's provision for Open Space issues.              |           |
| <b>Summary of representation(s):</b>  |  |           |
| <p><u>Scottish Natural Heritage (326)</u>: SNH wish the Council's Development Plan to provide an adequate policy and basis for addressing open space issues. SNH acknowledges and accepts the intention to address this through the forthcoming Local Development Plans and associated guidance. However, SNH remains concerned with the mapping of open space in the Sutherland Local Plan:</p> <ul style="list-style-type: none"> <li>• Identified open space and playing fields in Local Plans enjoy a strong level of national policy protection through SPP11 and the notification direction under Circular 7/2007. It is therefore essential that identification is consistently applied across all settlements and that the Council considers whether a playing field is better protected by being inside a Settlement Development Area (SDA) and allocated as Open Space rather than outside an SDA and not identified as Open Space and so subject generally to General Policy 3.</li> <li>• A clear and consistent and inclusive approach to mapping of open space and its policy protection is required to ensure that this important resource is protected in the long term for the benefit of the local populations. It would also ensure that the distribution and type of open space is equitable and adequate and that large housing developments complement and/or augment the present open space system.</li> </ul> <p><u>Sport Scotland (496)</u>:</p> <p>Objection to the omission of adequate policy and basis for addressing open space issues, for the following reasons:</p> <ul style="list-style-type: none"> <li>• There is an allocation for Open Space however there is no Open Space policy or justification in the Local Plan. Scottish Planning Policy 11 'Open Space and Physical Activity' sets out national planning policy on the provision and protection of open space. The local plan needs to address the SPP 11 objectives. There is no evidence that the local plan is based on an open space audit and strategy which would include one for playing fields and sports pitches.</li> <li>• The local plan does identify areas of open space within settlement proposal maps. However there are some inconsistencies in how these have been identified. Under SPP 11 all playing fields would be covered by paragraphs 45-47 and the criteria of paragraph 46 if such sites were subject to any proposal for redevelopment that came forward.</li> <li>• Reliance on Structure Plan policy G2 is not appropriate in relation to the protection of playing fields, as no specific reference is made to them. All school and other playing fields should have appropriate policy protection in the local plan. This is required by SPP11 (para 48). Structure Plan policies SR1 'Provision of new sports facilities' and SR2 'Sports facilities and open space provision' are also relevant.</li> <li>•</li> </ul> |  |           |



**Modifications sought by those submitting representations:**

Scottish Natural Heritage (326): Review the mapping of open space and its policy protection in the Plan, following a clear and consistent and inclusive approach.

Sport Scotland (496): The local plan should address the need to comply with SPP 11 and include open space policies.

**Summary of response (including reasons) by planning authority**Response(s) and Reasons –Scottish Natural Heritage (326) and Sport Scotland (496):

The Council considers that no changes should be made to the Plan in response to either Scottish Natural Heritage or Sport Scotland.

The Local Plan's General Policy 2 and its justification include an allocation type for Public Open Space (OS) and is the relevant policy on this matter (rather than Structure Plan policy G2). This allocation is for areas of public open space within Settlement Development Areas (SDAs) which are greenspace cherished by the local community and which the Plan specifically allocates in order to safeguard them from development. This is therefore a tighter definition for the purposes of this policy than the wider meaning of 'open space' in SPP11. This definition for the purposes of Policy 2 is given in the Glossary section of the Plan. Not all playing fields are covered by the Public Open Space allocation. Furthermore, Public Open Spaces outside SDAs are not allocated, although some degree of safeguard may be afforded by virtue of the policy considerations under General Policy 3 'Wider Countryside', albeit not specifically.

Between successive drafts of the Plan, the Council has reviewed the mapping and made some changes in relation to specific settlements such that the 2008 Deposit Draft achieves greater consistency as to which types of open space are identified in the Plan.

The Council has recently produced new Supplementary Planning Guidance for Open Space Provision in New Residential Developments. This, coupled on large sites with a masterplanning approach to development, will assist in delivering new open space provision. The Council is also undertaking significant work in terms of facilities modelling at present.

It is acknowledged that there is a need to carry this work through and address other aspects of SPP11. This work will not be available in sufficient time to inform this Local Plan; it is programmed as part of the production of the suite of new-style Local Development Plans and Supplementary Guidance set out in the Council's Development Plan Scheme. The Council has therefore recently embarked on a considerable programme of audit work and will consider options for policies and associated mapping. In the Local Development Plans the Council will use the typology of open space, sport and recreation provision set out in PAN65.

In the interim, Structure Plan Policies SR1 and, of particular relevance, SR2 remain part of the Development Plan and SPP11 is a material consideration, additional to the policy coverage set out in the Local Plan.

[For information, SportScotland also raised essentially the same issue in respect of the West Highland & Islands Local Plan and the Council's response on that issue in respect of both Plans is the same.]

The Development Plan Scheme is available at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanscheme.htm>

The Open Space SPG is available at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanpolicyguidance/>

**Any Further Plan Changes Commended by THC**

None.

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| <b>Issue (ref and heading):</b>  | <b>GENERAL POLICIES: Omission of policy on Contaminated Land issues</b> | <b>99</b> |
| <b>Development plan reference:</b>   | <b>Chapter 5 General Policies, WS 31-55</b>                             |           |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>  |   |           |
| Scottish Environment Protection Agency (311)   |   |           |
| <b>Provision of the Development Plan to which the issue relates:</b>   | Policy framework's provision for Contaminated Land issues.              |           |
| <b>Summary of representation(s):</b>   |   |           |
| <u>Scottish Environment Protection Agency (311):</u>   |   |           |
| <p>SEPA objects to the omission of clear policy on contaminated land, for the following reasons:</p> <ul style="list-style-type: none"> <li>• Whilst General Policy 10 refers to land with possible contamination issues, a separate policy on the issue would provide clearer guidance to developers on how contaminated land needs to be risk-assessed, remediated and redeveloped. Land subject to contaminative uses is an important issue in the Highland Council area, as it contains a significant area of such land.</li> <li>• Planning Advice Note 33 'Development of Contaminated Land' states that: <ul style="list-style-type: none"> <li>- In preparing development plans, planning authorities are expected to encourage and promote the reuse of Brownfield land, including contaminated sites. Development plans provide an opportunity for authorities to set out their priorities for the reclamation and re-use of contaminated land, and to inform developers of the availability of sites, and the potential constraints attached to them.</li> <li>- Planning authorities should therefore require that applications include suitable remediation measures. If they do not, then there are grounds for refusal. Where applications are approved, conditions should be put in place to ensure that land is remediated before the commencement of any new use.</li> <li>- The planning authority must consider whether a developer's restoration plan is adequate to avoid unacceptable risks to human health and the wider environment from the contamination on the site, both during the restoration period and for the final end use. The end use of the site is a crucial consideration when determining whether a restoration plan is adequate.</li> </ul> </li> <li>• The Planning Authority should satisfy itself that the potential for contamination is properly investigated, that risks associated with any contamination are assessed and that any necessary remediation is undertaken to ensure that the land is suitable for its proposed new use and does not represent a risk to the wider environment. SEPA's role is to provide advice to Local Authorities primarily with respect to the water environment aspects of the identification and treatment of contaminated sites. The Council's own Contaminated Land Team should be engaged to advise further in developing policy.</li> </ul> |   |           |
| <b>Modifications sought by those submitting representations:</b>   |   |           |
| <u>Scottish Environment Protection Agency (311):</u>   |   |           |
| <p>1. A separate policy is inserted into the Plan to the following effect:<br/> "Where development is to take place on land that has been subject to contaminative uses, the developer is required to undertake an adequate risk assessment of the site, and to propose measures to avoid unacceptable risks to human health and the wider environment both during the restoration period and for the final end use."</p>  |   |           |

Or alternatively SEPA will now agree to:

2. No modification to the Plan but a formal commitment by the Council to including a policy on this in the forthcoming Highland Local Development Plan.

**Summary of response (including reasons) by planning authority**

Scottish Environment Protection Agency (311):

Response(s) – NO CHANGE but the Council will continue to work with SEPA on this issue in respect of the Highland-wide Local Development Plan in order to explore policy options.

Reasons – It would be appropriate that consideration of what planning policy framework may be required to address contaminated land issues be carried out on a Highland-wide basis. The Council is considering policy options for this through preparation of the Highland-wide Local Development Plan (HLDP). The Council's Development Plan Scheme (Spring 2009) listed 22 key policy areas which will be looked at as part of the HLDP. That list includes Contaminated Land specifically and has since been discussed with SEPA and the Council's Contaminated Land Team in order to inform the Main Issues Report for the HLDP (although clearly, in advance of consultation on the Main Issues Report, the Council is unable to confirm at this time the inclusion of a particular policy within the eventual Proposed Plan). In the interim, General Policy 10 Physical Constraints (Other Development Considerations) provides a reference to land with possible contamination issues as a development consideration. That reference in General Policy 10 has been added to since an earlier draft of the Plan, such that the 2008 Deposit Draft provides additional guidance to developers (the section in brackets).

[For information, SEPA also raised essentially the same issue in respect of the West Highland & Islands Local Plan and the Council's response on that issue in respect of both Plans is the same.]

The Development Plan Scheme is available at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanscheme.htm>

**Any Further Plan Changes Commended by THC**

None.

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| <b>Issue (ref and heading):</b>  | <b>MINERALS EXTRACTION</b>   | <b>100</b> |
| <b>Development plan reference:</b>   | <b>Chapter 4 Key Forecasts, Strategy and Vision: General Comment, WS 11-29</b>             |            |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>  |  |            |
| Laid Grazings Committee (307)  |  |            |
| <b>Provision of the Development Plan to which the issue relates:</b>   | Adequacy of policy framework in respect of any future superquarry proposal at Loch Eriboll |            |
| <b>Summary of representation(s):</b>   |  |            |
| <u>Laid Grazings Committee (307):</u>  |  |            |
| <p>It is surprising to find that, after two detailed paragraphs on the subject in Background Paper No. 2 to the Sutherland Local Plan which were most alarming, there is no mention of any future superquarry proposal at Loch Eriboll in the Local Plan. The Council should follow the conclusion of its own Durness Coastal Quarry Study which recommended "that no further consideration should be given to the development for aggregate use of any of the rock resources at Durness". Why this project is still being considered, and resources wasted on keeping it alive, despite the clear and unequivocally negative conclusions of that study has never been clear. But by including it in the Structure Plan and in Background Paper No. 2 the Council is putting a planning blight on this area. Having made these attempts to keep this project alive, at the very least the Council should explain why there is no mention of what would be the biggest project in Sutherland's history in its Local Plan- and at the same time record the total opposition of Laid to this project.</p> <p>As set out in the Durness Coastal Quarry Study of April 1994, the superquarry would be the biggest project in Sutherland's history. The effect on one of the most peaceful and beautiful environments in the Highlands would be disastrous and Laid itself would quite simply be wiped out as it stands at the moment. The Local Plan has been compiled without any mention of the above, quite apart from carrying out an official environmental assessment which we believe is now a legal requirement before such a project is even considered, far less given the detailed analysis of paragraph 3.4 of your Background Paper No 2.</p> <p>Since the Sutherland Local Plan is apparently being revisited from an environmental point of view, these factors should be taken into account- and, as a result, the superquarry should be eliminated officially from all planning activities. The conclusions of the Council's 1994 Report were clear, unequivocal, totally negative for any superquarry project in this area and accepted by Highland Council Planning Committee at the time (meeting of 14/4/94). Yet here we are some 14 years later with the proposal first in then out of the Sutherland Local Plan but apparently still going, presumably in the hope of slipping it through "in a wider Highland context", despite £50,000 of public money being spent on proving it was a non-starter in 1994.</p> <p>The Scottish Government rejected the Lingerbay proposal (which did have a positive viability and local support) out of hand. Mr I Wilson of Durness Estate at the Laid Grazings Committee meeting on 3rd November 2008 informed the Committee that the superquarry proposal for Loch Eriboll was "dead".</p> |  |            |
| <b>Modifications sought by those submitting representations:</b>   |  |            |
| <u>Laid Grazings Committee (307):</u> The Plan should rule out the possibility of a superquarry in   |  |            |

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| north-west Sutherland.  |
| <b>Summary of response (including reasons) by planning authority</b>  |
| <p><u>Response(s) and Reasons -</u></p> <p><u>Laid Grazings Committee (307):</u></p> <p>No change should be made to the Local Plan in response.</p> <p>Whilst the desire for an unequivocal position from the Council on this matter is understandable, for the Council to say that no superquarry development should happen in north-west Sutherland without the necessary evidence and consideration would not be a tenable position. The Durness Coastal Quarry Study (1994) predates the Highland Structure Plan (2001) which, whilst not setting a presumption in favour of the development, does continue to identify investigatory sites (pages 81-83 refer) and was prepared with reference to the findings of the 1994 Study. The Background Paper No. 2 to the preparation of the Local Plan (available on the Sutherland Local Plan webpages) reported this background and a brief discussion on types of mineral working and the potential for proposals to be a catalyst for the wider economic development of the whole area.</p> <p>Many factors can adjust over time to merit considering a similar development again such as technologies and practices altering the impacts or costs, or new markets developing with different requirements in terms of rock type and quality.</p> <p>As mentioned by the Grazings Committee, an Environmental Impact Assessment would be required to help determine the suitability of any superquarry proposal. That would be at planning application stage, if one were to come forward. Strategic Environmental Assessment is undertaken on the Local Plan; however, the Plan does not contain a proposal for a superquarry to assess. If a proposal did come forward, it would be considered in the context of all the relevant policies of the Structure Plan and Local Plan (including those that seek to protect important natural heritage features and enable consideration of landscape impact) and regard would be had to any other material considerations.</p> <p>The Council considers that the superquarry issue is best dealt with in a strategic manner on a Highland wide basis when we progress and widely consult on the forthcoming Highland-wide Local Development Plan. National advice suggests that Planning Authorities should consider identifying coastal exporting quarry search areas. It also says that coastal quarries may be deemed acceptable as a significant employer in a rural area where the impacts on local communities are acceptable and those communities have been properly consulted. Where provision is to be identified the development plan should set out the criteria to be satisfied by quarries and their associated infrastructure.</p> <p>The Council's understanding is that Mr I Wilson is pursuing alternative proposals for this location relating to renewable energy which the Council understands could involve significant rock extraction. He has been advised to comment on the forthcoming Highland-wide Local Development Plan, which will review the strategic minerals policies and renewable energy policies of the Structure Plan.</p> |
| <b>Any Further Plan Changes Commended by THC</b>  |
| None.   |

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| <b>Issue (ref and heading):</b>  | <b>TRANSPORT</b>   | <b>101</b> |
| <b>Development plan reference:</b>   | <b>Chapter 4: Key Forecasts, Strategy and Vision, WS 11-29</b> |            |
| <b>Body or persons submitting a representation raising the issue (reference no.):</b>  |  |            |
| <p><b>Strategic Transport Projects Generally:</b> Transport Scotland (659)</p> <p><b>A9 Bypasses:</b> V Scott (216), Scottish Natural Heritage (326)</p> <p><b>Dornoch Rail Link:</b> Friends of the Far North Line (221), Dornoch Rail Link Action Group (239), Dornoch Community Council (254), RMT (291), Association of Community Councils (Caithness) (292), J Christie (298), Caithness West Community Council (313), Thurso Community Council (315), Railfuture Scotland (323), D MacKintosh (327), Scottish Green Party (Highland) (330), Caithness Transport Forum (332), S MacLennan (357), E Christie (369), A Christie (370), Mr Brechin (371), Caithness Chamber of Commerce (498), A Lennon (505), J D Moore (509), M Moore (510), I A Glen (542), W G Ross (555), G MacDonald (556), H MacDonald (557)</p> <p><b>Transport Issues Generally:</b> Laid Grazings Committee (307)</p>  |  |            |
| <b>Provision of the Development Plan to which the issue relates:</b>   | Transport provisions and issues                                |            |
| <b>Summary of representation(s):</b>   |  |            |
| <p><b>Strategic Transport Projects Generally:</b> <u>Transport Scotland (659)</u>: The Plan does not reflect/ refer to the results of the Strategic Transport Projects Review and lacks clarity with regard to the status of transport interventions referred to in the Strategy and Vision and the processes that would be required to be followed to progress them. The strategic transport network interventions indicated within paragraphs 4.30 and 4.44 are not included within STPR and therefore do not have Transport Scotland approval or funding. Transport Scotland requires the status of each intervention to be clearly presented with regard to Transport Scotland funding and approval, particularly where interventions do not have Transport Scotland funding or approval in place. This will assist in providing certainty and avoid doubt as to the status of these interventions when they appear in the Plan.</p> <p><b>A9 Bypasses:</b></p> <p><u>V Scott (216)</u>: A Golspie by-pass route has been shown on the Local Plan for many years. It is not shown on the current draft. The current route should be maintained on the Plan until a firm agreement is reached.</p> <p><u>SNH</u>: The Plan should indicate the A9 bypass routes for both Golspie and Brora, or at least maintain them free from development allocations, in this Local Plan. There is a need to consider the longer term impacts of climate change on this trunk road. It is important to safeguard at least one route in each case now that a number of the alternative options have been allocated.</p> <p><b>Dornoch Rail Link:</b> <u>[See list above for representors]</u>:</p> <p>Campaigners for the construction of a Dornoch Rail Link (DRL) seek more positive references in the Plan to the potential of such a scheme and seek the safeguarding of a route based on work undertaken by consultants on behalf of the campaign (see Route</p> |  |            |



Delineation Mapping, Dornoch Rail Link Study- engineered feasibility study, Modified STAG 1 Appraisal- stage 2 study submitted in support). Various reasons are given, summarised collectively as follows:

- The DRL would improve journey times significantly and as such would assist the regeneration of the Caithness economy as well as bringing benefits to a wider area including parts of Sutherland and the Orkney Islands. It could also help to retain the all-year-round rail service that currently exists. The need to reduce journey times to the far north was subject of a petition to the Scottish parliament by the Association of Caithness Community Councils and progressed to the Transport Infrastructure and Climate Change Committee, which recommended that the Government conduct a further and full study.
- The DRL would support growth aspirations for Dornoch, Golspie and Brora and provide opportunity to extend the Invernet commuter service to these settlements and as far as Helmsdale. The Plan does not currently explain sufficiently the growth prospects of different areas relative to transport infrastructure.
- The Plan is not sufficiently positive about the prospects of the DRL and is not even-handed in its approach to road and rail, nor indeed to Central Sutherland and East Sutherland.
- The Plan fails to safeguard a route for the DRL and planned development including site allocations in Dornoch and Embo could compromise it; a linear corridor should be retained in Dornoch.
- The DRL would support the shift of freight from road to rail.
- The line to Lairg may be retained as part of the proposal; if retained in its entirety as additional to the DRL then this would provide a twin track section on the Far North Line which would assist particularly with providing freight opportunities.
- Whilst the proposed route for the DRL could impact on the environmentally sensitive Dornoch Firth and Loch Fleet, the route could help reduce carbon emissions, reduce traffic congestion and increase road safety. All efforts will be made to ameliorate any recognised negative environmental impacts, and maximise positive impacts.

**Transport Issues Generally:** Laid Grazings Committee (307): Transport is critical for rural Sutherland and the Plan does not go beyond some well meaning statements. Most of Sutherland will never be able to justify normal bus services as set out in para. 4.44b on page 22. On the other hand the postbus is ideally suited to carrying small numbers of passengers more or less anywhere. The withdrawal of the post bus in our area has been a blow not only for some residents who do not have access to a car but also to visitors. Much more importance should be given to local roads under para. 4.44d than is given at present. No improvement has been made to our local roads in living memory and there are many small improvements which could be made at small expense and which need to be put up the priority list. Minor improvements should be given top priority. There is also the matter of drainage of the road through the village of Laid. This has been allowed to deteriorate over recent years with the result that several crofts in the village suffer from large quantities of surface water off the road coming down them. Policy 14 on Surface Water Drainage could be modified to include existing roads as well as "new developments".

#### **Modifications sought by those submitting representations:**

**Strategic Transport Projects Generally:** Transport Scotland (659): Further to the publication of the STPR, Transport Scotland request that the following wording is inserted within the Plan:

"The Strategic Transport Projects Review (STPR) identifies interventions to be delivered, designed or developed beyond 2012 and primarily between 2012 and 2022. Projects relevant to the Sutherland Plan area are as follows:

- Strategic Road Safety Plan;

- Maintenance and Safe Operation of Scotland's Rail Network;
- Integrated ticketing;
- Rail system enhancements, including the replacement of the Radio Electronic Token Block signalling in the Highland region; and
- Road safety improvements in North and West Scotland.

However a number of other measures will have positive implications for the Sutherland area, including projects aimed at increasing the frequency of rail services and reducing journey times between Aberdeen and Inverness, and the Highland Mainline Rail Improvements Project aimed at improving network capacity for passengers and freight between Inverness and Perth."

With regard to the transport interventions relating to the strategic network, the Plan should be amended to provide more information on the background and status for each project and to refer to processes that would be required to be followed in order to progress them. Transport Scotland requires the status of each intervention to be clearly presented with regard to Transport Scotland funding and approval, particularly where interventions do not have Transport Scotland funding or approval in place.

**A9 Bypasses:** Valerie Scott (216), Scottish Natural Heritage (326): Safeguard routes for Golspie bypass (both representors) and for Brora bypass (SNH).

**Dornoch Rail Link:** [See list above for representors]:

The Plan should recognise the serious potential for rail as well as road improvements to develop the Caithness economy post-Dounreay in Paragraph 4.29, and that substantially improved rail services are vital in encouraging positive development of the Caithness economy with regard to accessibility to passengers, freight, tourism, oil/gas and sea freight development potential.

Paragraph 4.32 refers to the Dornoch - Golspie - Brora potential for larger scale development. This could be greatly magnified by the provision of a rail service greatly improved by the implementation of the Dornoch Rail Link, as discussed in the Stage 2 study that has been undertaken.

More positive reference to the Dornoch Rail Link should be included in paragraph 4.44.

Generally the Plan should be more positive and even-handed about the opportunities for rail.

Definite protection should be given in the Plan to the route for a Dornoch Rail Link. Within Dornoch this could take the form of a green corridor for recreation, reserved for use for the rail line in the longer term.

**Transport Issues Generally:** Laid Grazings Committee (307): We would suggest that the Plan envisages not only a halt in the elimination of the post bus service but also the restoration of the previous network and its expansion. Royal Mail should be given financial support and incentives for this with the money currently being wasted on trying to run bus services which are just not being used (e.g. the summer bus between Tongue and Durness). Also the Plan should specifically support the "Dial-a-Bus" service which is another greatly appreciated service. Much more importance should be given to local roads under para. 4.44d than is given at present. Minor improvements should be given top priority. Policy 14 on Surface Water Drainage could be modified to include existing roads as well as "new developments".

#### **Summary of response (including reasons) by planning authority**

Response(s) and Reasons -

**Strategic Transport Projects Generally:** Transport Scotland (659): The Council agrees that the Strategy section of the Plan should be updated to reflect publication of the STPR, to further clarify the status of transport schemes/interventions referred to in the Plan at paras. 4.30 and 4.44 and to include in para. 4.30 the wording suggested.

**A9 Bypasses:** Valerie Scott (216), Scottish Natural Heritage (326)  
**and**  
**Dornoch Rail Link:** [See list above for representors]:

On the potential Strategic Transport Projects referred to- Golspie bypass, Brora bypass and Dornoch Rail Link- none should be the subject of route safeguarding in this next draft of the Sutherland Local Plan and no changes should be made to the Local Plan in response, other than that indicated above and commended below in response to Transport Scotland to reflect publication of the STPR, to further clarify the status of transport schemes/interventions referred to in the Plan and to include wording suggested by Transport Scotland. The three projects are not currently committed to by Transport Scotland and the strategy of this Local Plan is not critically dependent upon them. The importance of the strategic road and rail network to the economic well-being of the region was voiced by the Council and others in response to the National Planning Framework 2 consultation. NPF2 has now been finalised and the Strategic Transport Projects Review (STPR) completed. The forthcoming Highland-wide Local Development Plan will provide a pan-Highland context for considering transport issues and the implications of NPF2 and the STPR.

Safeguarding routes which are not committed to (about which there is not sufficient certainty in terms of delivery) could cause significant planning blight for property along the route. Government policy advice indicates that such blight should be avoided, by not safeguarding such routes. Settlement Development Area (SDA) boundaries in east Sutherland have been drawn tightly around the existing built up areas and the sites specifically allocated for development. The policy framework for consideration of development proposals within and outwith the SDAs is such that whilst there may in some instances be scope for development outwith, generally that would not be intensive development. Therefore the amount of additional constraint placed on any future transport route selection would be less where it is outwith the SDA rather than within it.

In terms of the allocations of land for new development at Dornoch and to a lesser extent at Embo, a route safeguard for the DRL would introduce a significant additional constraint upon the design and layout of development. The proposed developments as currently within the Plan represent opportunities for well-planned extensions of the settlements and that at Dornoch North is already identified within the current adopted Local Plan for the area. In the context of a rail link, the attractiveness in principle of providing a rail station at Dornoch close to the centre of the settlement is understood; however, doing so increases the adverse impact on property. The Dornoch Rail Link Action Group has followed good practice in preparing documentation in line with the STAG approach; however, further work would need to be undertaken and the scheme would need to receive support from the Scottish Government in order for the possibility of route safeguarding to be considered further. With regard to the suggestion to safeguard within Dornoch development sites by identifying a green corridor, for such a 'route section' to be useful as a safeguard there would need to be sufficient certainty that the route section in question would be appropriate and able to connect as part of a full route. Such a safeguard would only represent part of the route through Dornoch and could, by implication, have the effect of blighting property elsewhere on the basis of assumed projection of the route along various alignments.

At this time the Local Plan must have regard to the STPR and the priorities identified within it.

It must also have regard to the Local Transport Strategy, which is under review, and the Council has also referred to the Sutherland Partnership's Transport Vision. A variety of transport provisions will be appropriate to improve accessibility across the Sutherland area. Preparation of the Highland-wide Local Development Plan will provide opportunity to review current transport policies of the Structure Plan in the light of the STPR, the new Local Transport Strategy, NPF2 and any further evidence on regional issues and specific schemes. This will include reviewing Policy TC13 'Tain-Golspie Rail Link' (the inclusion of which reflected the fact that the DRL had been proposed in some form for many years) in the light of the up-to-date position.

In respect of the regeneration of Caithness, the Caithness & North Sutherland Regeneration Partnership has identified Transport Connections as one of its priorities for action. The Partnership is in the process of setting meaningful targets but those will have to be informed by what is in the STPR.

It is not appropriate to include Golspie, Brora and Helmsdale in the reference to Invernet rail commuter services. Such a service would be dependent upon the Dornoch Rail Link. The Link does not currently feature in the Scottish Government's list of projects and the Plan does not foresee the Link coming forward, if it were to, and being operational within the period which is the subject of the Plan's vision.

**Transport Issues Generally: Laid Grazings Committee (307):** No changes should be made in response. The 2008 Deposit Draft version of the Plan includes Policy 19 on Travel. This will play a key part in seeking to improve accessibility for communities, although necessarily its scope is limited to that of the Local Plan in considering what can be achieved as part of proposals for new development. The Council is currently reviewing its Local Transport Strategy which may provide opportunity for consideration of other schemes and to reflect on the Sutherland Partnership's "Transport Vision". The significance of road maintenance and minor improvements is acknowledged. However, it will be for the new Local Transport Strategy to set priorities for investment in these. Concerns about drainage of roads is noted; however, the Local Plan's purpose is to deal specifically with proposals for new development and the change suggested for page 38 is therefore rejected.

#### **Any Further Plan Changes Commended by THC**

Update the Strategy section of the Plan to reflect publication of the STPR, to further clarify the status of transport schemes/interventions referred to in the Plan at paras. 4.30 and 4.44 and to include in para. 4.30 the wording suggested by Transport Scotland.

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| <b>Issue (ref and heading):</b>  | <b>GENERAL</b> | <b>102</b> |
| <b>Development plan reference:</b>   | <b>Various</b> |            |
| <b>Body or persons submitting a representation raising the issue:</b>  |                |            |
| <p><b>Local Plan- General:</b> Laid Grazings Committee (307)<br/> <b>Design of Development:</b> A B Mearns (272)<br/> <b>Balanced Sustainable Development:</b> A I Sutherland (543)<br/> <b>Waste Water Developer Requirements:</b> Scottish Environment Protection Agency (311)<br/> <b>Flood Risk Developer Requirements:</b> Scottish Environment Protection Agency (311)<br/> <b>SUDS Developer Requirements:</b> Scottish Environment Protection Agency (311)<br/> <b>AGLVs:</b> Laid Grazings Committee (307)<br/> <b>Appendix 1 Definition of Natural, Built &amp; Cultural Heritage Features:</b> Historic Scotland (495)<br/> <b>Appendix 3 Landscape Character Assessment:</b> Scottish Natural Heritage (326)<br/> <b>Appropriate Assessment:</b> Scottish Natural Heritage (326)<br/> <b>Environmental Report:</b> Scottish Environment Protection Agency (565), Scottish Natural Heritage (326), Historic Scotland (495)</p>  |                |            |
| <b>Provision of the Development Plan to which the issue relates:</b>   | Various        |            |
| <b>Summary of representation(s):</b>   |                |            |
| <p><b>Local Plan- General:</b> <u>Laid Grazings Committee (307)</u>: A wide range of concerns about the adequacy of the Plan in respect of the need for actions to address: housing, services, infrastructure, forestry, broadband, job creation, small businesses, day-care, water quality, heritage, education, fishing, tourism and environment.</p> <p><b>Design of Development / Gaelic language:</b> <u>A B Mearns (272)</u>: The planning guidelines take little account of modern design and are rigidly and anachronistically tied to 1 1/2 storey designs appropriate to the 19th century.</p> <p>Feel there is a need for greater recognition of Sutherland's Gaelic Heritage, learning and everyday use.</p> <p><b>Balanced Sustainable Development:</b> <u>A I Sutherland (543)</u>: Questions whether there is sufficient employment in the area to support the occupants of all the proposed housing. If it ends up with a surplus of affordable housing, concerned about how these may end up being filled. There are also all the private developments proposed for the "flood plains" in part of Dornoch; questions whether Dornoch will end up with more housing than the local infrastructure can support. There is a definite requirement for affordable serviced plots to be available to buy by private individuals who want to self build, this can be with "water tight" conditions of sale to stop speculators from buying plots and either not developing them or developing and immediately selling on for massive profits. A more relaxed planning attitude is also required that would allow houses to be built outwith the current designated zoned areas.</p> <p><b>Waste Water Developer Requirements:</b> <u>Scottish Environment Protection Agency (311)</u>: SEPA seeks inclusion of a developer requirement for connection to the public sewer for each allocation of 25 or more units and for certain other allocated sites (identified by SEPA in its representation). SEPA considers that if a sustainable foul drainage solution is not feasible for an allocation then it is not a sustainable location for a development.</p> |                |            |



**Flood Risk Developer Requirements:** Scottish Environment Protection Agency (311): For certain allocated sites (identified by SEPA in its representation) SEPA seeks one or more of the following:

- inclusion of specific developer requirements (dependent on site circumstances and/ or intended use);
- modification of allocation boundaries;
- various other changes to the text for the site in its reference to flood risk matters.

**SUDS Developer Requirements:** Scottish Environment Protection Agency (311): The Developer Requirements for Sustainable Drainage Systems (SUDS) where stated for individual sites may be removed as Policy 14 makes Developer Requirements for SUDS for all allocations clear.

**AGLVs:** Laid Grazings Committee (307): The whole of Loch Eriboll should be included as being of "Local/ Regional importance" as an Area of Great Landscape Value. The views and the landscape are superb from different points and in different ways but it cannot be split up.

**Appendix 1 Definition of Natural, Built & Cultural Heritage Features:** Historic Scotland (495): SPP23 supersedes and consolidates NPPG 18 and NPPG 5, sets out the national planning policy for the historic environment and indicates how planning will help deliver policies in the current Scottish Historic Environment Policy (SHEP). SHEP outlines Scottish Minister's policies on the Historic Environment and supersedes the policy elements of Passed to the Future.

**Appendix 3 Landscape Character Assessment:** Scottish Natural Heritage (326): There is a reference to the SNH website – for accuracy this could go straight to the relevant page on the website.

**Appropriate Assessment:** Scottish Natural Heritage (326): SNH understands that an appropriate assessment is required in respect of the provisions of the plan in line with the requirements of Article 6.3 and 6.4 of the Habitats Directive and that this has not been undertaken at the time of publication of the 2008 Deposit Draft Local Plan. SNH therefore objects to the proposals that are likely to have a significant effect on Natura sites, either alone or in combination. This objection will be reviewed once the required assessment has been undertaken.

**Environmental Report:** Scottish Environment Protection Agency (565), Scottish Natural Heritage (326), Historic Scotland (495): Consultation Authorities' comments on the need for more: up to date information; consistency; follow through of mitigation; consideration of cumulative and residual effects; strengthened policy; cross-referencing of other relevant policies and documents, a stand-alone summary and clarifications. These changes would ensure a fuller consideration of environmental effects and appropriate mitigation and better documentation of the considerations already made.

#### **Modifications sought by those submitting representations:**

**Local Plan- General:** Laid Grazings Committee (307): A number of suggestions are made:

- Too much emphasis on housing provision and not enough on how to fill these dwellings and how to improve services to them and the existing population.
- Funds for forestry schemes should be made available and ring-fenced for marginal developments where there would be maximum benefit and visual impact.
- Ensuring broadband be made universal throughout Sutherland should be an urgent objective of the Plan, in support of business.

- Encouragement of job creation should perhaps be a main priority and, although this is a constant theme of the Plan, no urgency in the proposals is apparent- or indeed any concrete proposals.
- Top priority should be given to providing a welcoming climate for small rural businesses including perhaps exemption from business rates.
- Improvement in services in small communities must be addressed as a matter of absolute priority otherwise people will just leave.
- Laid community has no day care facilities and the elderly have to travel for this; this is something which should be addressed in the Plan with provision locally rather than centrally.
- In respect of water supply upgrades, the rider that the water should be drinkable and accountability for Scottish Water to provide untainted water should be included in the Plan.
- The Plan should include some sort of verification process to check that money on services has been properly spent.
- The Plan should endorse a bigger effort to highlight our heritage with the creation of Heritage Trails which would also serve as tourist attractions.
- The Plan should be modified to put the accent on services to rural communities; alternatively the Plan could investigate a council tax system whereby the tax was geared to services received.
- More thought should be given in the Plan on how to maintain educational establishments with an ageing population; also, a swimming pool for north west Sutherland should be included in the Plan.
- Real planning should go into questions about future fishing which were not addressed in the Loch Eriboll Aquaculture Plan of some years ago; also a regulatory framework is needed to prevent the over-fishing of the past.
- Tourism should be put as a top priority for the Plan; the dead hand of the Scottish Tourist Board should be taken away and more attention should be devoted on how to alleviate the seasonal nature of tourism; missing from the Plan is any proposal on midges which are perhaps the biggest single deterrent for tourists; the Plan should contain a proposal to work with Edinburgh University on this.
- The Plan should do more to protect the environment from the potential impact of development proposals such as quarrying, overhead lines and low flying.

**Design of Development / Gaelic language:** A B Mearns (272): The guidelines need to accommodate a much broader range of design solutions, and be more pro-active and encouraging of eco-friendly systems of all kinds.

Seeks greater recognition of Sutherland's Gaelic Heritage, learning and everyday use.

**Balanced Sustainable Development:** A I Sutherland (543): Affordable serviced plots to be available to buy by private individuals who want to self build. A more relaxed planning attitude that would allow houses to be built outwith the current designated zoned areas.

**Waste Water Developer Requirements:** Scottish Environment Protection Agency (311): Include a developer requirement for connection to the public sewer for each allocation of 25 or more units and for certain other allocated sites (identified by SEPA in its representation).

**Flood Risk Developer Requirements:** Scottish Environment Protection Agency (311): Inclusion of specific developer requirements for certain allocated sites (identified by SEPA in its representation) dependent on site circumstances and/ or intended use:

- For some, inclusion of the requirement: "Flood Risk Assessment will be required, built development to avoid flood risk area."
- For some, inclusion of the requirement: "Flood Risk Assessment will be required, built development to avoid flood risk area. Only water-related or harbour uses would be



acceptable within flood risk areas.”

Modification of the allocation boundaries for certain allocated sites (identified by SEPA in its representation) to exclude the medium to high flood risk areas.

Various other changes to the text for certain allocated sites (identified by SEPA in its representation) in their reference to flood risk matters.

**SUDS Developer Requirements:** Scottish Environment Protection Agency (311): Remove developer requirement for SUDS from individual site proposal details.

**AGLVs:** Laid Grazings Committee (307): The whole of Loch Eriboll should be included as being of "Local/Regional importance" as an Area of Great Landscape Value on the Proposals Map and Background Map.

**Appendix 1 Definition of Natural, Built & Cultural Heritage Features:** Historic Scotland (495): Revise Appendix 1 to reflect changes in policy background.

**Appendix 3 Landscape Character Assessment:** Scottish Natural Heritage (326): Provide link to the relevant page on the SNH website.

**Appropriate Assessment:** Scottish Natural Heritage (326): Undertake Appropriate Assessment where necessary.

**Environmental Report:** Scottish Environment Protection Agency (565), Scottish Natural Heritage (326), Historic Scotland (495): Request for factual updates, better baseline data e.g. no. of SAMs, match scoring matrices to changed general policies, all matrix mitigation to be followed through into the allocation developer requirements and developer requirements where they cover SEA issues to be shown in respective SEA, more commentary on cumulative and residual effects, need for stronger policy on habitats and species, better and fuller cross-referencing of other relevant policies and documents and the non-technical summary to be a more stand-alone document and other changes proposed to improve the clarity of the Environmental Report.

#### **Summary of response (including reasons) by planning authority**

Response(s) and Reasons –

**Local Plan- General:** Laid Grazings Committee (307):

No change should be made to the Plan in response.

The items listed in the vision are not in any particular order of priority. The Local Plan needs to help deliver those aspects of the Community Strategy/ Plan which have land-use planning implications. The plan objectives provide a focus to the plan and help the Council to ensure that its individual policies and proposals are relevant and necessary so that the plan is fit for purpose. Building on the base of the plan vision the objectives and strategy are formed taking into account demographic factors. The Local Plan then allocates land for development and has a general policy framework to use to assess planning applications. Taking direction from the Community Strategy for Sutherland the overarching aim of the Sutherland Local Plan is 'Positively influencing population change in Sutherland to achieve, over time, a vibrant, viable and revitalised population that enjoys a high quality of life.' The plans provisions are based on a vision of maintaining a stable working age population which requires 1,304 houses over the 2008 to 2018 period.

The plan seeks to provide a policy framework which enables a range of employment-

generating developments to come forward, be they on sites specifically allocated for development or in other locations. The Plan cannot foresee every type of proposal that may come forward from established businesses or new entrepreneurs, but seeks to start consideration of proposals from a positive standpoint. It is agreed that small businesses are a key component. The importance of tourism to the area is acknowledged in the Plan.

The challenge of effective service delivery in rural areas is acknowledged. It also seeks to support fragile communities and references to that have been strengthened within the 2008 Deposit Draft. The various services and organisations responsible for delivering particular services have to plan how best to manage their resources and invest in improvements. In preparing the Local Plan we have consulted widely, to enable these organisations to input to Plan preparation and to have regard to the Plan in preparing their own plans and strategies. This is part of effective community planning. The Local Plan does seek to deliver development which is sustainable and to support fragile communities. On the issue of care for the elderly, the Plan must provide for the consequences of other policies and strategies of the Council and other organisations in terms of how the need for facilities is to be responded to, hence the specific reference in the Plan to Migdale. Also the general policy framework of the Plan is such that if other solutions to provision are chosen in the future, the Plan provides a basis for the consideration of proposals without having tried to foresee every eventuality and be prescriptive. We are working closely with Education & Cultural Services to achieve a common understanding of the implications of population change for future services and facilities across the Highlands.

It is for Scottish Water to consider any outstanding concerns about water quality following the recent investment made and to derive the benefit intended by that investment. It is implicit that such investment in services should bring about improvement rather than degradation and it is not necessary to require this specifically in the Plan.

The 2008 Deposit Draft version contains more reference in the vision to opportunities for more interpretation of heritage and for heritage trails to be considered. The Plan seeks to put in place a policy framework that enables all future development proposals, where they come before the Council for consideration, to be carefully assessed in terms of their impact on landscape and on specific heritage features. The superquarry issue is dealt with in a separate response.

The Loch Eriboll aquaculture framework plan provides greater detail and more specific advice than the Sutherland Local Plan does. It is used as supplementary planning guidance material to inform the determination of marine fish farming applications and appeals. When these applications are considered the compatibility of proposals with the general policies and the impact upon the natural and cultural heritage features identified in the Sutherland Local Plan will however form part of the decision making. Fishing is an integral part of the economy for Sutherland and it is acknowledged in the Local Plan that the economy relies more heavily on the primary sector and that 'the natural resources industries also play an important part in the economic, social and cultural life of Sutherland.'

The Council is actively engaged in efforts to improve broadband in Highland, although achievement is largely beyond the scope of the Plan so it is not appropriate as an objective. Arrangements for business rates and local taxation, funding arrangements for forestry schemes, low-flying of aircraft, some of the matters referred to in respect of tourism and dealing with midges are beyond the scope of the Local Plan.

**Design of Development / Gaelic language:** A B Mearns (272): No change. The Council intends to prepare house siting and design guidance which will supplement the plan. Through existing guidance on Designing for Sustainability the Council already seeks to promote energy-efficient design. The version of Policy 18 in the 2008 Deposit Draft Local

Plan mentions open space as an element of places clarifies that proposals should demonstrate sensitivity and respect for local distinctiveness, so clearly providing scope for appropriate contemporary design.

The development plan is primarily a land use document and does embrace gaelic through the inclusion of gaelic in the document. The Council was amongst the first public authorities to produce a Gaelic Language Plan, which takes into account Bòrd na Gàidhlig's National Plan and its aims for "a healthy, vibrant language increasingly used, valued and respected in a modern, multi-cultural and multi-lingual Scotland".

**Balanced Sustainable Development:** A I Sutherland (543): No change. The Plan provides through its policies and proposals for both housing and jobs growth, including a choice of locations and sites which may be considered for appropriate development. It also seeks to support fragile communities. Affordable housing provision is driven by the identification of local need. The Council and its partners continue to consider innovative ways to meet housing needs of the area. In respect of flood risk concerns, the relevant Policy 9 has been tightened and regard has been had to the issue through preparation of the Plan too in considering the appropriateness of site allocations. In terms of infrastructure provision, the Council has consulted key organisations and the public during plan preparation and carefully considered these matters. Through defining developer requirements and additionally putting in place a policy framework for developer contributions the Council intends that development will be suitably serviced and sustainable. With regard to housing in the countryside, the Council's restrictive policy within hinterlands is currently being discussed and will be fully reviewed as part of preparing the forthcoming Highland Local Development Plan.

**Waste Water Developer Requirements:** Scottish Environment Protection Agency (311): Following negotiation with SEPA further "public sewer connection" developer requirements and "drainage to land" SDA development factors are appropriate. However, within SDA boundaries, where it is not feasible and/ or economic to connect to a public sewer then private arrangements should not be ruled out as this would stymie development without proper justification of a proven pollution risk.

**Flood Risk Developer Requirements:** Scottish Environment Protection Agency (311): Following negotiation with SEPA further flood risk safeguards are appropriate. The Council agrees with SEPA's requests, with the exception of particular allocated sites as reported under the relevant 'site' issues.

**SUDS Developer Requirements:** Scottish Environment Protection Agency (311): Agreed; change commended.

**AGLVs:** Laid Grazings Committee (307): No change should be made to the Plan in response. Early discussions between the Council and SNH are underway with a view to reviewing our Areas of Great Landscape Value. This may consider our methodology, the citations for these areas, and the boundaries of them. This will be taken forward and widely consulted on a Highland wide basis through our work on the forthcoming Local Development Plans.

**Appendix 1 Definition of Natural, Built & Cultural Heritage Features:** Historic Scotland (495): Agreed; change commended.

**Appendix 3 Landscape Character Assessment:** Scottish Natural Heritage (326): Agreed; change commended.

**Appropriate Assessment:** Scottish Natural Heritage (326): Since publication of the 2008

Deposit Draft Local Plan, the Council has progressed Appropriate Assessment work under the requirements of the EU Habitats Directive. Officers have engaged with SNH staff who have contributed to this piece of work. Discussions with both SNH and SEPA in respect of the policies and proposals of the Draft Local Plan and the Strategic Environmental Assessment of it have helped to identify and address potential shortcomings. The work undertaken and documented acknowledges relevant changes that have previously been made to the emerging policies and proposals of the Plan, which have improved the safeguarding of habitats and species. The effective operation of the General Policies will provide significant mitigation. Further commended changes result from the Assessment. The conclusions are that, with appropriate safeguarding and mitigation as already provided for or now commended, the Local Plan will not adversely affect the integrity of the SPA/ SAC/ Ramsar sites. Further consideration may be necessary prior to adoption of the Plan if any further amendments to it are made.

**Environmental Report:** Scottish Environment Protection Agency (565), Scottish Natural Heritage (326), Historic Scotland (495): It is agreed that amendments should be made to update, clarify, augment, ensure consistency and to better cross reference related policies and guidance (see commended changes below). The Council accepts that the effects should be followed through to mitigation. Cumulative and residual effects have been mentioned but a more detailed analysis is outwith the scope of current resources. Further policy coverage on species and habitats will be provided through the forthcoming Highland-wide Local Development Plan. Further cross referencing is not appropriate to a streamlined plan format. A more stand-alone summary would be useful.

#### **ALSO:**

**Editorial Errors in the Deposit Draft Local Plan:** (Not necessarily raised in objections to the Plan.) The correction of a number of editorial errors in the Plan is commended below.

**Factual Updates and Corrections, Consequential and Non-Material Changes:** (Not necessarily raised in objections to the Plan.) The factual updating and correction of the Plan and the carrying out of changes required as a consequence of any other changes recommended by the Reporter and non-material changes are commended below.

#### **Any Further Plan Changes Commended by THC**

**Waste Water Developer Requirements:** Add “public sewer connection” developer requirements for all allocations where it is technically/ economically feasible to connect and “drainage to land” SDA development factors where water bodies could otherwise be affected. For allocations within SDAs where not feasible, add developer requirement “public sewer connection or interim private arrangement that will be compatible with and make a future public connection/ scheme more likely” except in those cases where the Council has provided an alternative response in respect of specific sites under the relevant ‘site’ issues.

**Flood Risk Developer Requirements:** Amend the Plan in accordance with SEPA’s requests, with the exception of particular allocated sites as reported under the relevant ‘site’ issues.

**SUDS Developer Requirements:** Remove developer requirement for SUDS from individual site proposal details.

**Appendix 1 Definition of Natural, Built & Cultural Heritage Features:** Revise Appendix 1 to reflect changes in policy background.

**Appendix 3 Landscape Character Assessment:** Provide link to the relevant page on the

SNH website.

**Appropriate Assessment:** Add development factor for Settlement Development Areas (SDAs) to reference any adjacent Natura sites. Ensure that Plan includes all Natura sites including those proposed or recently confirmed. Add the appropriate developer requirements to site allocations and development factors to SDAs as indicated by the Appropriate Assessment for mitigation purposes, where they are considered necessary after having regard to mitigation that will be provided by the effective operation of the General Policies.

**Environmental Report:** Add additional developer requirements where SEA matrix has highlighted a mitigation need and ensure consistency between sites for same impacts requiring same mitigation. The policies scoring matrix will require to be updated to reflect the Examination outcome regarding the general policy content. Update to remove inconsistencies between SEA and the Local Plan. Make the non-technical summary a stand-alone document and make changes to help improve the clarity of the Environmental Report.

**Editorial Errors in the Deposit Draft Local Plan:** to be corrected, including:

- **Those on the errata list published on the website** (notwithstanding any changes commended elsewhere in the Council's responses that may supersede) which included the correction of: Total Housing Capacity figure in Chapter 4; Page numbering on contents page of Map Booklet; Site areas stated for Dornoch H3 and H4, Golspie H1, Helmsdale MU1, Ardgay B2, Lairg H3, B1 and MU1, Strathy H2, Kinlochbervie H2 and I1, Melness MU1, Bettyhill H2 and Melvich B1; Indicative housing capacities stated for Edderton H1 and Lochinver H2; Point of Stoer H2 amended to MU1 and site boundary extended to north east with consequential change to site area; Melvich 'prospects' text amended to delete first sentence referring to wind farm development; Portskerra inset map amended to show Views Over Open Water feature.
- **Isolated Coast:** in Appendix 1, need to reflect that work has in fact progressed in classifying Highland's coast and will be integrated into the Highland Local Development Plan and the Coastal Development Strategy.
- **Types of Land Use table:** in supporting text to Policy 2: revise "Public Open Space" to read "Open Space (see Appendix 2: Glossary for definition)".
- **National Scenic Area boundaries:** correct where necessary the representation of the extent of National Scenic Areas on the Proposals Map and Insets (Scottish Natural Heritage has drawn attention to some discrepancies and the Council and SNH are working together to resolve this matter to enable factual corrections).
- **Policy 17 Commerce:** Scourie, having been mentioned as a key village in paragraph 4.21 of the Plan should be included as a 'sub-area centre' in Policy 17. (NB. For avoidance of doubt, Policy 17 Commerce should include a network of centres, immediately following the first paragraph of the policy. This detail was omitted in error when printing the 2008 Deposit Draft paper copies but the error was corrected prior to publication.)

**Factual Updates and Corrections, Consequential and Non-Material Changes:** The factual updating and correction of the Plan and the carrying out of changes required as a consequence of any other changes recommended by the Reporter and non-material changes.