

<b>Issue 50</b>	<b>Coastal Development</b>	
<b>Development plan reference:</b>	Policy 50 (Para 20.20, Page 96)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number)</b>		
Joan Noble (67), Laid Grazings Committee (83), Scottish Natural Heritage (SNH) (118), Jones Lang LaSalle for Scottish and Southern Energy Plc and its Group Companies (SSE) (268), Sportscotland (320), Scottish Environment Protection Agency (SEPA) (326), Ragnall Craighead (400), Lochaber Partnership (452)		
<b>Provision of the development plan to which the issue relates:</b>		
<b>Councils summary of the representation(s):</b>		
<p><u>General comment</u> In response to the Main Issues Report Sportscotland's main policy interests were commented upon and suggestions put forward to ensure that sporting interests are considered within the Local Development Plan. Overall Sportscotland is satisfied that sports interests have been addressed throughout the Local Development Plan and therefore raise no objections. (320)</p> <p><u>Policy</u> Laid Grazings Committee support this policy. (83)</p> <p><u>Impact on views</u> They are concerned about the impact of development on the landward side of the road on scenic views, and seek amendment to the policy to acknowledge this. (400)</p> <p><u>Positive policy for coastal development</u> They consider that the Council should develop a policy context which allows appropriate development for ferries, marinas, fish-farm infrastructure etc (452)</p> <p><u>Coastal flood risk</u> In broad terms they generally support the policy for coastal development as it provides an appropriately flexible policy framework to support the potential coastal development required to support the offshore marine renewables industry, as well as the associated transmission infrastructure requirements. However they suggest that certain coastal development required to support the renewables industry can take place in areas which are at risk from coastal flooding. (268)</p> <p><u>River Basin Management Planning</u> SEPA object to the wording of this policy unless the additions shown in the modifications sought are made. This is in order to meet the objectives of River Basin Management Planning and the Water Framework Directive. In order to meet the requirements of the Water Framework Directive (2000/60/EC), planning authorities are designated "responsible authorities" by the Water Environment and Water Services (Designation of Responsible Authorities and</p>		

Functions) Order 2006. Responsible authorities must carry out their statutory functions in a manner that secures compliance with the objectives of the Directive (i) preventing deterioration and (ii) promoting improvements in the water environment in order that all water bodies achieve “good” ecological status by 2015. (326)

#### Marine Non-Native Species

SEPA note that reference is made to [The Highland Coastal Development Strategy \(HCDS\) May 2010](#) and that neither this document nor Policy 50 in the Development Plan makes any reference to Marine Non-Native Species. The point out that the risk to coastal waters and native species, from non native species is of increasing concern to them and other agencies. Coastal Planning Authorities such as Orkney are currently developing policies for Ballast Water Management which will in part address this issue. They consider this to be of particular relevance to the Moray, Cromarty and Pentland Firths. (326)

#### Coastal Development Delnies

It is felt that although the national policy context ([NPPG13](#)) has changed the coastal classification and strategic vision of the HCDS remain relevant. The strategy should therefore provide useful information and guidance.’

The Delnies development lies entirely within the ‘Undeveloped category’ (Map 6) and therefore there it is considered that there should be no development there unless ‘the proposal will have economic and social benefits that outweigh any potentially detrimental impact on the coastal environment and there are no feasible alternative sites within existing settlements or on previously developed land.’ It is felt that neither of these conditions applies in the Delnies case.

In their summary of Issues and Recommended Responses the Council claimed that the ‘undeveloped coast ‘category had been ‘abandoned’. However it is considered that the HCDS (May 2010) shows this is not the case and that they are therefore contravening their own strategy. (67)

#### Habitats Regulations Appraisal

As part of the Council’s Habitats regulations appraisal the wording of the policy regarding conservation should be made more explicit. (118)

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

#### Policy

##### Impact on views

In the policy after the following sentence “The Council will promote the landward side of the road for development where proposals on the coastal side would otherwise interrupt scenic views: unless a coastal position is necessary, or of the effect would be a conflict with the existing settlement pattern” add “The area protected may extend to include contiguous ground on the landward side of the road where it is considered an integral part of the scenic view to be protected”. (400)

#### Positive policy for coastal development

Representation does not identify modification sought, but seeks a policy context which allows appropriate development for ferries, marinas, fish-farm infrastructure. (452)

#### SNH wording changes proposed

Second sentence of policy should be augmented to include, "...and should not have an unacceptable impact on the natural, built or cultural heritage and amenity of the area." (118)

Suggests a reword of the third from end sentence of the policy to read, "Other important factors will be potential impacts on landscape character and wildness qualities, impacts on coastal habitats and species and effect on the setting of coastal communities." (118)

Replace eurosion with erosion. (118)

#### Coastal flood risk

It is recommended that certain coastal development required to support the renewables industry should be able to take place in areas which are at risk from coastal flooding. (268)

#### River Basin Management

SEPA object unless the changes shown in emboldened text are made. The Council will promote the landward side of the road for development where proposals on the coastal side would otherwise interrupt scenic views: unless a coastal position is necessary, or if the effect would be a conflict with the existing settlement pattern. Where development on the coast is justified, opportunities for the development or reuse of previously used land and buildings should be considered in the first instance, **along with biodiversity enhancements where opportunities exist**. The site should not be at risk from **coastal** erosion or ~~flood-risk~~ **flooding**, or cause an unacceptable impact as a result of natural coastal processes which it triggers or accentuates. Erosion data should be consulted when determining whether natural coastal processes have potential to be an issue. Other important factors will be potential landscape impact, and effect on the setting of coastal communities. Consideration will be given to the potential for any proposal to result in coalescence **of development along the coastline in line with River Basin Management Planning objectives**. Proposals will be assessed against the requirements of the Highland Coastal Development Strategy: Supplementary Guidance." (326)

#### Marine Non-Native Species

SEPA recommend that the Council amends the Coastal Development Strategy to provide guidance on how the plan will contribute to minimising the spread of Marine Non-Native Species (MNNS) in the Highland coastal zone. This is because the introduction of MNNS into coastal waters as a result of unregulated water ballast transfer or other mechanisms could potentially result in a downward classification of the water environment in coastal waters contrary to the objectives of the Water Framework Directive which came law through the Water Environment and Water Services Act (Scotland Act 2003 )

and which seeks “*improved protection and enhancement of the water environment leading to a cleaner and healthier water environment*”. (326)

#### Coastal Development Delnies

Remove mixed use allocation at Delnies. (assumed)(67)

#### Habitats Regulations Appraisal

As part of the Council’s Habitats regulations appraisal the wording of the policy regarding conservation should be made more explicit. (118)

### **Summary of responses (including reasons) by Planning Authority:**

#### Affect of landward development on scenic views

It is understandable to be concerned about landscape impact on the landward side of the road. However the Council does not support this suggested addition to the policy. The protection of the seaward side of the road relates to protecting views over open water, development on the landward side will not impinge on this. However the general issue of impact on the landscape is covered through Policy 62 Landscape and our [Siting and Design Supplementary Guidance](#).

#### SEPA wording changes

Reference to River Basin Management Planning objectives is not considered a strictly essential addition to the policy as this is covered in Policy 64 Water Environment. Biodiversity is also covered through Policy 60 Other Important Species and through Supplementary Guidance. The plan states (18.2), “that each planning application will be assessed against all policies and legislation relevant to the particular proposal and location.” However the Council is not unhappy with the wording suggested.

#### SNH wording changes proposed

The Council is happy with the majority of the proposed revised wording if the reporter is minded to recommend it. However eurosion is not a typo and the Council wishes this reference to eurosion data to remain.

#### Positive policy for coastal development

The Council considers that the current policy framework is flexible and fit for purpose. The policy will not unnecessarily impede development but still has to provide appropriate provisions for our environment.

#### Coastal flood risk

It is unclear what types of development the objection refers to but there will be scope for development which is compatible with flood risk as the Council and SEPA have previously accepted that water based uses are acceptable on allocations within medium to high flood risk areas and equally sub sea cables would not present any issue. For other infrastructure if a specific location is essential for operational reasons or if it cannot be located elsewhere then mitigation is required but the development is considered acceptable ([SPP \(2010\)](#) context). The Council does not feel that policies need to be amended as development that is acceptable within the medium to high flood risk areas will be an exception and we can refer to the SPP (2010) in these instances.

### Marine Non-Native Species

The Council feels that having the Water Environment policy in the Highland wide Local Development Plan gives us a sufficient hook to deal with this issue. The Council will seek advice from SEPA/SNH and consider any future national policy or guidance when assessing proposals. The Council supports the effort to recognise this issue upfront at the planning application stage ensuring that other regulatory regimes are considered early on. However the Planning Authority will need to be careful that it follows the tests set out in Circular 4/1998 as there are issues that need careful assessment before adding any condition on this matter to a planning consent.

However if the Reporter is minded to suggest that the Council produces specific policy on ballast water management then it is felt that the best place to have guidance on minimising the spread of Marine Non-Native Species (MNNS) would be through the Coastal Development Strategy.

### Coastal Development Delnies

The Government policy has changed insofar as the “Undeveloped” category has been abandoned. However in the SPP (2010) the Isolated Coast remains as a category where there is expected to be a presumption against development. Therefore the Highland wide Local Development Plan identifies Isolated Coast as a local and regionally important feature and offers policy protection within Natural, Built and Cultural Heritage Policy 58.

The Delnies area west of Nairn lies within the undeveloped coastline. Previously in the now replaced NPPG 13 the undeveloped coast line did suggest an approach to considering the appropriateness or otherwise of development within this category, however it did not rule out development within these areas it just ensured that the development is appropriate and that other options are assessed. The rationale for this allocation is covered within the schedule 4 for Policy 17 Delnies.

The coastal classification element of the Highland Coastal Strategy was carried out prior to the SPP (2010) replacing NPPG13, therefore this mapping is included as an appendix to the document. However within the Highland Coastal strategy there is no attempt to introduce policy as per NPPG 13 as this has been superseded by the SPP (2010).

### Habitats Regulations Appraisal

Separate discussions are ongoing with regard to completion of a Habitats Regulation Appraisal.

### **Any further plan changes commended by the council**

None.

### **Reporter’s conclusions:**

<b>Reporter's recommendations:</b>