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| Issue 58 | Natural, Built and Cultural Heritage | |
| Development plan reference: | Policy 58 (Para 21.2, Page 105) | Reporter: |
| Body or person(s) submitting a representation raising the issue (including reference number) | | |
| <p>The Mountaineering Council of Scotland (MCS) (2), Brenda Herrick (5), Save our Dava (68), Royal Society for the Protection of Birds Scotland (RSPB) (78), Scottish Natural Heritage (SNH) (118), Angus McNicol for the Trustees of the Cawdor Marriage Settlement Trust (124), Elizabeth Budge (148), Professor Per Bullough (167), Grantown Community Council (192), John Waring (250), Eveline Waring (253), Jones Lang LaSalle for Scottish and Southern Energy Plc and its Group Companies (SSE) (268), Scottish Wildlife Trust (285), Transition Black Isle (330), Carbon Free Developments (379), Scotways (387), Moray Council (403), The Wellbeck Estates Co Ltd (418), SLR for RWE Npower Renewables Limited (419), The Ossian Trust (421), Mrs M Spirit (424), Seafeld Estates (432), The Dowager Countess Cawdor (434), Scottish Estates Business Group (445), Casa Planning and Environment Ltd for Cube Engineering (449), Jones Lang LaSalle for Spittal Hill Windfarm Ltd (450), M Gilvray (453), Jones Lang LaSalle for PI Renewables (454), Biggart Baillie for Nancloch Ltd (457), Bowlts for Glenferness Estate (461), Jones Lang LaSalle for Wind Energy Glenmorrie Ltd (462), Lethen Estate for EJ and M Brodie (463), Lethen Estate for Sarah Brodie Woodland (464), Scottish Rural Property and Business Association (468), Hugh Raven for Ardtornish Estate (469), CKD Galbraiths for Ardverikie Estate Ltd (478), Strutt and Parker for AWG Laing (480), Strutt and Parker for General & Mrs Balfour (481), Bowlts for the Nairnside Trust (483), Earl Cawdor (485), Strutt and Parker for Glenbancher Estate (489), Strutt and Parker for Badanloch Estate (490), John Muir Trust (492), Strathdearn Against Windfarm Development (SAWD) (496), CKD Galbraith for Aberarder Estates (500), Caithness Archaeological Trust (504), John Clegg and Co LLP for Corrybrough Estate (505), CKD Galbraith for Moy Estate (513), CKD Galbraith for Wyvis Estate (523), Strutt and Parker for A G Laing's 1961 Settlement (524), Scottish Campaign for National Parks (530), Bowlts Chartered Surveyors for Cawdor Maintenance Trust (534)</p> | | |
| Provision of the development plan to which the issue relates: | | |
| Council's summary of the representation(s): | | |
| <p><u>National Parks</u></p> <p>The Scottish Campaign for National Parks and the Association for the Protection of Rural Scotland are currently working on a joint project to promote a strategic approach to the designation of more National Parks (NPs) in Scotland; in 1990 the Countryside Commission for Scotland report The Mountain Areas of Scotland recommended that the Cairngorms, the Ben Nevis/Glencoe area and Wester Ross and should become National Parks. Also, the possibility of a coastal and marine NP in the Argyll/Lochaber/Inner Hebrides area was extensively discussed in 2006-2007. Only the Cairngorms NP has been established so far, yet we continue to consider that other parts of the Highlands are undoubtedly worthy of NP status. (530)</p> | | |

Wild Land

Considers that Wild land should be valued for its wildness and not for its use to people! Its importance should be protected not its significance for recreational purposes. There is concern about potential loss of biodiversity and tourism. [SPP \(2010\)](#) does not refer to Wild Land (para 128) under 'local designations' and it is considered that this is because the best wild land can be of national or international importance. Feels that Wild land needs safeguarded as the primary resource. Although not a designation, the importance of wild areas is stated both in the National Planning Framework for Scotland 2 ([NPF 2](#)) and the SPP (2010), and as such is of national level importance. They consider that the Council should protect the most special wild land and landscape as an international/national site. (2, 148, 453, 492)

They consider that the newness of wild land mapping and variety of possible criteria weighting that can be used to produce wildness mapping means this mapping must be done in open consultation. This is particularly important as the implementation of the development plan statements on Wild Land depends largely upon how this mapping is done. Additionally, they feel that SPP (2010) requirement to consider the constraint of a "limit" or "capacity," as stated in the SPP (2010) must be included in the supplementary guidance. The "features" referred to here should include areas with wild land character, and they would expect the wildness mapping which is underway, be used in this way. (2)

Questions whether climate change mitigation effects of windfarms in the Highlands will outweigh any damage to landscape and environmentally sensitive area? Suggests that climate change is a global phenomenon so any emissions savings within the Highlands will be insignificant on a global scale. Feels that there can be no justification for harming Highland's sensitive landscapes through inappropriate wind installations especially in its few remaining wild land areas. A far better signal for Highland is that the world's wild land areas are worth preserving intact. (167)

General comments

Judges that heritage should be fully protected for history and tourism; it is the lifeblood of Scotland (250, 253)

Welcomes approach to pro-active protection of the natural environment but would like to see Loch Watenan catchment area given full protection and a complete embargo on development. (424)

Supports the policy but concerned that it is too late. (5)

Supporting Text

21.1.8 - The first sentence relates to the importance that the natural environment can play in relation to tourism, and thinks that it should also be recognised that the natural environment contributes to the health and well being of local communities and provides numerous ecosystem services, on which the Highland economy is dependent e.g. clean water for the whisky industry. (285)

The Policy

Linkages to other policies

Thinks that Green Networks and Open Spaces policies (75 & 76) should be linked with the Natural, Cultural and Built Heritage policy (58). Feels that Open spaces and Green Networks should be designed so that they are good for people and wildlife, safeguarded habitats should be linked to the green network to allow access. (285)

Precautionary principle

Deems that there is no basis in national policy to support the policy position that "where we are unable to ascertain that proposals will not adversely affect the integrity of the site, the proposal will not be in accordance with the Development Plan". It is recommended that this statement is removed from the policy text as it is considered to add an additional policy test than what is provided through legislation and national policy. (268)

Generalised policy

They encourage the development of a policy specifically relating to archaeology rather than it forming an adjunct to more generalised policy. (504)

The legislative and national policy tests that apply to the consideration of development proposals that would have an impact on Scheduled Monuments, Category A Listed Buildings, National Nature Reserves, Sites of Special Scientific interests, etc, are different and therefore they consider that a uniform policy approach should not be taken forward into the adopted LDP. (268)

Biodiversity duty

It is considered that there is an opportunity here to reference the biodiversity duty under the [Nature Conservation \(Scotland\) Act 2004](#) – which would set the context of the policy. (285)

Believe or demonstrated

For features of local/regional importance it is recommended that the word "believe" is replaced with "demonstrated". They judge that this would add clarity to the policy in that it would put the onus on the developer to demonstrate that the development proposals would not have an unacceptable impact on the amenity of the heritage resources. (268, 450, 454, 457, 462, 481, 489, 490, 523)

Outweighing effects

They deem that the policy would be improved by a more logical hierarchy of preference e.g. development would need to be of international importance to outweigh significant adverse effects on amenity or heritage resource of national importance (453)

Minor factual changes proposed

They point out that the opening sentence of policy has 2 references to nature where it is not used in the context of the natural heritage. Also it is considered unclear why features of international importance are listed when other

features are not listed. They also suggest amending some terminology for designations. (118)

Adding Natural Environment to policy test

They judge that for 1 and 2 - surely there should be a reference to development not having an unacceptable impact on the natural environment as well as *amenity* and *heritage resource*. They consider amenity and heritage on their own are to be ambiguous and are concerned that this may not be interpreted as meaning the natural environment. (285)

Significant impacts

It is submitted that this policy should be clear that it relates to significant unacceptable impacts rather than unacceptable impacts (419)

Statutory organisations

Believes that there is a need to make an amendment to wording to fully accord with consultation obligations. (449)

Setting

They welcome the requirement for other factors to “clearly” outweigh any significant adverse impacts, however from experience and indeed in guidance, judging whether an impact is “significant” is imprecise, which somewhat obviates the benefit of the requirement that it be clearly outweighed. (2)

They welcome the recognition that “setting” is a consideration, as this is not always picked up on in Environmental Statements. It is hoped that this policy wording will make it clear that the planning decisions are not purely about lines on maps but about fuzzy boundaries around features of interest. (2)

Judges that there is a need to address whether the landscape features and associated views are only significant within the site boundaries or whether they will have an impact on the surrounding land. (268)

Micro Renewables

Believes that for listed buildings/ conservation areas energy efficiency/ micro-generation needs to be made easier. (330)

Clarity of the mapping

Considers that Development Plans should provide clear guidance on what will or will not be permitted and where. SPP (2010) notes that this should be very clear from the proposals map. The SPP (2010) also states "only policies that provide a clear indication of how a decision maker will react to a development proposal should be included in the plan." They feel that this policy requirement of SPP (2010) sits particularly uncomfortably with the statement in Appendix 6.2 in that there may be features listed within Appendix 6.2 which have not yet been mapped but will still be subject to protection under policy. They consider that it would be impossible for decision makers to be clear of what is permitted where certain restrictions on development have not been mapped. They believe that designations should be clearly and precisely mapped first before consideration can be given to how, or indeed whether, they are used in a

development plan, in order to comply with SPP (2010). (124, 268, 449, 450, 462)

They draw attention to an error on the map which should refer to Policy 58 not 59 (453)

Categorisation of Natural, Built and Cultural Heritage Features

They welcome inclusion of local/regionally important tier of protection however would like to see a list of Local Nature Conservation Sites and suggest additions to it. (78, 285)

They consider that NSA's were not intended to, and do not, cover all landscape of national importance but were to be representative of various types. They also consider that National Scenic Areas (NSA's) are not in a lesser category than, say, Special Protection Areas (SPA's) or Special Areas of Conservation (SAC's) because the latter happen to derive from an EU Directive. Since there are no European designations for landscape, the nationally recognised designation, NSAs, is the highest level of protection for landscapes that we have. (492)

Appendix 6.2 of the LDP provides a definition of natural, built and cultural heritage features, with respect to whether they are considered to be local and regionally important, nationally important or of international importance. They have significant concerns regarding the inclusion of certain receptors within the definition of national importance and the application of the associated policy context. They have included a Production in their representation which provides an assessment of the receptors as 'national importance' and provides recommendations accordingly. To summarise this they feel that features of international importance solely relate to designated sites under legislation, but that the listed features of national importance are a mix of designated sites and other receptors that do not generally benefit from formal planning designations. They consider that to include a Tree Preservation Order (TPO) as being a feature of national importance is unacceptable. A TPO is confirmed under Council powers and they judge that this should only be considered as being of local or regional importance. (268, 453)

SLA

Implementing SLA protection through policy 58

They consider that the [Assessment of Highland Special Landscape Areas](#) (AHSLAs) used to formulate the boundaries of the SLAs does not assess the capacity of these areas to accommodate development. They feel that without this the SLAs are inappropriate and ineffective designations. Furthermore, they feel that policy within the HwLDP which gives effect to the AHSLA cannot be properly implemented due to the narrow scope of the document. They refer to Para 139 of SPP (2010) and specifically to the part that says that the ongoing relevance and function of local designations should be considered when development plans are prepared. They would also like details of how the Council will follow up on this study. (453, 480, 489, 490). Asks for the AHSLA to be included as part of the examination. (489, 524)

Despite the fact that the SLA designations do not have a statutory base there

is concern that SLA's may stifle land use changes in the future. They consider that there is a need for flexibility in interpreting the SLA citation.(445)

The policy refers to special qualities; however they think that no guidance is provided on how special qualities may be identified by a developer and how an assessment against this term may be made. They consider this policy to be inconsistent with the policy requirements of SPP (2010) paragraph 17. (462, 450, 457)

They are concerned that the SLA designation will not be effective at facilitating positive change in the landscape and could inhibit the development potential and attractiveness of the areas to business. The Landscape and Natural Heritage Policy of SPP1 states that: Para 127: 'Landscape in both the countryside and urban areas is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character.' Para 132: 'The precautionary principle should not be used to impede development unnecessarily. Their concern is that HwLDP will not be effective at facilitating positive change; and will in fact impede what could be appropriate development. They feel that the council is using precautionary principle to impede development unnecessarily, and that this is contrary to SPP (2010). Ossian Trust also make a specific representation with regards to their plans to construct a monument (further details of which are provided in their representation). (421, 418, 481, 489, 480, 490)

They consider that no economic assessment has been undertaken on the impact of this designation on a fragile economic area. They believe that any designation which restricts or places an additional burden upon the management of these land management activities within this fragile area to be detrimental and unwelcome with potential to be prejudicial to the area's long term social and economic wellbeing and sustainability as a rural workplace. They are concerned that the designation will be prejudicial to the living landscape. (124, 379, 534, 432, 434, 457, 461, 463, 464, 483, 485, 513)

Points out that the area is in the hinterland of the RAF base at Kinloss which has recently been identified for closure, which is widely expected to be extremely detrimental to the economy of the area. They consider that the last thing they need is an unnecessary/unjustified restriction on existing and future enterprise. (124)

Because of the amount of land within Highland covered by SLA (24%) and other environmental designations with large swathes of the HwLDP plan area designated as less suitable for development there is apprehension about the Council introducing further designations. They consider that Scottish Planning Policy confirms that local authorities should not impose additional zones of protection over areas already designated for their landscape of natural heritage value. They feel that the plan does not make it in any way clear why this is the case or how the council has arrived at this conclusion. Therefore they conclude that the scope of the assessment is insufficient to allow it to be appropriately used in support of the HwLDP. (124, 2379, 461, 480, 489, 490, 505) One objector considers that a large proportion of Ben Wyvis is already designated as NNR, SAC and SSSI, and that NPPG 14 indicates that to avoid

a proliferation of designations careful thought should be given before adding local landscape designations; and therefore they question the purpose of this designation. (523)

They feel that the guidance is unclear and cannot understand how account be taken of areas not mapped. (432, 434, 513).

There is unease about what is thought to be the redesignation of non-statutory Areas of Great Landscape Value to Special Landscape Areas (SLAs). (468)

Some feel that it would be more consistent with the advice contained in the SPP(2010) if the title SLA was changed to Local landscape Area to reflect the guidance contained in paragraph 139 of that document. Also the wording of the middle column of the first row of the table in paragraph 25.3.1. (SLA) should be changed so that the role and scope of the AHSLA is clear to all readers of the plan. (490, 480)

Proposed AGLV's (now SLA's) from HSP (2001)

States that any remaining AGLV still at the proposed stage will be full SLA's without having gone through the Area local plan, feeling that this advances its status without formal process. The plan makes reference to the Drynachan, Lochindorb and Dava Moor SLA as having AGLV status where it was only a proposed AGLV. (124, 534, 445, 457, 461, 463, 483) The same issue is made in relation to Ben Wyvis (454) and Ben Griam and Loch Nan Clar SLA (490) It is considered that less than 15% of the Drynachan, Lochindorb and Dava Moors SLA has been adopted as an AGLV (that within the [Inverness Local Plan](#)) and therefore they feel that this area cannot be an 'existing AGLV'. (124, 534, 483)

Scope of the assessment of SLA's, and their original identification

They feel that the observations by the consultants etc. in preparing the AHSLA study are not reminiscent in character to any of the landscapes which should be designated as SLA. (524, 480, 481)

The Executive Summary of the AHSLA, states: "The study was not intended to constitute a comprehensive review of local landscape designation in The Highland Council area, and its scope was limited by its starting position as defined by the existing AGLVs." (124) The AHSLA examines the function of the former Highland Areas of Great Landscape Value however it does not examine their individual ongoing relevance; it assumes that the Areas of Great Landscape Value remain relevant despite the lack of any Landscape Capacity Assessment in the original identification of the AGLV's. This risks undermining tourism objectives. (434, 480, 481, 489, 490)

Following [SNH Guidance on Local landscape Designations](#) and the SPP (2010)

They point out that the Council has not followed the SNH/HS 2004 guidance on the production of Local Landscape Designations in regard to the identification and designation of the Drynachan, Lochindorb And Dava Moors SLA or other AGLV's considered to be proposed AGLV's. This sets out an eight step review process, "The Process of Reviewing Local Landscape

Designations", which has not been followed nor adhered to. Designation of the Drynachan, Lochindorb And Dava Moors SLA would not accord with national planning guidance and policy as set out in NPPG 14. (124, 461, 480, 481, 483, 490, 524, 534)

Specifically concerned with the Drynachan, Lochindorb and Dava Moors pSLA that areas of landscape that are neither significant enough to be included in, nor are relevant to the overall pSLA. (379, 457)

They consider that there has been no re-evaluation of the existing proposed AGLVs. The process and criteria for designating areas has not followed that outlined in SNH/HS guidance and recommended processes. They feel that this process would have been a logical framework for the review of the SLA's which all stakeholders would be able to understand and participate in. (379, 418, 445, 454, 490, 500, 523)

It is considered that the Council has made no effort to carry out detailed landscape characteristics. They believe that the inclusion of these sites to be based on a study carried out by Horner and MacLennan & Mike Wood Architects does not appear to be adequate basis on which to merit the designation of sites. They are concerned that the approach of the Council to adopt this proposed site has not been thought out with respect to the criteria for adoption, boundaries for the site, and the consultation process. (500)

They point to SPP (2010), para. 139, which states "The reasons for designation should be clearly identifiedThe reasons for designation should be considered when development plans are prepared". They suggest the Council has not done this and is seeking to justify the Drynachan, Lochindorb and Dava Moors SLA in hindsight. SPP (2010) goes on (para. 140) to identify the purposes of designating a local landscape area in the development plan. However, it is judged that the Council has not justified the Drynachan, Lochindorb and Dava Moors SLA on any of these grounds and that none apply. (124)

They state that SNH Guidance on Local Landscape Designations indicates that the identification process should be informed through wider public debate. The development of criteria is an essential element of this process and should be developed by agreement with all interested stakeholders. They suggest that the Council did not develop criteria in respect of the areas contained within the [HSP \(2001\) \(part 2 Landscape section paragraph 2.14.7\)](#) in this way. They feel that the process for designating areas has not followed that outlined in SNH guidance and recommended processes. They believe that for the Drynachan, Lochindorb and Dava Moors Moor SLA that areas of landscape that are neither significant enough to be included in, nor are relevant to the overall pSLA. (379, 445)

Feels that due process has not been followed and further the Highland Council have not followed SNH guidance on production of Local Landscape Designations nor guidance set out in NPPG 14. It is considered that this represents unnecessary proliferation, given the assessment of the area under the Moray and Nairn Landscape Assessment and the Cairngorm Landscape

Assessment. (379, 457, 464, 463)

Issue with HSP (2001) methodology

The HSP (2001) set out 6 criteria against which the pAGLVs were to be assessed. They consider that several of the statements and landscape descriptions/designations set out within the AHSLA, [Moray and Nairn Landscape Character Assessment](#) (M&NLCA) and the [Cairngorms Landscape Character Assessment](#) (CLCA) support this statement. However they feel that the Moray and Nairn Landscape Character Assessment does not identify the area as having special character worthy of designation as an SLA. They believe that that within neither of these documents is the area covered by the proposed Drynachan, Lochindorb and Dava Moors SLA identified as being unusual, rare or of any other special merit. They further note that the citation for the Drynachan, Lochindorb and Dava Moors SLA appears to contrast with references within the Moray and Nairn Landscape Character Assessment, which records natural regeneration of woodland and identifies native pine forests in the area as affecting the “openness of the heather moor”. (483)

It is considered that the AHSLA, and hence the HwLDP is misleading land managers and stakeholders. No proper process has been undertaken for its designation; no justification has ever been provided for, nor any consultation carried out on its existence let alone its boundary. The original evaluation in the HSP (2001) was not released for consultation as a HSP (2001) background document. They feel that the Council has not followed its own procedure identified within Proposal L3 of the HSP (2001) for the designation of the Drynachan, Lochindorb and Dava Moors which they consider to be a special case. The AHSLA did not assess the Drynachan, Lochindorb and Dava Moors SLA in relation to this criteria and this seems illogical and counterproductive given that this is the first time that this proposed/indicative SLA had been subject to any form of review. They feel that the citation is an attempt to justify the adopted area retrospectively. (124, 379, 457, 461, 480, 481, 483, 485, 524, 534)

As identified by the Council, the origin for the Drynachan, Lochindorb and Dava Moors is the HSP 2001 where it features on the plan (fig. 12; approx. scale 1:1.5 million) in the Landscape chapter, as a small mark. The proposal (L3: Areas of Great Landscape Value) associated with this plan states that: “Local Plans will identify Areas of Great Landscape Value in general accordance with the areas indicatively identified in Figure 12. Existing Areas of Great Landscape Value and other designations will be reviewed by The Council and brought forward for inclusion in the Structure Plan.” (124)

They consider that the lack of review means (with respect to Ben Griam and Loch Nan Clar, and Ben Alder, Laggan and Glen Sanchor) that neither the AHSLA nor the HwLDP is compliant with the HSP (2001) or The Scottish Planning Policy 2010. The SPP Para 139: The ongoing relevance and function of local designations should be considered when development plans are prepared. The AHSLA study did not assess the SLA No. 7, Ben Griam and Loch Nan Clar and Ben Alder, Laggan and Glen Sanchor relevance to these HSP (2001) 6 qualifying criteria. Given that this was the first time that this proposed indicative SLA had been subjected to any form of review they

consider this approach to be illogical and counterproductive to the formation of appropriate, effective planning policies. (489, 490)

DPEA recommendations

They believe that in considering the appeals on wind energy developments that the DPEA has made comment on the appropriateness and effectiveness of the AGLV (now SLA) designations and suggested that these need to be reviewed. The AHSLA study falls short of the review recommended by reporters. Whilst we appreciate that there was no obligation on Highland Council to follow reporter's recommendations in the light of the weight of other national guidance it is appropriate for the Council to implement the DPEA recommendations. (480, 481, 489, 490, 524)

Nanclach make reference to the Inverness Local Plan Inquiry issue 3.5 (supporting document attached to representation) and the reporter's conclusion which is not considered to have been undertaken as part of the delivery of the Inverness Local Plan. "The identification of AGLV's will require a detailed appraisal of landscape character and quality, based on HSP (2001) criteria throughout Highland, and may have to be refined to suit a more local scale, and detailed boundary definition." (457)

Consultation on SLA's

Consider that landowners are the most interested and involved group but have not been directly included in a formal way. This has restricted their opportunity to comment. Such a designation could have a profound and detrimental impact on existing and future rural businesses (124, 534, 379, 445, 457, 463, 464, 483, 485, 489)

They feel that consultation is being held on the citations at the end of the process rather than when the selections were being made. They believe that there has been no previous review of the SLAs and understand that the consultation did not review the relevance of the SLAs. The scope of this recent study, 'was limited by its starting position as defined by the existing AGLVs". (489, 379, 445)

Making the AHSLA statutory Supplementary Guidance

Referring to SPP (2010): they consider that the scope of the AHSLA is insufficient to be included in the HWLDP, and that the AHSLA should be included as supplementary guidance. This would have helped the public understand the role of the assessment in the plan preparation process. They object to the consultation on the AHSLA Citation (AHSLA) being undertaken outside of the statutory consultation on the Highland wide Local Plan (480, 481, 490, 524)

Areas of SLA's outwith the Highland Council boundary

Moray Council: welcomes the proposals by the Highland Council to protect landscapes of high quality. However, it should be noted that the proposed SLA adjacent the Highland/Moray local authority boundary is not mirrored within the Moray Council area. This may lead to cross-boundary issues for the Highland Council rather than the Moray Council when assessing proposals. However although there are some subtle differences in policy approach it is

not considered that these are not substantial enough to cause significant cross-boundary issues between the Moray Council and Highland Council areas. (403)

They feel that the fact that the proposed Drynachan, Lochindorb and Dava Moors SLA area overlaps the Cairngorm National Park Authority (CNPA) boundary in at least four places indicates that the LPA has not undertaken any authentic review of the pSLA boundary since the creation of the national park in 2003. They feel that the Council has no justification for including areas of the CNPA within this proposed designation and has not provided any. Also they believe that there is a lack of endeavour applied to this designation and that there is no coherence to the pSLA. (534, 485)

Drynachan, Lochindorb and Dava Moor SLA

Given the spread of wind farms across Scotland it is essential that we protect as many special areas as possible. Scotways hope that, by maintaining this SLA, extra protection against inappropriate developments can be achieved. (387)

They consider it vital that the unique environment, amenity and landscape quality of Dava, and in particular the historical Lochindorb section, is protected by continued designation as SLA, to exclude it from consideration for windfarm and other modern developments such as commercial forestry planting. This applies not just to the immediate site but also to adjacent land clearly visible from Lochindorb and Dava. (192)

They feel that the Highland Council should reinstate the original SLA boundary. A section of the designated area was taken out following representations by Eurus Energy UK Ltd in 2002-3 because its proposed Glenkirk windfarm site inconveniently fell within part of the area. They maintain that the section which was removed forms an integral part of the designated area and refute the reasons for removal proffered by Eurus. They consider that robust protection of this SLA from any man-made development is important. (496)

Object to the Drynachan, Lochindorb and Dava Moors SLA as it is not considered that the area has the characteristics to warrant this designation (432, 513, 434) They consider that these HSP criteria do not relate to the Drynachan, Lochindorb and Dava Moors SLA (as explained in detail in their representation). (124)

Note that the Drynachan, Lochindorb and Dava Moors SLA is identified as relating to an area of open moorland notwithstanding that, within the boundaries of this, significant woodland plantations exist. They do not consider that such plantation areas are compatible with the description and characteristics identified within the Drynachan, Lochindorb and Dava Moors SLA citation as being important for protection. As part of this process, an Environmental Impact Assessment was undertaken and the area subsequently approved for woodland planting. Further, as woodland, it cannot be considered to form part of the "high rolling moorland" described within the Drynachan, Lochindorb and Dava Moors SLA citation. They feel that this

woodland plantation area should never have formed part of the pAGLV. (483, 534)

In the CLCA it simply states the area has a 'remote feel'. While this may be true, they feel this cannot be regarded as an adequate justification for designation when taken in the round. It is clear the Drynachan, Lochindorb and Dava Moors SLA and its use within the HwLDP is not supported by SNH's Landscape Character Assessments. The Drynachan, Lochindorb and Dava Moors SLA runs across the northern boundary of the CNPA, however they feel that the Council has failed to provide any reason why an area adjoining - and including - the Park merits a local designation, which from the SPP (2010) standpoint would require exceptional circumstances. (124)

It is considered that the Drynachan, Lochindorb and Dava Moors SLA conflicts with the M&NLCA as well as the CLCA. Within neither of these documents is the area identified as having merit as being special, unusual or rare. (124, 534, 461). The M&NLCA, page 106, merely notes that the area 'provides a distinctive visual contrast...with the largely wooded character of the Moray and Nairn landscape to the north and Strathspey to the south'. The M&NLCA identifies the Drynachan, Lochindorb and Dava Moors SLA area as one 'experiencing considerable landscape change as natural regeneration of woodlands occurs'. It also identifies the native pine forests in the area, such as the one to the north of Lochindorb in the centre of the Drynachan, Lochindorb and Dava Moors SLA, as 'gradually affecting the openness of the heather moor'. This contrasts starkly with the purpose of an SLA which is to conserve landscape features. (124)

Within the context of the SLA boundary and the draft citation qualification criteria, they note that recent amendments have re-included two areas around Drynachan that were excluded in 2006 for unknown reason from the original boundaries as defined from field surveys conducted by Highland Council in March 2001. Other 2006 amendments however remain in place on the citation map plan, and Save Our Dava would wish to take the opportunity to draw these to the Council's attention for possible reversion to original lines in due course. Further detail and photos illustrating their points are included in their representation on boundary changes proposed. (68)

The original Drynachan, Lochindorb and Dava Moors SLA (shown in figure 12) comprised most of the Uplands landscape type that was within the Highland Council Boundary, but the pSLA includes additional area of "uplands and glens" as well as two small areas of rolling uplands to the west (INV2 see attached map). They note that the neighbouring Morayshire Council area has not been deemed important enough for designation, suggesting the following of political boundaries rather than geographical/landscape boundaries of intrinsic value. (379)

The boundary as drawn has not been explained at the time of the HSP (2001) and at this point there is no explanation in the pSLA citation. The boundary is not explained by enclosing a single landscape character type. Considering these distinct areas it would be more logical for a revised boundary (detail of this proposed amendment given in this representation). (457)

They find it questionable that this area should be included when it apparently has so few features of landscape importance. (500)

Inninmore Bay and Garbh Shlios SLA – object to the inclusion of certain areas within the proposed designation or else give it the same boundary as the existing SAC. (469)

Ben Griam and Loch Nan Clar SLA

They suggest that there have been inappropriate assumptions made by the Council in designating the SLA No. 7, Ben Griam and Loch Nan Clar and the shortcomings in that process relative to national and local guidelines on the matter. They find that the observations by the consultants, specialists in their field employed to prepare the AHSLA study are that this SLA is not reminiscent in character to any of the landscapes which should be designated as SLAs. (490)

Ben Alder, Laggan and Glen Banchor SLA

Around half of this SLA is owned by Ardverikie Estate and they are concerned at yet another designation and as half the SLA is within the CNPA, they consider that the SLA designation may be construed as being superfluous. They are also concerned about the criteria used which has resulted in this SLA being identified. (478)

Modifications sought by those submitting representations:

National Park

If the Proposed LDP would commit your Council to investigating the possibility of further NPs during the LDP period, the Council together with representatives of other agencies could determine precise boundaries for further National Park designations. (530)

Wild Areas

The final Plan should not describe Wild Areas as ‘locally or regionally’ important as this is incorrect. (2, 492)

Protect wild land from renewable energy development (assumed) (167)

Unclear if any modification is sought, assume that she supports Council’s recognition of wildness as opposed to previous terminology as remote areas of value for recreation (148)

General Comment

Heritage should be given greater policy protection (assumed) (250, 253), Loch Watanan catchment should have complete protection (431)

Supporting text

Recognise that the natural environment contributes to the health and well being of local communities and provides numerous ecosystem services. (285)

Re-word para 21.1.7 to read, “Where necessary, appropriate assessment (assessing those aspects of the Local Development Plan that are likely to

have a significant effect on a European Site in view of that site's conservation objectives and qualifying interests) is undertaken for allocations prior to adoption of the Local Development Plan. However, further appropriate assessments may be required to be carried out for proposed developments prior to determining planning applications." (118)

The Policy

Linkages to other policies

Seek linkages to be built between policies 58 Natural, Built and Cultural Heritage, Green Networks, 75 Green Networks and 76 Open Space (285)

Precautionary principle

Remove "where we are unable to ascertain that proposals will not adversely affect the integrity of the site, the proposal will not be in accordance with the Development Plan". (268)

Generalised policy

Seeks separate policy for Archaeology. (504)

Uniform policy approach should not be adopted. Recommend that further thought is given to the appropriate policy tests for each of the features of national importance, which would require to reflect the national policy and legislative position applicable to each. (268)

Biodiversity duty

There is an opportunity here to reference the biodiversity duty under the Nature Conservation (Scotland) Act 2004. (185)

Believe or Demonstrated

The wording of the first bullet point should be amended to read: "For features of local/regional importance developments will be permitted unless it can be demonstrated that they will have an unacceptable impact on the amenity and heritage resource". (268, 450, 454, 457, 481, 489, 490, 523)

Outweighing effects

Change policy to reflect need for International importance to outweigh significant adverse effects on nationally important features. (453)

Minor factual changes proposed

Paragraph 21.1.2 should refer to GCR sites and RIGS as "un-notified Geological Conservation Review Sites and Local Geodiversity Sites." (118)

First sentence of policy amended to read, "All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of development, and any impact on the feature and its setting" (118)

Remove list of international features. (118)

Adding Natural Environment to Policy test

Also For 1 and 2 - surely there should be a reference to development not having an unacceptable impact on the natural environment. The Scottish

Wildlife Trust recommends that the wording is revised and strengthened. (285)

Significant impacts

Local/regional policy: should relate to significant unacceptable impacts rather than unacceptable impacts (419)

Remove word 'significant' from 21.2.2. in relation to adverse effects on national and internationally important features (2)

Statutory organisations

The following amendment is necessary to fully accord with consultation obligations; 'For features of local/regional importance we will allow development if we believe that they will not have an unacceptable impact on the amenity and heritage resource, in consultation with the relevant statutory organisations' (449)

Setting

Need to address whether the landscape features and associated views are only significant within the site boundaries or whether they will have an impact on the surrounding land. (268)

Support "setting" in current wording. (2)

Micro renewables

Transition Black Isle: Review of planning restrictions on listed buildings/ conservation areas to make energy efficiency/ micro-generation easier in those situations.(330)

Clarity of mapping

These designations should be clearly and precisely mapped first before consideration can be given to how, or indeed whether, they are used in a development plan. (462, 450,457,124) and assumed for (449, 268)

Amend Proposals Map to refer to Policy 58 (453)

Categorisation of Natural, Built and Cultural Heritage Features

Move TPO's to locally/regionally important category. (268, 453)

Would like to see list of Local Nature Conservation sites. (78, 285)

There should be elements of Wild Land and NSA's which are given protection as an internationally important heritage feature. The Plan must state clearly that the best landscapes are worthy of the highest level of protection against inappropriate development. (492)

Factual error – Proposals Map

The Legend should be amended so that where it reads as see policy 59 it instead reads see policy 58 (489, 480, 490)

SLA's

Implementing SLA protection through policy 58

HWLDP Appendix 6.2, Para. 25.3.1, Definition of Natural, Built & Cultural Heritage features It would be more consistent with the advice contained in the SPP (2010) if the title a SLA was changed to - Local Landscape Area to reflect the guidance contained in paragraph 139 of that document. (489)

The wording of the middle column of the first row of the table in paragraph 25.3.1. (SLAs) should be changed so that the role and scope of the AHSLA is clear to all readers of the plan. (489)

There needs to flexibility in interpreting SLA guidance at planning committees. (445)

It would be more consistent with the advice contained in the SPP (2010) if the title SLA was changed to Local landscape Area to reflect the guidance contained in paragraph 139 of that document. The wording of the middle column of the first row of the table in paragraph 25.3.1. (SLAs) should be changed so that the role and scope of the AHSLA is clear to all readers of the plan. (480, 490)

Scope of the assessment of SLA's, and their original identification

The Assessment of Highland SLAs should not be a background paper (assumed) (432, 434, 462, 450, 457, 490, 513)

The AHSLAs is insufficient to be part of the HwLDP and should be included as Supplementary Guidance (480, 481, 524)

SLA's should not be included as a locally/regionally important feature and should not be recognised in this policy. (assumed) (534, 379, 421, 418, 432, 434, 445, 457, 461, 463, 464, 468, 480, 481, 483, 485, 489, 490, 500, 505, 513, 523)

A full review of SLA's should be undertaken (524, 480, 481, 457)

Proposed AGLV's (now SLA's) from HSP (2001)

The entire Drynachan, Lochindorb and Dava Moors SLA should be removed from the HWLDP. (124, 534, 432, 434, 457, 461, 480, 481, 483, 485, 500, 513, 524) with the AHSLA being considered as part of any Local Plan Review in the interim period (534)

Retain Drynachan, Lochindorb and Dava Moors SLA. (assumed 68, assumed 192, 387)

Consultation on SLA's

Consultation should be undertaken as part of review of SLA's (124, 534, 379, 445, 483, 489) and assumed (457, 463, 464, 485)

DPEA recommendations

Follow the DPEA recommendations and review SLA's. (457, 480, 481, 489, 490, 524)

Making the citations statutory Supplementary Guidance/ part of the HwLDP
Objection to The AHSLAs being undertaken outside of the statutory consultation of the HwLDP. (480, 481, 524)

Boundaries of SLA's

Plantation of Drynachan, Lochindorb and Dava Moor SLA should be removed from SLA (534)

Amend Drynachan, Lochindorb and Dava Moor SLA to exclude CNPA (assumed) (534, 485)

Revert to HSP (2001) boundary for Drynachan, Lochindorb and Dava Moor SLA (68, 496)

Amend boundary of Drynachan, Lochindorb and Dava Moor SLA to that shown in figure 1 (attached to representation). (379)

Amend north western boundary of Drynachan, Lochindorb and Dava Moor SLA (as shown in Figure 6). (457)

Drynachan, Lochindorb and Dava Moor

Refer to previous modifications suggested under Proposed AGLV's (now SLA's) from HSP (2001), and on Boundaries of SLA's.

Inninmore Bay and Garbh Shlios

Objects to the inclusion of certain areas within the proposed designation or give it the same boundary as the existing SAC. (469)

Ben Griam and Loch Nan Clar SLA

Remove the "Local Regional Importance" designation relative to SLA No 7, Ben Griam and Loch Nan Clar from the Highland Wide Local Development Plan Proposals Map. (490)

Ben Alder, Laggan and Glen Banchor SLA

Re-assessment and reconsideration of SLA No 23, Ben Alder, Laggan and Glen Banchor and in the meantime it's deletion from the citations document and the HwLDP proposals map. (489)

Summary of responses (including reasons) by Planning Authority:

National Park

At present the Council is not inclined to investigate the potential for new National Parks therefore the HwLDP should not make any statement which suggests that the Council will be taking this forward.

Wild land

The Council does not accept that the second paragraph of the background to wild areas needs amending. The amended wording suggested by SNH implies that the Council has accepted that it will be a designation that will be split between national and local/regional. At this stage there is no commitment to a wild land national designation, and the SPP (2010) does not identify the significance/importance it attributes to wild land. Therefore the Council will not

commit to accepting it as a national feature. It should be noted that as per 21.1.2 of the plan, locally and regionally important features can be features identified by national organisations.

The Appendix 2 identifies that Supplementary Guidance will be produced that will contain advice on how to best accommodate change within these areas of wild land while safeguarding their qualities. It also states that prior to wild land being identified, proposals that may have an adverse impact on the wild land resource should undergo an assessment process. To produce this assessment applicants will need to refer to Scottish Natural Heritage: Assessing the Impacts on Wild land interim guidance note.

Wind energy represents a challenge to wild land, because of its highly visible nature. The Council is currently consulting on draft Onshore Wind Energy Supplementary Guidance. This will provide policy guidance on this issue, with policy 58 geared towards all types of development it cannot give the detailed (specific development type) guidance. Professor Bullough has been consulted on this.

General Comments

Policy 58 provides appropriate protection for Natural, Built and Cultural Heritage features. Non specific representations seeking additional or embargo protection are resisted because we seek to protect these features in line with national/international policies and legislation. There needs to be consideration of other issues not just natural heritage in balancing planning decisions.

Brenda Herrick's support is noted.

Supporting text

The Council agrees with the sentiment that our Natural, Built and Cultural Heritage is important in terms of health and well being as well as various economic benefits including tourism. However tourism and economic benefits are already recognised in the supporting text for Policy 58 and in the Vision at 4.2.4 of the plan there is recognition of its importance in relation to a healthier Highlands.

The Council commends the SNH change of wording 21.1.7.

The Policy

Linkage to other policies

The Council does not consider it necessary to add text within policy 58 pointing to Green Networks and Open Space policies. It should be noted that 18.2 of the plan states clearly that any proposal will need to be considered against all relevant policies of the plan. Within our draft Green Networks Supplementary Guidance the linkages can be more fully expressed, "The aim of the Green Network is to help promote greenspace linkages and to safeguard and enhance wildlife corridors in and around new and existing developments. Green Networks already exist in this area and comprise important habitats and recreation opportunities. The green network is about protection and where possible enhancement of these spaces and places, enabling new development to take advantage of the outstanding landscape in

the area while also preserving areas of significant landscape.”

Precautionary principle

The wording ‘where we are unable to ascertain that proposals will not adversely affect the integrity of the site, the proposal will not be in accordance with the development plan’ is important. SPP (2010) acknowledges that planning authorities should apply the precautionary approach where the impacts of a proposed development is uncertain. Obviously as per SPP (2010) this would not be used to impede development unnecessarily and the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.

Generalised policy

The Council has worked closely with SNH and Historic Scotland to ensure that the one policy covering all these features is fit for purpose. This approach respects the Scottish governments desire to see concise Local Development Plans. There is no objection to the general policy approach by either SNH or Historic Scotland as any amendments sought to address this issue had already been considered at Examinations on the [West Highlands and Islands](#), and [Sutherland Local Plans](#). The Reporter then made recommendations which the Council followed and which are now also reflected in this plan.

With regards to concern that the archaeology is not covered in sufficient detail the supporting text mentions the imminent draft Supplementary Guidance Highland Historic Environment which will give more detailed guidance on this.

Biodiversity duty

With regards to the reference to biodiversity duty under the Nature Conservation (Scotland) Act, the Council feels that if the reporter is minded to accept this change they should consider whether it might be better placed under Species and Habitats 21.3.1.

Believe or demonstrated

The Council feels that ‘believe’ should be kept rather than ‘demonstrated’ because whilst the onus is on the developer to demonstrate it is the Council who must be satisfied that they ‘believe’ there is no unacceptable impact.

Add natural environment

It is not felt that the suggested wording change to add natural environment to ‘heritage and resource’ is necessary as it is not considered to add additional meaning to the policy.

Outweighing effects

The current wording of features of national importance being clearly ‘outweighed by social or economic benefits of national importance’ is considered logical and follows the SPP (2010).

Minor factual changes proposed

The Council agrees that the SNH revised wording for the first sentence offers better clarity to the reader. Also changes to remove the list of international features and the renaming of the geological features are commended to the

reporter.

Significant impacts

For features of local/regional importance if impacts are deemed unacceptable then surely they have to be significant enough to be judged as unacceptable.

For 'significant adverse impact' on nationally important features the Council supports the use of the word significant as it ensures that the Council does not impede development for minor adverse impacts.

Statutory organisations

Statutory consultees will be consulted whether this is mentioned in the policy or not. The Council does not feel that this represents a necessary addition.

Setting

Note the support of MCoS to use of 'setting'. The policy acknowledges the importance of the features setting. When assessing whether a proposal might impact on a feature this rightly acknowledges that it can be from development outwith the designation or feature.

Micro renewables

The Scottish Government have recently extended Permitted Development rights (developments that do not require planning permission) for micro renewable development. However there are still significant constraints on listed buildings and conservation areas and this is largely influenced by the legislation that exists. Historic Scotland provides guidance on energy efficiency and the use of low carbon equipment for Listed Buildings and buildings in Conservation Areas. The Council will be consulting on its own Highland Historic Environment Supplementary Guidance and intends to produce its own Conservation Area Appraisals. This will allow us to consider the unique circumstances of each of our Conservation Areas and provide guidance which can consider how and where micro renewables can be accommodated.

Clarity of the mapping

The SPP (2010) states, "Development plans should provide clear guidance on what will or will not be permitted and where. This should be very clear from the proposals map. Only policies that provide a clear indication of how a decision maker will react to a development proposal should be included in the plan. Plans should therefore provide opportunity and stability."

Whilst the Council has endeavoured to provide mapping where possible, where it cannot there is nevertheless "clear guidance on what will or will not be permitted and where." Policy 58 clearly states that the policy must be read in conjunction with the policy framework at appendix 6.2 and the Proposals Map. Please cross refer to [schedule 4 Issue 90 Appendices and Proposals map](#).

In the case of wild land, mapping for this feature is not yet available but will be in the life time of the Highland wide Local Development Plan. There is a clear policy given in Appendix item as to how the Council expects this issue to be

dealt with in the meantime. There is also a hook for the Supplementary Guidance which will be prepared and consulted on in due course.

For locally important croft land there is no comprehensive map base for the Council to use but policy 48 makes the way we intend to safeguard croft land clear. Likewise although all amenity trees are not mapped the Supplementary Guidance for Trees, Woodland and Development makes the Council's position and the process for developers to follow clear.

Categorisation of Natural, Built and Cultural Heritage Features

Local Nature Conservation Sites identified in the Highland wide Local Development Plan are those already established through previous Area Local Plans. If there are additions to be suggested to these then they should be made to the relevant Area Local Plan review. We can have more detailed local consultation on these through the Area Local Plans.

Please cross refer to [schedule 4 Issue 90 Appendices and Proposals map](#). It is appropriate that NSA's are included as a nationally important feature as NSA's are recognised in national legislation, identified by a national organisation and the policy test reflects SPP (2010). For features of international importance the policy test is written recognising the specific policy tests relevant under the policy and legislation for Natura 2000 (SAC, SPA's) and RAMSAR.

Tree Preservation Orders (TPOs) currently sit as a feature of national importance and the Council believes it should remain there. The policy approach set out in policy 58 and supported by Appendix 6.2 was established during the [Wester Ross Local Plan](#) and has subsequently been used in the Sutherland Local Plan and the West Highland and Islands Local Plan. All three of these plans have included TPOs as a feature of national importance. The Trees, Woodlands and Development (Draft) Supplementary Guidance supports this approach. TPOs may be confirmed by the Council however this power is given to the Council via legislation.

Proposals Map

Accept that there is a factual error and that it should read Policy 58.

Implementing SLA protection through policy 58

It is intended that the AHSLA will go to May PED committee with an assessment of the responses made and with consequential changes proposed. We will ask members to agree a finalised AHSLA but this could be subject to change depending on the Reporters recommendations for the HwLDP. It is not considered appropriate for the AHSLA to be considered at Examination as it is not policy of the HwLDP. Further detail on this point is covered later under the heading making the AHSLA Supplementary Guidance.

The amount of Highlands that is identified as an SLA relates to the methodology used, and the Council considers this methodology to be appropriate (as explained later). There are overlaps between designations/features which are identified for different reasons such as a SSSI

with an SLA but there is no overlap between landscape designations. The Highlands is fortunate to have such a fantastic landscape resource which exhibits great variety, and this combination has led to a considerable proportion of the landscape being of significant enough quality to merit inclusion within an SLA.

The scope of the assessment is not to develop policy. The SLA's are mapped and the citations provide a clear tool to understanding the landscape impact. The Assessment does provide guidance on the special qualities of the SLA's and on its sensitivities to change. It is not intended to be a capacity study but it is considered an appropriate tool to understand and consider potential landscape impacts.

The citations from the AHSLAs are intended to be a material consideration when identifying the landscape impact of a proposal. The first position will always be to explore ways any unacceptable impact could be mitigated. However Policy 58 is the policy test and here the social and economic context and whether the area is within a fragile area forms part of the consideration. The Planner will reflect on and balance these social and economic considerations against the landscape impact (if it has been decided that the planning application represents an unacceptable impact on the amenity and heritage of the SLA) and will then make an assessment on the suitability of any proposal. The Council understands the concerns expressed but intends the landscape impact to be clearer in the decision making process and feels the citations provide this.

It is felt that for clarity the electronic link should be made in Appendix 6.2 of the HwLDP to the AHSLAs and the text should be altered (wording provided in further changes commended).

Local Landscape Areas are mentioned in the SPP (2010) as the type of feature rather than a suggested name. Unfortunately Local Authorities don't have the same name for these areas. The Guidance on Local Landscape designations recognised this and strongly encourages local authorities to call them SLAs so that there can be a common name. This is therefore the approach the Highland Council has taken. There is no change in the status of the SLA associated with the name change.

Proposed AGLV's (now SLA's) from HSP (2001)

Of our suite of Local Plans only the [Nairn Local Plan](#) is older than the HSP (2001). Therefore the status of the proposed SLA for Drynachan, Lochindorb and Dava Moors is that its western edge is included within the Inverness Local Plan but its entirety has not been subsequently included in a Local Plan. The Caithness Local Plan 2002 was adopted after the HSP (2001). However it was progressed alongside the HSP (2001) and the SLAs are therefore referred to as Regional Scenic Areas and Local Recreational Management Areas.

The Council is confident about the integrity of the SLA's (proposed AGLV's) from the HSP (2001) but will welcome the opportunity as it did with the others to consider the boundaries through the Area Local Plan (on a more detailed map base than the large scale map base used to identify the areas). The

Highland wide Local Development Plans role is to set the overarching spatial planning policy context.

Scope of the assessment of SLA's, and their original identification

The scope of our work on local landscape areas was informed by discussions with SNH. Both organisations felt the scope of the study was the most effective use of our pooled resources.

To pick up on one point of confusion the areas identified in the HSP (2001) had undergone assessment against its methodology during the HSP (2001) preparation. It should be noted that when the 2004 SNH/HS guidance was produced not every Local Authority had a similar starting point (the Highland Council had already refined its existing local landscape designations). By the time the 2004 guidance was produced the Highland Council had already rationalised its existing local landscape areas.

In preparing the HSP (2001) the Council did refer to the guidance of that time, the SNH advice to Government on Scenic designations (June 1999). Whilst our methodology is not identical to what is envisaged in the 2004 guidance (and this is guidance not policy) there are nevertheless similarities to key aspects. For instance our HSP (2001) criterion covers uniqueness, rarity, as well as characteristic (typicality) of landscapes.

Another full review of our SLAs would allow us to take account of public consultation to determine the criteria used for their identification. However we needed to carefully consider the added value this would give when we have confidence in the existing areas. We have a high degree of confidence in the ongoing relevance of the HSP (2001) methodology.

We noted that there has been a broad acceptance of the areas identified in the HSP (2001) when they have gone through subsequent Local Plans, with only relatively minor boundary changes to some of the original areas. However it was recognised that without descriptions of their special qualities and without identifying how these qualities are sensitive to development and potential impacts on them, appropriate protection is difficult for the developer/planning official to determine.

Our priority is to try to better protect/enhance the areas of local/regional importance for their landscape quality. The Council and SNH therefore prioritised resources on a study to state the qualities of the local landscape areas. The Council and SNH also prioritised resources on assessment work to inform Onshore Wind Energy Supplementary Guidance because this work will help bring our policy and guidance in line with the SPP (2010) and associated Government guidance particularly with regard to the landscape.

Where representations on a specific SLA have been concerned about a perceived lack of consistency between its citation and the original HSP (2001) methodology the Council has provided some analysis of the main linkages. This is provided against the specific SLAs for Drynachan, Lochindorb and Dava Moor, Ben Griam and Loch Nan Clar, and Ben Alder, Laggan and Glen Banchor.

Consultation on SLA's

Whilst the SLA's assessment has not been made part of the development plan or taken forward as Supplementary Guidance it has been subject to a similar level of exposure as the HwLDP Proposed Plan. It was included in press adverts for the Highland wide Local Development Plan and included in our mailshot. On the citations this seemed the most appropriate stage to meaningfully consult. Earlier consultation on the areas themselves was undertaken through the HSP (2001) and the subsequent Area Local Plans. We intend to take account of representations made on the citations before going back to May Planning Environment and Development Committee with recommended changes.

DPEA recommendations

With regards to DPEA recommendations the Council believes that we are following the recommendations made on the Inverness Local Plan. Detailed changes to the boundaries are and will be considered through the Area Local Plan reviews. However we are not aware that a reporter from the DPEA has ever made any recommendation seeking a fundamental review of the methodology for identifying them or questioning the broad areas involved.

Making the AHSLA statutory Supplementary Guidance

Development plan regulations 2008 say that Supplementary Guidance may only deal with the provision of further information or detail in respect of the policies or proposals set out in that plan. The Council do not consider the citations to be further information/detail on policy 58. The SLA citations are intended to provide a tool to understand any proposals impact; particularly focussing on what the special qualities are and the sensitivities which are identified. Policy 58 recognises that social and economic factors must also be considered. The SLA citations themselves do not provide resolution with social or economic considerations suggesting where these may outweigh the landscape impact. They are just an important tool/ material consideration to understanding and assessing any impact on the landscape. An existing example of this is the SSSI citations which provide background to help interpret the policy and are linked from the plan but are not Supplementary Guidance.

Areas of SLA's outwith or adjacent to the Highland Council boundary

The Council recognises the potential for development approved by neighbouring authorities to impact on our SLA's. With its National Park Status it is likely that the CNPA will offer significant protection. There is perhaps more potential for impact on the setting of our Drynachan, Lochindorb and Dava Moor SLA from development within Moray Council area.

The Highland Council intends to give appropriate protection to these SLA's where they fall within our area. In the future if there are significant detrimental impacts on any of our SLA's then the Council will evaluate their ongoing relevance through the Area Local Development Plans.

Boundaries of SLA's

The Council is confident about the integrity of the SLA's (proposed AGLV's)

from the HSP (2001) but will welcome the opportunity (as it has previously with the others that have been through subsequent Area Local Plans) to consider detailed boundaries through the Area Local Plan. This allows us to consider it at a more detailed map base. The Highland wide Local Development Plan role is to set the overarching spatial planning policy context but we recognise that the Drynachan, Lochindorb and Dava Moors SLA (other than the area that fell within the Inverness Local Plan) still has to go through an Area Local Plan review. It is appropriate for us to consider any boundary amendment to the SLAs through the Inner Moray Firth (IMF) and two other Area Local Development Plans as local consultation on the boundaries will be more effective through these Plans.

The Council recognises that the mapping shown in the AHSLAs for Drynachan, Lochindorb and Dava Moors does not reflect the most up to date position established by the Inverness Local Plan. If the reporter is minded to the Highland wide Local Plan could reflect these minor changes as they were subject to detailed consideration through the Inverness Local Plan. Other SLA's reflect the position established through the Area Local Plans. As mentioned elsewhere the preparation of the Inner Moray Firth Local Plan will offer the opportunity to revisit this issue and the Council will reflect on the representations made to the Highland wide Local Development Plan.

Drynachan, Lochindorb and Dava Moor SLA

With regards to specific comments on conformity with the HSP (2001) methodology the citation acknowledges that the location and extent of this moorland is valuable in the Highland context and this reflects the second criteria (land forms and scenery that are unusual or rare in the Highland context) from the HSP (2001). Also it is considered that the assessment highlights its striking qualities as per the third criteria. For example, "sense of spaciousness... wide views....wildness qualities.... almost complete absence of built structures..." In terms of range of character types (criteria one) the SLA does cross over into different character types and a recognised special quality is "A narrow deep section of the Findhorn river valley at Streens offers enclosed and intimate relief in contrast to elevated and exposed moorland." Also thinking about criteria six (juxtaposition of mountain and moorland which set each other off to striking visual effect), within the Key landscape and Visual Characteristics, "Views across the undulating moorland offer wide, open horizons and broad panoramas in all directions, providing visual connectivity with the higher mountain ranges to the north, west and south."

With regard to the Moray and Nairn landscape character assessment and the pine woodland the citation for the SLA acknowledges, there are fragments of native pine-birch woodland scattered across the area. This is an attractive feature which serves (by contrast) to emphasise the dominance of the horizontal dimension and unbroken skylines. These areas of woodland should not be removed from the SLA. This is considered a special quality of the SLA and this relates to one of the criteria for identifying SLA's from the HSP (2001) (namely combinations of landscape character types which provide attractive or unusual scenery).

Inninmore Bay and Garbh Shlios

The SAC has very different reasons for its designation and therefore this boundary is not suitable for the local landscape designation. The more detailed boundary consideration can be taken forward through the Area Local Plan review where we can have more detailed consideration of the boundary.

Ben Griam and Loch Nan Clar SLA

With regards to conformity with the HSP (2001) methodology the third criteria (dramatic and striking landscapes and coastlines), and criteria six (juxtaposition of mountain and moorland which set each other off to striking visual effect) are reflected in the citation. This SLA contains, “a trio of prominent and isolated hills which rise abruptly out of the sweeping moorland”. Also criteria one (characteristic landscape character types which provide attractive or unusual scenery) is reflected in, “The blanket of sweeping, isolated moorland is punctuated by large hill lochs and pierced by distinctive peaks”. Also, “Several lochs including the Loch nan Clar/Badanloch/Rimsdale system punctuate the open distinctive moorland basins and providing horizontal reference which highlights the surrounding slopes.”

Ben Alder, Laggan and Glen Banchor SLA

With regards to HSP (2001) methodology the SLA's do need to be considered at least regionally important for their scenic quality. However the Structure Plan criteria to identify SLA's is not solely focussed on representative landscapes. In terms of the Structure Plan criteria this citation acknowledges the combinations of landscape character types present (which is criteria one), “series of attractive, predominantly wooded glens interspersed with small-scale farmlands, with rising moorland leading to distinctive craggy summits and mountain plateaux”. Also criteria two (landforms and scenery that are rare or unusual in the Highland context), “Within this area are two of Scotland's biggest and best known Munros and the varied constellation of peaks that lie between them.” In terms so criteria 3 (dramatic and striking landscapes and coastlines) “there are some striking features within this SLA. Coire Ardair, on Creag Meagaidh is on of Scotland's most dramatic mountain corries. Creag Dhubh, near Newtonmore is one of Scotland's most impressive crags. The Dirc Mhor.... is one of the country's best examples of a glacial meltwater channel.”

Concern that it is partly outwith the Highland Council boundary is addressed under section on areas of SLA's outwith or adjacent to the Highland Council boundary.

Any further plan changes commended by the council

Supporting text

If the Reporter sees fit the Council would support adding the following to the supporting text of Policy 58: “Up to date information on the location of SAC, SPA, SSSI and NSA can be found on SNH's website <http://www.snh.gov.uk/planning-and-development/advice-for-planners-anddevelopers/protected-areas/>

Following the recent Historic Scotland consultation these are now to be called

Historic Battlefields so the supporting text will need changed to reflect this.

Policy

Paragraph 21.1.2 should refer to GCR sites and RIGS as “un-notified Geological Conservation Review Sites and Local Geodiversity Sites.”

First sentence of policy amended to read, “All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of development, and any impact on the feature and its setting”

Remove list of international features from the first sentence of point 3 of the policy.

Appendix (SLA amendment)

It is felt that for clarity on the use of the assessment the electronic link should be made in appendix 6.2 of the HwLDP and the text should be altered. Please cross refer to [schedule 4 Issue 90 Appendices and Proposals map](#). A link to the assessment itself should be added to make the use of the AHSLAs clearer. Also the second sentence should be amended to,” With reference to the AHSLAs the council will consider the potential impacts of development proposals on the integrity of SLA’s, including impacts on the wider setting.”

Factual error – Proposals Map

This should be amended to refer to Policy 58

Drynachan, Lochindorb, and Dava Moors SLA boundary

The boundary should be amended to reflect amendments made through the Inverness Local Plan.

Reporter’s conclusions:

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Reporter’s recommendations:

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