

Highland-wide Local Development Plan Am Plana Leasachaidh Air Feadh Na Gàidhealtachd

APPENDIX 7 - RETENTION SCHEDULE



April 2012
Am Màrt 2012

AIMS AND OBJECTIVES OF THE RETENTION IN PART OF THE HIGHLAND ADOPTED LOCAL PLANS

The adopted Highland-wide Local Development Plan replaces the Highland Structure Plan (except within the Cairngorms National Park) and updates/supersedes the “general policies” of the existing adopted Local Plans.

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

For the Order to be passed it had to be clear that the retained elements of the adopted local plans have met the requirements of European Community Law with respect to Habitats Regulation Appraisal and Strategic Environmental Assessment. The Habitats Regulations Appraisal (HRA) considers all the policies and proposals of the adopted local plans which are intended to be retained in force. The result of this exercise informs the content of the order. Where a planning application for development gives rise to likely significant effects on a Natura site beyond the scope of that considered in the HRA, an appropriate assessment will be required to be undertaken as set out in Policy 57 of the Highland-wide Local Development Plan. This could include development proposals on sites allocated in the Local Plans (giving rise to potential effects that were not foreseen in this HRA) and development proposals on sites not allocated in the Local Plans (giving rise to potential effects beyond those considered for the policy framework in this appropriate assessment). The allocations identified through the HRA process as being likely to have significant effects on European sites either alone or in combination with other plans are compiled below.

The elements of the adopted Local Plans which will remain in force are included in this Retention Schedule. The retention in part of adopted local plans allows the Council to retain in force a set of land allocations and some local policies/proposals to help facilitate and manage development across Highland. These retained elements of local plans will remain retained until the time a new area Local Development Plan is prepared covering that area. At that time the retained elements of the local plan will no longer be part of the Development Plan

This Retention Schedule is based upon the Town and Country Planning (Continuation in force of Local Plans) (Highland) (Scotland) Order 2012 and relates to the following Local Plans;

- Inverness Local Plan (2 March 2006)
- Nairnshire Local Plan (Adopted: 21 December 2000)
- Ross and Cromarty East Local Plan (Adopted: 8 February 2007)
- Sutherland Local Plan 2010 (Adopted: 24 June 2010)
- Caithness Local Plan (Adopted: 12 September 2002)
- West Highland and Islands Local Plan (Adopted: 9 September 2010)
- Wester Ross Local Plan (Adopted: 29 June 2006)
- Badenoch and Strathspey Local Plan (Adopted: 11 September 1997)

HABITATS REGULATIONS APPRAISAL

Policy 57 of the Highland-wide Local Development Plan seeks to safeguard European sites. The HRA of the Retention of Highland Local Plans identifies the following allocations are likely to have significant effects on European sites either alone or in combination with other plans or projects in terms of the following:

Local Plan Sites	Natura Sites	Effects this development may have on European sites
Caithness Local Plan		
Westfield 5j	Caithness Lochs SPA	Loss of feeding areas for qualifying species, displacement of qualifying species from feeding areas.
Watten 5a, 5b, 2a-c	Caithness Lochs SPA	Loss of feeding areas for qualifying species, displacement of qualifying species from feeding areas.
Halkirk 3.01, 3.02, 5, 19	River Thurso SAC	Deterioration in water quality which will effect qualifying species
Thurso 16, 23 ,33, 39, 13e, 13f, 13k, 26	River Thurso SAC	Deterioration in water quality which will effect qualifying species
In-combination effects		
Westfield 5j Watten 5a, 5b, 2a-c	Caithness Lochs SPA	Loss of feeding areas for qualifying species, displacement of qualifying species from feeding areas including disturbance (construction and blade rotation) effects from nearby wind turbines and collision risk
Halkirk 3.01, 3.02, 5, 19 Thurso 16, 23 ,33, 39, 13e, 13f, 13k, 26	River Thurso SAC	Cumulative deterioration in water quality which will effect qualifying species
Inverness Local Plan		
Invermoriston 1	River Moriston SAC	Impact on habitat and loss of species due to potential impact on water quality
Dalchreichart 1	River Moriston SAC	Impact on habitat and loss of species due to potential impact on water quality
Drumnadrochit 22	Urquhart Bay Woods SAC	Loss of habitats/species due to potential impact on hydrology and water quality and recreational disturbance.
Drumnadrochit 23	Urquhart Bay Woods SAC	Loss of habitats/species due to potential impact on hydrology and water quality
In-combination effects		
Croy 6 and Highland-wide Local Development Plan Policy 20	Loch Flemington SPA	Loss of species due to potential impact on hydrology and water quality in combination with HwLDP Policy 20 Croy Expansion

Local Plan Sites	Natura Sites	Effects this development may have on European sites
Invermoriston 1 Dalchreichart 1 Highland-wide Local Development Plan Policy 8 + 9	River Moriston SAC	Water and fish habitat quality issues as a result of increased waste water discharge and diffuse pollution from new and existing housing development and associated infrastructure could affect the River Moriston SAC. Existing mitigation in local plan not considered adequate. Potential impact of additional water abstraction for A96 Corridor developments on fish habitat quality. Potential impact of River Ness bridge crossing on species through disturbance, habitat modification and pollution
Drumnadrochit 22, 23 HwLDP Policy 9	Urquhart Bay Wood SAC	Loss of habitats/species due to potential impact on hydrology, water quality, recreational disturbance and water level

Reference should be made to the further information contained in the [Habitats Regulations Appraisal Record of the Retention of Highland Local Plans](#).

As stated in Policy 57 of the Highland-wide Local Development Plan, when dealing with a planning application for a development (which is likely to have a significant effect on a European site either alone or in combination with other plans and projects) where we are unable to ascertain that a proposal will not adversely affect the integrity of a European site, the proposal will not be in accordance with the development plan.

RETENTION SCHEDULE

Provisions of local plans to continue in force

Inverness Local Plan (2 March 2006)

Column 1 Provisions of Inverness Local Plan to continue in force	Column 2 Limitations and exclusions
1. The provisions of the Written Statement contained in—	
Chapter 1 (Strategy)	Only to the extent that it relates to settlement policies
Chapter 2 (the City of Inverness)	Other than to the extent to which the provisions relate to land to which a new site specific land allocation applies and excluding the following provisions—
	(a) in Policy 7 (retailing outwith the city centre)—
	(i) the reference in the second paragraph to the established retail parks at Inshes and West Seafield; and
	(ii) the reference in the third paragraph to a defined area of the Longman/A82 core;
	(b) in Policy 8 (regeneration)—
	(i) sub-paragraph (iv) (Longman Bay);
	(ii) sub-paragraph (v) (rail yard/college); and
	(iii) sub-paragraph (vii) (Ashton);
	(c) Policy 9 (West Seafield);
	(d) Policy 10 (Beechwood Park);
	(e) Policy 11 (West Seafield (Beechwood));
	(f) Policy 12 (Stratton);
	(g) in Policy 13 (Longman)—
	(i) the principle contained in the second bullet point; and
	(ii) the final paragraph
	(h) in Policy 15 (district centres), sub-paragraph (i) (Holm Mills);
	(i) Policy 16 (Raigmore Hospital);
	(j) Policy 17 (Stoneyfield);
	(k) Policy 19 (Stratton Lodge);
	(l) Policy 20 (Police Headquarters);
	(m) in Policy 22 (district/neighbourhood centres/parks), the references to Charleston, Ness-side and Culloden;
	(n) Policy 28 (A96/Smithton Distributor Roads);

Column 1 Provisions of Inverness Local Plan to continue in force	Column 2 Limitations and exclusions
	(o) Policy 31 (urban distributor roads) to the extent to which it relates to the Smithton Distributor/Barn Church Road – between the A96 and Culloden;
	(p) in Policy 32 (park-‘n’-ride), the reference to West Seafield and to Longman Bay;
	(q) in Policy 33 (passenger rail halts), the reference to West Seafield;
	(r) in Policy 38 (land allocations)—
	(i) sub-paragraph (iv) (Ness Castle/Ness-side); and
	(ii) sub-paragraph (v) (Charleston);
	(s) in Policy 41 (green wedges)—
	(i) in sub-paragraph (v) (Beechwood/A9), the reference to the creation of a City common at Beechwood; and
	(ii) sub-paragraph (vi) (Longman/A96);
	(t) Policy 85 (land adjoining Inshes Retail Park);
	(u) Policy 101 (allocation of land at Stratton for expansion of the District Centre);
	(v) Policy 107 (allocation of land for a District Park at Stratton/Ashton); and
	(w) in Policy 109 (traffic management measures) in sub-paragraph (i), the reference to Barn Church Road.
Chapter 3 (A96 Corridor)	Other than the following provisions—
	(a) Policy 1 (principles); and
	(b) Policy 6 (industry – fabrication yard).
Chapter 5 (Lochside)	
Chapter 7 (Beaully)	
Chapter 8 (Drumnadrochit)	
Chapter 9 (Ardersier)	Other than the provisions contained under the heading “Expansion” (including policies 11 (Nairn Road) and 12 (Mains of Ardersier))
Chapter 10 (Croy)	Other than the provisions of Policy 11 (amenity areas)
Chapter 11 (Kirkhill)	
Chapter 12 (Kiltarlity)	
Chapter 13 (Dores)	
Chapter 14 (Strathnairn)	

Column 1 Provisions of Inverness Local Plan to continue in force	Column 2 Limitations and exclusions
Chapter 15 (Lochend)	
Chapter 16 (Dochgarroch)	
Chapter 17 (Abriachan)	
Chapter 18 (Bunchrew)	
Chapter 19 (Inchmore)	
Chapter 20 (Culloden Moor)	Other than the provisions contained under the heading “Amenity Areas” in so far as they relate to Policy 6 (area of 11.4 hectares west of the railway).
Chapter 21 (Clephanton)	
Chapter 22 (Daviot)	
Chapter 23 (Rural development area)	Other than the provisions of Policy 2 (housing in the countryside)
Chapter 24 (Fort Augustus)	
Chapter 25 (Tomatin)	
Chapter 26 (Balnain)	
Chapter 27 (Invermoriston)	
Chapter 28 (Dalchreichart)	
Chapter 29 (Cannich)	
Chapter 30 (Foyers)	
Chapter 31 (Croachy)	
Chapter 32 (Stratherrick)	
Chapter 33 (Tomich)	
Chapter 34 (Struy)	
Appendix	Other than the provisions contained under the heading “Background Policies”
2. The provisions of the Proposals Map (including any inset contained in or accompanying it and the policies and proposals shown on such inset) and related notations, referencing and explanatory text	Only to the extent to which those provisions show, illustrate or explain any provision of the local plan which is continued in force by this Order.

Nairnshire Local Plan (Adopted: 21 December 2000)

Column 1 Provisions of Nairnshire Local Plan to continue in force	Column 2 Limitations and exclusions
1. The provisions of the Written Statement contained in—	
Chapter 2 (General Policies)	Only to the extent to which it sets out and applies general policies on settlement (S1 to S7)
Chapter 3 (Landward Area)	Only the provisions of Policy 4 (allocation of land at Delnies for Business/Tourism)
Chapter 4 (Nairn)	Other than to the extent to which the following provisions relate to land to which a new site specific land allocation applies—
	(a) in land allocation 11 (business/tourism), sub- paragraph (a) (allocation of land at Sandown);
	(b) paragraph 13 (49 hectares at Balblair);
	(c) in paragraph 16 (access improvements), sub- paragraph (ii) (new distributor link with Cawdor Road);
	(d) paragraph 17 (recreational facilities);
	(e) paragraph 20 (agreements for tree planting);
	(f) in land allocation 22 (community/recreation)—
	(i) sub-paragraph (b) (land at Sandown);
	(ii) sub-paragraph (c) (land at Kingsteps);
	(iii) sub-paragraph (e) (land at Tradespark);
	(iv) sub-paragraph (f) (land at Sandown);
	(v) sub-paragraph (g) (land at Sandown- Delnies);
	(vi) sub-paragraph (i) (land west of Cawdor Road);
	(vii) sub-paragraph (j) (land at Sandown);
	(viii) sub-paragraph (k) (land at Balblair); and
	(ix) sub-paragraph (l) (land at Balmakeith);
	(g) land allocation 25 (framework plan-structural planting)
	(h) land allocation 27 (housing); and
	(i) paragraph 28 (development briefs/masterplans)
Chapter 5 (Auldearn)	
Chapter 6 (Cawdor)	Only the provisions of land allocation 3(a) relating to Home Farm

Column 1 Provisions of Nairnshire Local Plan to continue in force	Column 2 Limitations and exclusions
Chapter 7 (Croy)	
Chapter 8 (Ferness)	
Chapter 9 (Piperhill)	
Chapter 11 (Rural Townships)	
2. The provisions of the Proposals Map (including any inset contained in or accompanying it and the policies and proposals shown on such inset) and related notations and referencing and explanatory text.	Only to the extent to which those provisions show, illustrate or explain any provision of the local plan which is continued in force by this Order.

Ross and Cromarty East Local Plan (Adopted: 8 February 2007)

Column 1 Provisions of Ross and Cromarty East Local Plan to continue in force	Column 2 Limitations and exclusions
1. The provisions of the Written Statement contained in—	
Chapter 5 (general policies)	Only to the extent to which it sets out and applies 'Settlement Policies'
Chapter 6 (landward area)	Other than the provisions of—
	(a) the paragraph under the heading "General";
	(b) paragraphs 1 to 3;
	(c) paragraphs 31 to 33;
	(d) paragraphs 37 to 39;
	(e) paragraph 44;
	(f) paragraphs 53 to 72; and
	(g) paragraphs 74 and 75.
Chapter 7 (Achnasheen)	
Chapter 8 (Alness)	
Chapter 9 (Avoch)	
Chapter 10 (Conon Bridge)	
Chapter 11 (Contin)	

Column 1 Provisions of Ross and Cromarty East Local Plan to continue in force	Column 2 Limitations and exclusions
Chapter 12 (Cromarty)	
Chapter 13 (Culbokie)	
Chapter 14 (Dingwall)	
Chapter 16 (Evanton)	
Chapter 17 (Fortrose)	
Chapter 18 (Rosemarkie)	
Chapter 19 (Garve)	
Chapter 20 (Hill of Fearn)	
Chapter 21 (Inver)	
Chapter 22 (Invergordon)	
Chapter 23 (Kildary)	
Chapter 24 (Marybank)	
Chapter 25 (Maryburgh)	
Chapter 26 (Milton (of Kildary))	
Chapter 27 (Muir of Ord)	
Chapter 28 (Munlochy)	
Chapter 29 (North Kessock)	
Chapter 30 (Portmahomack)	
Chapter 31 (Seaboard Villages)	
Chapter 32 (Strathpeffer)	
Chapter 33 (Tain)	
Chapter 34 (Tore)	
Appendix 1	Only to the extent to which it sets out and describes "Settlement Policies".
Appendix 2	
2. The provisions of the Proposals Map (including any inset contained in or accompanying it and the policies and proposals shown on such inset) and related notations, referencing and explanatory text	Only to the extent to which those provisions show, illustrate or explain any provision of the local plan which is continued in force by this Order.

Sutherland Local Plan 2010 (Adopted: 24 June 2010)

Column 1 Provisions of Sutherland Local Plan to continue in force	Column 2 Limitations and exclusions
1. The provisions of the Written Statement contained in—	
Chapter 2 (introduction and context)	
Chapter 4 (key forecasts, strategy and vision)	Other than provisions of Section A (key forecasts)
Chapter 5 (general policies)	Only the provisions of—
	(a) paragraph 5.2 (land allocations) and policy 2 (development factors and development requirements); and
	(b) paragraph 5.17 and policy 17 (commerce) to the extent to which policy 17 relates to development for retail purposes [within the locations specified in that policy]
2. The provisions of the Proposals Map (including any inset contained in or accompanying it and the policies and proposals shown on such inset) and related notations, referencing and explanatory text	Only to the extent to which those provisions show, illustrate or explain any provision of the local plan which is continued in force by this Order.

Caithness Local Plan (Adopted: 12 September 2002)

Column 1 Provisions of Caithness Local Plan to continue in force	Column 2 Limitations and exclusions
1. The provisions of the Written Statement contained in—	
Chapter 3 (general policies)	Other than to the extent to which it sets out and applies “Primary Policies”
Chapter 4 (landward area)	Only to the extent to which it relates to—
	(a) policy 5(c) (Dunnet);
	(b) policy 8 (Mill and Mains of Forss);
	(c) policy 13 to the extent to which that policy relates to development at Mey;

Column 1 Provisions of Caithness Local Plan to continue in force	Column 2 Limitations and exclusions
	(d) policies 16 and 17 (Thrumster);
	(e) policy 20 (Dunnet);
	(f) policy 22 (John O’Groats);
	(g) paragraph 23 (Dounreay) and related policies (a) to (f);
	(h) paragraph 24 (oil and gas) and related policy;
	(i) paragraph 25 (land south of Murkle Bay) and related policy;
	(j) paragraph 26 (Forss);
	(k) paragraph 32 (Gills Bay);
	(l) paragraph 33 (Georgemas); and
	(m) paragraph 39 (former mill at Westerdale);
Chapter 5 (Castletown)	Only the provisions of policy 15 (expansion) to the extent to which that policy relates to development for East of Stangergill Burn.
Chapter 6 (Dunbeath)	
Chapter 7 (Halkirk)	
Chapter 8 (Keiss)	
Chapter 9 (Lybster)	
Chapter 10 (Reay)	
Chapter 11 (Scrabster)	
Chapter 12 (Thurso)	
Chapter 13 (Watten)	
Chapter 14 (Wick)	
Appendices	Other than Appendices 1, 2 and 9
2. The provisions of the Proposals Map (including any inset contained in or accompanying it and the policies and proposals shown on such inset) and related notations, referencing and explanatory text	Only to the extent to which those provisions show, illustrate or explain any provision of the local plan which is continued in force by this Order.

West Highland and Islands Local Plan (Adopted: 9 September 2010)

Column 1 Provisions of West Highland and Islands Local Plan to continue in force	Column 2 Limitations and exclusions
1. The provisions of the Written Statement contained in—	
Chapter 3 (introduction and context)	
Chapter 5 (key forecasts, strategy and vision for Lochaber)	Other than provisions of Section A (key forecasts)
Chapter 6 (key forecasts, strategy and vision for Skye and Lochalsh)	Other than provisions of Section A (key forecasts)
Chapter 7 (general policies)	Only the provisions of—
	(a) paragraphs 7.6 to 7.9 (land allocations), including policy 2; and
	(b) paragraph 7.50 and policy 16 (commerce) to the extent to which policy 16 relates to development for retail purposes [within the locations specified in that policy]
Chapter 8 (Settlements – Lochaber – Fort William)	Other than the provisions of policy B6 (Glen Nevis Business Park)
Chapter 9 (Settlements – Skye & Lochalsh)	Other than the provisions of policy I1 (Land North of Sluggans)
2. The provisions of the Proposals Map (including any inset contained in or accompanying it and the policies and proposals shown on such inset) and related notations, referencing and explanatory text	Only to the extent to which those provisions show illustrate or explain any provision of the local plan which is continued in force by this Order.

Wester Ross Local Plan (Adopted: 29 June 2006)

Column 1 Provisions of Wester Ross Local Plan to continue in force	Column 2 Limitations and exclusions
1. The provisions of the Written Statement contained in—	

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

Badenoch and Strathspey Local Plan (Adopted: 11 September 1997)

Column 1 Provisions of Badenoch and Strathspey Local Plan to continue in force	Column 2 Limitations and exclusions
1. The provisions of the Written Statement contained in—	
Chapter 2 (landward)	Only the provisions of paragraph 2.2.6 (distilleries) to the extent to which they relate to Tormore.
Chapter 3 (Grantown-on-Spey)	Only the provisions relating to the village of Advie.
2. The provisions of the Proposals Map (including any inset contained in or accompanying it and the policies and proposals shown on such inset) and related notations, referencing and explanatory text	Only to the extent to which those provisions show, illustrate or explain any provision of the local plan which is continued in force by this Order.