

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

### **REPORT TO THE HIGHLAND COUNCIL**

### **DEVELOPMENT PLAN EXAMINATION: SUTHERLAND LOCAL PLAN**

**Reporters:** Allison Coard MA MPhil MRTPI  
Richard Dent BA(Hons) DipTP FRTPI

**Date of Report:** January 2010

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<b>Issue 1</b>	<b>DORNOCH - Prospects/General Comment</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	Prospects/General Comment Text MB 5 – Map 1.1 MB 7	
<b>Organisations or persons submitting representations:</b>		
Mr P. Higgins (23) G. A. Marshall (255) A. M. A. Bagott (380) J Robertson (650) Mr H. Lane (175)		
<b>Provisions of the development plan to which the issue relates:</b>	Settlement development area; housing allocations	
<b>Summary of representations:</b>		
<p><u>Mr P. Higgins, G. A. Marshall, A. M. A. Bagott, J Robertson</u></p> <p>Scale of the proposals would have an unacceptable impact on the established character of the town.</p> <p>Extra housing will have an effect on demand for already overstretched social resources, especially social functions. Present facilities are already inadequate. Developers should donate/contribute to provision of a new/refurbished village hall. Lack of employment opportunities for incomers who will occupy the new houses.</p> <p>A greater volume of traffic will be generated through the new housing proposed to be built, probably higher than average for most towns. Question capacity in the secondary and primary schools.</p> <p><u>Mr H. Lane</u></p> <p>Need a small but appropriate gymnasium in Dornoch.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Mr P. Higgins, G. A. Marshall, A. M. A. Bagott, J Robertson</u></p> <p>Reduction of overall allocations level (assumed).</p> <p><u>Mr H Lane</u></p> <p>Provision of community recreational facility.</p>		
<b>Summary of responses by THC:</b>		
<p>Dornoch has an identified housing need, with a significant waiting list for affordable homes. The settlement has a high average house price that may be driven by purchases from outwith the Highland area, the East Sutherland and Edderton Ward has one of the highest levels of sales to outwith the area. The provision of a larger and more varied housing stock will assist in the ability of the local population to access the housing market.</p> <p>In relation to the provision of business and industrial opportunities these have been identified within the plan through an extension to the business park, in order to facilitate the growth of local</p>		

employment opportunities.

Both the Dornoch Primary and Academy have experienced falling school rolls in recent years, even with a significant growth in house construction this is likely to steady the existing school rolls. Proposals to upgrade the level of facilities available for the primary and secondary school are under consideration. The development of a sports barn at the school will offer facilities for the wider public. The local community association are pursuing the potential for the refurbishment of the existing or the delivery of a new community centre.

The provision of adequate infrastructure is an issue that is the subject of consideration when allocating land. Further detail on improvements that require to be undertaken or contributed to by developers will be the subject of more detailed discussion when proposals are formed and submitted for consideration. These issues relate to all factors that are required to facilitate a development to proceed, ie adequacy of roads, pedestrian access, water and drainage provision, flood risk, service provision etc. The preparation of the plan involves discussion with other agencies to allow consideration of the impact on services and allow for the programming of adequate provision.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. Although it has been claimed that the scale of development proposed in Dornoch would have an adverse impact on the character of the town, this is not a matter that has been addressed by THC.

2. It cannot be denied that the local plan proposes a large number of new houses for a town the size of Dornoch. Sites H1 - H4 and site MU1 have an estimated capacity of 444 housing units. Some of the sites have been granted planning permission and are already under development. Each of the sites has been the subject of representations and these have been assessed under Issues 3 – 7. In each case I have concluded that the principle of the development of the site is acceptable. Although site MU1 is a particularly large site with a capacity of 250 units along with other uses, I believe that the development could be accommodated within the urban framework. This development is likely to be undertaken throughout the plan period and beyond.

3. Issue 8 considers the proposed longer-term expansion area to the north of the town (site LT). In that case I have expressed concern about the lack of a clear landscape character and visual impact assessment of the development in the context of the setting of Dornoch. I have recommended that the site allocation be deleted.

4. Notwithstanding the level of proposed development, I believe that, other than site LT, the impact on the character of the town, especially the historic centre, would not be unacceptable.

5. Concerns have also been expressed about the ability of the existing infrastructure to accommodate the proposed new development. The text in Inset 1.1, Dornoch, shows that there is capacity in both the primary and secondary schools and that sewerage is available. The waste water treatment plant has significant capacity and water supply limitations are being addressed. THC further explains the procedures undertaken in the preparation of the local plan and the consultation process involving other agencies, including infrastructure providers. Discussions also take place with developers to ensure the provision of required infrastructure. Policy 15, Developer Contributions, addresses this matter. Examples of issues for which contributions may be sought include education and library provision, healthcare and community facilities and infrastructure. I am therefore satisfied that consideration has been given to the need to provide supporting infrastructure and facilities and that no over-riding impediments to development have been identified in these respects.

6. Reference has also been made to the capability of the road system to cope with additional traffic generated by new development. No evidence has been provided to substantiate the suggestion that traffic levels would probably be higher than the average in most towns. Again, if there had been particular problems in this respect, I would have expected the consultation process to identify particular shortcomings. Nothing has been brought to my attention.

7. In terms of community and recreational facilities, THC points out that a school sports barn will be available for the wider public and a local initiative is seeking to provide a community hall. THC further advises that it had been hoped to provide a fitness suite in the sports barn. This is no longer proposed but the possibility of providing a similar facility in the community hall is being pursued. Although no final resolution has been achieved, it is apparent to me that these matters are being actively considered and that there is, at least, the prospect of improved facilities being provided in the town. On this basis, I do not consider that an embargo should be placed on the further residential development proposed. As indicated by the council, the development will contribute to the identified housing need and provide additional affordable houses.

**Reporter's recommendations:**

No change to the local plan.



<b>Issue 2</b>	<b>DORNOCH - General Comment</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	General Comment, text MB 5 – Map 1.1 MB 7	
<b>Organisations or persons submitting representations:</b>		
<p>G. I. Grant (215)</p> <p>M Davis (579)</p> <p>Matheson Mackenzie Ross, Architect (660)</p>		
<b>Provisions of the development plan to which the issue relates:</b>	General comment; housing allocations; housing in the countryside	
<b>Summary of representations:</b>		
<p><u>G. I. Grant</u></p> <p>Objects to the local plan in the Dornoch area on the grounds that the land identified in objection has not been allocated for housing.</p> <p><u>M Davis, Matheson Mackenzie Ross, Architect</u></p> <p>Seeking allocation of Ambassador House and grounds for residential development.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>Allocation of land for housing:</p> <p>(a) in hinterland of Dornoch;</p> <p>(b) around Ambassador House, Dornoch.</p>		
<b>Summary of responses by THC:</b>		
<p><u>G. I. Grant</u></p> <p>The land in question lies to the north of the Dornoch settlement development area. The site lies within the “hinterland around towns” where Policy 16, Housing in the Countryside, applies. This policy holds a general presumption against housing development that is not related to land management, agricultural, crofting or other rural businesses. Other exceptions relate to a specific need for affordable housing or to the redevelopment of existing buildings, full details of which can be found within the Council's Development Plan Policy Guidance: Housing in the Countryside.</p> <p>The site is located around 1.5km (one mile) beyond the settlement boundary, well outside the settlement and dislocated from the community.</p> <p>SPP3, Planning for Housing, indicates that wherever possible most housing requirements should be met within or adjacent to existing settlements. The area identified falls within the extent of the hinterland around towns as indicated within the council's approved structure plan and as such is subject to structure plan Policy H3, Housing in the Countryside, which holds a presumption against development in these areas, subject to prescribed exceptions. The policy seeks to strengthen the role of settlements, making efficient use of existing infrastructure and services in line with national guidance and sustainable principles.</p> <p>In terms of the need, land already identified in the adopted local plan provides for a level of</p>		

development beyond the period that this plan review is seeking. There is progress on the delivery of large housing allocations in Dornoch and these are likely to meet the development needs for the plan period and beyond.

M Davis, Matheson Mackenzie Ross Architect

Ambassador House is a Category B listed building sited within the Dornoch settlement development area. The consideration of development proposals within the settlement development area is as indicated in Policy 1, Settlement Development Areas.

In terms of the inclusion of the house and grounds as an allocation, there are many issues that would need to be considered in relation to the impact on the listed building and its setting. The potential for redevelopment of Ambassador House and grounds can be investigated within the existing policy context without its inclusion as an allocation.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

G I Grant

1. As explained by THC, the land in question is not contained within the Dornoch settlement area boundary albeit that in the immediate vicinity there is a cul-de-sac leading from the B9168 along which a number of relatively modern houses have been built. Nevertheless, the site lies within the area designated on the proposals map as "hinterland around towns" and is subject to Policy 16, Housing in the Countryside, where there is a presumption against housing other than in certain specified circumstances. It has not been suggested that any of these exceptional circumstances applies in this case.

2. Representations in respect of Policy 16 are dealt with under Issue 93 where I conclude it would not be appropriate to exclude enclaves of land from the wider hinterland policy as this would threaten the credibility of the local plan objective of consolidating the settlement hierarchy. This conclusion applies to the land identified by G I Grant and, in turn, I conclude that the land should not be allocated for housing or included within the Dornoch settlement development area.

M Davis, Matheson Mackenzie Ross, Architect

3. Ambassador House is a large residential property standing in substantial grounds with access taken from Earls Cross Road, which is narrow street, without pavements, and serves a number of houses. THC explains that Ambassador House is a B category listed building. Earls Cross Cottage is a relatively modern house in the grounds of Ambassador House. The grounds are neglected and overgrown. The entire site is to the immediate west of housing site allocation H2 although Ambassador House is at a higher level than the adjacent allocated housing land. Site H2 is partially developed with a cul-de-sac providing access from Elizabeth Crescent. Several houses have been constructed.

4. Ambassador House, Earls Cross Cottage, and the surrounding grounds lie within the Dornoch settlement development area and, as pointed out by THC, Policy 1, Settlement Development Areas, applies. Policy 1 is supportive of development proposals subject to a number of qualifications, including the need to have regard to structure plan Policy G2, Design for Sustainability. Policy 4, Natural, Built and Cultural Heritage, is also relevant insofar as B listed buildings are considered by the local plan to be local and regionally important features. Development will be allowed which would not have an unacceptable impact on amenity and the heritage resource. Appendix 1 draws attention to the statutory

requirement to ensure the preservation of listed buildings and their settings and any features of special architectural interest which they possess (This matter is considered in generic terms under Issue 86.)

5. I agree with the council that it would not be appropriate to allocate Ambassador House and the grounds for development and that the local plan provides an adequate policy context for assessing any development proposals that might come forward. I also accept that the development of the site would raise a number of issues, not least of which would be the need to preserve the listed building and its setting.

6. Mr Davis has recognised potential access difficulties, in particular, the unsuitability of Earls Cross Road. As an alternative, he requests that part of site H2 be identified as a potential new access to the grounds of Ambassador House. Insofar as I have concluded that the house and grounds should not be allocated for development, I do not believe it would be appropriate to indicate an access to the land through site H2. In any event, I am aware that planning permission has been granted for the development of site H2 for individual residential plots, some of which have been built. It would therefore be incorrect to indicate an access across land for which there is an extant planning permission and where development has commenced.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 3</b>	<b>DORNOCH - H1 Bishopsfield</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	H1 Bishopsfield; Text MB 5 – Map 1.1 MB 7	
<b>Organisations or persons submitting representations:</b>		
<p>Mrs J. Everitt (352) Mr &amp; Mrs S M Wilson (544) Mrs C Charlish (537)</p> <p>Mrs L Lafferty (165)</p> <p>Albyn Housing (499)</p>		
<b>Provisions of the development plan to which the issue relates:</b>	Housing allocations	
<b>Summary of representations:</b>		
<p><u>Mrs J. Everitt, Mr &amp; Mrs S. M. Wilson, Mrs C. Charlish</u></p> <p>Housing was already under construction before consultation. Object to any road linking Elizabeth Crescent to new development. Elizabeth Crescent should remain a cul-de-sac and not a loop road for joy-riding traffic to cruise round.</p> <p>Tight corner at Stafford Road/Grange Road junction and at corner of the Golf Hotel and college railing. Also the exit onto Dornoch/Embo road has poor visibility. Retention of amenity, green space is important.</p> <p>Do not wish to be closely surrounded by what is basically a "council scheme". Surplus of affordable housing will end up occupied by families from outside the area or EU workers. There is insufficient employment in the area to support the occupants of all the proposed housing.</p> <p><u>Mrs L. Lafferty</u></p> <p>Existing development will be extremely close to any new buildings and are already very close to the existing path. The allocated land has been used for recreational purposes and is a nice feature in the middle of what is already an extensive development.</p> <p>The village does not have the infrastructure to support more houses.</p> <p><u>Albyn Housing</u></p> <p>The plan should note the requirement of a masterplan for this area, the preparation of which is underway.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Mrs J. Everitt, Mr &amp; Mrs S. M. Wilson, Mrs C. Charlish, Mrs L. Lafferty</u></p> <p>Quantify the need for further affordable housing in Dornoch, the retention of the road layout as a cul-de-sac, and retention of an amenity area.</p>		

Albyn Housing

Specify requirement for a masterplan.

**Summary of responses by THC:**Mrs J Everitt, Mr & Mrs S M Wilson, Mrs C Charlish, Mrs L Lafferty

The local plan aims to identify areas of land for development to meet the existing and projected need for each settlement and its catchment. This includes developments that already have the benefit of planning permission or are under construction. There is a need to ensure that there is an adequate supply of effective land - readily available for development - and land capable of being developed in future years.

The purpose of the identification of potential sites for housing and other development is to establish the principle of development on an area of ground. An assessment of site suitability involves the consideration of a number of factors. The local plan does not seek to determine the final physical form of a development but does indicate the requirements expected to be provided as part of a development.

The requirement section of the allocation indicates the anticipated level of development that may take place on the site along with further development considerations. The actual form of development will be determined through provision of a detailed planning application for the site where issues relating to layout, design, road and pedestrian access, car parking and open space provision will be considered. This would also cover the management of the site, delivery and phasing of the development.

Albyn Housing

The council is aware of the ongoing work towards preparing a masterplan for the delivery of the overall development of the site. The delivery of a masterplan will assist in addressing the concerns of local residents as to the physical form and location of development on the site.

**Any further plan changes commended by THC:**

Insert before first sentence: "Preparation of a masterplan indicating form and location of development, traffic management and provision of amenity land and landscaping."

**Reporter's conclusions:**

1. Site H1 lies within a mainly modern, established area of residential development. It is vacant, unmaintained land. Although thought by some as offering an open, amenity feature, in effect, the land has no formal recreational function and I do not consider the appearance of the area as being particularly attractive. I regard the site as being eminently suitable for an infill residential development. Accordingly, I agree with THC that the local plan is correct in establishing the principle of the use of the land for housing. Indeed, it appears that a significant part of the site is the subject of planning permission for residential development.

2. The local plan indicates a capacity of 50 units over a site area of 3.6ha, a density of about 14 units per hectare which appears to me to be reasonable at this location. I have noted the junctions referred to by the objectors but have no evidence to lead me to conclude that the level of houses proposed would lead to untoward problems in the functioning of the local road network.

3. It is hoped to deliver primarily affordable housing. Policy 5 explains this process and

indicates that the affordable housing contribution would normally be a minimum of 25%. This general approach is entirely reasonable and I do not share the concerns of those who comment on the provision of affordable housing or the character of the proposed development.

4. As THC indicates, the final form of future development will be determined in due course but I have no reason to believe that a suitable layout could not be achieved respecting the amenity of those living nearby. Although concern has been expressed that an internal road layout linking the two access points could encourage “joy riding” there is nothing to suggest that this activity would be more likely to occur here than in any other urban location.

5. THC agrees with Albyn Housing that a masterplan should be required and considers that this approach would permit the various aspects of development to be comprehensively assessed. Whilst the size and complexity of the development envisaged for site H1 is not such as would usually dictate the need for a masterplan, I can accept that this process could usefully address various of the concerns that have been expressed. In turn, this should ensure that the development of the site could be integrated within the existing urban framework. Indeed, I note that the preparation of a masterplan has already commenced. I believe it would be more appropriate to refer to the need for a masterplan following the description of the basic form of the development.

**Reporter’s recommendations:**

Modify the local plan: a new second sentence should be included in Developer Requirements, Site H1, Bishopsfield, in Inset 1.1, Dornoch, as follows:

Preparation of a masterplan indicating form and location of houses, traffic management arrangements and provision of amenity land and landscaping.

<b>Issue 4</b>	<b>DORNOCH - H 2 Earl's Cross</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	H 2, Earl's Cross; Text MB 5 – Map 1.1 MB 7	
<b>Organisations or persons submitting representations:</b>		
Mr P. Higgins (23) Mr & Mrs S. M. Wilson (544)  Mrs J. Everitt (352)		
<b>Provisions of the development plan to which the issue relates:</b>	Housing allocations	
<b>Summary of representations:</b>		
<p><u>Mr P. Higgins, Mr &amp; Mrs S. M. Wilson</u></p> <p>Land has been designated for housing for some time; some plots have been, and are being, developed: is this consultation a little late?</p> <p><u>Mrs J. Everitt</u></p> <p>Connection road accessing Elizabeth Crescent. Tight corner at Stafford Road/Grange Road junction and at corner of Golf Hotel and college railing. Also, the exit onto Dornoch/Embo road has poor visibility.</p>		
<b>Modifications sought by those submitting representations:</b>		
Requirement for improvements to wider road network (assumed)		
<b>Summary of responses by THC:</b>		
<p>The local plan is intended to identify housing allocations required to meet the overall housing need and demand for each settlement. There is a need also to demonstrate that this requirement is being met on a variety of sites that can provide choice of type and location. The allocation at Earl's Cross is part of this requirement.</p> <p>Consideration of the allocating of sites and the subsequent assessment of a planning application takes into account all relevant factors, including vehicular access and parking provision.</p>		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
<p>1. I note the concerns of those who question the value of consultation when site H2 is already under development. However, planning is a dynamic process and acceptable development should not be held in abeyance pending the preparation of the local plan.</p> <p>2. Accordingly, although I can appreciate that a degree of frustration could result in these circumstances, I do not believe the credibility of the local plan has been compromised in this case.</p>		

3. In terms of Mrs Everitt's concerns about the standard of the local road network, I have no evidence to suggest to me that a seriously sub-standard situation exists or that the development of site H2 as envisaged by the local plan would cause an unacceptable threat to public safety.

4. The principle of residential land use has not been questioned and I believe that the local plan allocation is justified.

**Reporter's recommendations:**

No change to the local plan.



<b>Issue 5</b>	<b>DORNOCH - H 3 Sutherland Road</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	H 3, Sutherland Road; Text MB 5 – Map 1.1 MB 7	
<b>Organisations or persons submitting representations:</b>		
<p>Mr H. Turner (265) M J. Napper (84) S. Wild (304) A. M. A. Bagott (380)</p> <p>Scottish Environment Protection Agency (SEPA) (311)</p>		
<b>Provisions of the development plan to which the issue relates:</b>	Housing allocations	
<b>Summary of representations:</b>		
<p><u>Mr H. Turner</u></p> <p>Considers a through road to the Evelix road should have been included in the H3 requirements. Thought should be given to the Sutherland Road/Castle Street junction as the night time traffic is very bad. Suggest necessary road improvements: remove Church Hall wall, install traffic lights, install roundabout, realign the junction to Cromartie road.</p> <p><u>M. J. Napper</u></p> <p>Too late to object as the developers have started work, we are concerned that there is insufficient landscaping planned and that mature trees on the Sutherland Road will be destroyed to ease the development. Trees have been numbered by Scottish Natural Heritage (SNH) and should be respected; they currently provide both an excellent entry to Dornoch and a windbreak to adjacent houses. No archaeological work carried out!</p> <p><u>S. Wild</u></p> <p>Due to high water table there should be no extended permission beyond existing boundary. Site to be kept tidy during construction.</p> <p><u>A. M. A. Bagott</u></p> <p>At present there is a magnificent view down to the Dornoch Firth from Evelix Road - the main access and exit road to and from town will now be ruined forever.</p> <p><u>Scottish Environment Protection Agency</u></p> <p>SEPA would withdraw its objection to Dornoch H3 provided the wording "Flood Risk Assessments will be required, built development to avoid flood risk area" is inserted into the Developer Requirements.</p>		
<b>Modifications sought by those submitting representations:</b>		
Inclusion of further development requirements (assumed).		

**Summary of responses by THC:**

Mr H. Turner, M. J. Napper, S. Wild, A. M. A. Bagott

The consideration of the planning application for the development of the site addressed the need for the provision for adequate landscaping and tree planting for the development. The provision of a scheme of landscaping and planting was a requirement of the planning permission issued for the site. This dealt with the mix of trees to be planted and the subsequent replacement of any failed trees or plants along with the longer term maintenance provision. This scheme also dealt with the retention of existing trees and shrubs.

In regard to archaeology, a programme of archaeological work including the preservation and recording of archaeological features has been submitted to the Council.

The improvements required to Sutherland Road and the junction to the A949 have been agreed with the developer.

Proposals in terms of drainage and disposal of surface water have been concluded to the satisfaction of both the SEPA and the council.

The development of this site relates only to a relatively small area of ground on the periphery of the settlement sited below the level of the Evelix Road and has minimal impact on views.

Development requirements for the allocation set out the need for applications to consider the aforementioned issues; the wider general policy requirements also need to be considered.

**SEPA**

There is a need to observe the potential flood risk on the site and it is appropriate for the inclusion of additional wording to the developer requirements.

Note: the above representations relate to an allocation where the issues have already been the subject of detailed planning consideration and approval; the site is currently under construction.

**Any further plan changes commended by THC:**

In respect of identified potential flood risk issues insert text to end of developer requirements, "Flood Risk Assessments will be required, built development to avoid flood risk area"

**Reporter's conclusions:**

1. The situation is similar to site H2 (Issue 4) where site development has overtaken the local plan preparation process and led to a degree of frustration in the consultation exercise. In this case, THC explains that detailed planning permission has been issued and the site is under construction. Indeed, I note that development is in its final stages with all but a few houses now complete. Most properties are occupied. On this basis I believe there is no alternative to taking a pragmatic approach, recognising that the development is a *fait accompli*.

2. In any event, THC has responded to the various representations including those concerning landscaping, archaeology, drainage and traffic matters. In this final respect I have noted the suggestion that an access from Evelix Road would have been appropriate but I consider that the difference in level between the road and the site may have meant that such a solution would not have been straightforward.

3. Despite planning permission having been issued, THC is prepared to include the reference to flood risk assessment required by SEPA. Notwithstanding the advanced stage of the development, I agree it is appropriate for the local plan to include a statement to this effect.

**Reporter's recommendations:**

Modify the local plan: insert an additional sentence under Developer Requirements for site H3, Sutherland Road, in Inset 1.1, Dornoch, as follows:

Flood risk assessment will be required; built development to avoid flood risk area.

<b>Issue 6</b>	<b>DORNOCH - H 4 Meadows Park Road</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	H 4, Meadows Park Road; Text MB 5 – Map 1.1 MB 7	
<b>Organisations or persons submitting representations:</b>		
<p>M. J. Napper (84) Mr H. Turner (265) S. Wild (304)</p> <p>Scottish Environment Protection Agency (SEPA) (311)</p> <p>Scottish Natural Heritage (SNH) (326)</p>		
<b>Provisions of the development plan to which the issue relates:</b>	Housing allocations	
<b>Summary of representations:</b>		
<p><u>M.J. Napper, Mr H. Turner, S. Wild</u></p> <p>Consider a through road to Evelix Road should have been included in the H3 plan. Serious thought should be given to the Sutherland Road/Castle Street junction as the night time traffic is very bad. Suggest necessary road improvements, remove Church Hall wall, install traffic lights, install roundabout, realign the junction to Cromartie road.</p> <p>Development is on a very low lying and inherently boggy bit of ground. Due to high water table no extended permission beyond existing boundary. The houses (102) are crammed into a very small area more suited to 50 units. There is only one road into the estate with consequential safety implications (major fire - road blocked) No consideration has been given to safety at junction of Sutherland Rd and Castle Street when either a roundabout or traffic lights will be essential due to blind junction.</p> <p><u>SEPA</u></p> <p>SEPA would withdraw its objection to Dornoch H4 provided the wording "Flood Risk Assessments will be required, built development to avoid flood risk area" is inserted into the Developer Requirements.</p> <p><u>SNH</u></p> <p>An Appropriate Assessment is likely to be required here and so SNH objects until the results of the Council's appropriate assessment can be considered.</p>		
<b>Modifications sought by those submitting representations:</b>		
Seek inclusion of further development requirements (assumed).		
<b>Summary of responses by THC:</b>		
<p><u>M.J. Napper, Mr H. Turner, S. Wild</u></p> <p>The improvements required to Sutherland Road and the junction to the A949 have been agreed with the developer.</p> <p>Proposals in terms of drainage and disposal of surface water have been concluded to the</p>		

satisfaction of both the Scottish Environment Protection Agency and the Council.

The approved development makes adequate provision for open space.

Development requirements for the allocation set out the need for applications to address particular issues, the wider general policy requirements also need to be considered.

#### SEPA

There is a need to observe the potential flood risk on the site and it is appropriate for the inclusion of additional wording to the developer requirements.

Note:- the above objections relate to an allocation where the issues have already been the subject of detailed planning consideration and approval, site is currently under construction.

#### SNH

An appropriate assessment has been prepared in liaison with SNH, the consideration of impacts of development did not identify impacts that have not been addressed by amendments to general policies. No adverse effects on site integrity as a result of this decision.

#### **Any further plan changes commended by THC:**

Insert additional text:

In respect of identified potential flood risk issues insert text to end of developer requirements, "Flood Risk Assessments will be required, built development to avoid flood risk area"

#### **Reporter's conclusions:**

1. SNH anticipated the likely requirement for an appropriate assessment and THC responded that there had been liaison in this respect. More details of this process were requested and the council has provided an Appropriate Assessment of the Deposit Draft Sutherland Local Plan, Version 2, dated December 2009. The assessment was prepared in liaison with SNH and the matter is considered in general under Issue 102. The document contains a series of mitigation measures, 9.1 – 9.8, and the council has identified those measures which require to be applied to the various settlements and development allocations within the local plan area.

2. Mitigation measure 9.7 concerns pressure for recreational access both by vehicle and on foot and the potential impact on sandbanks. It has been commended that this matter should be explained in the text supporting the Dornoch settlement development area and that a further development factor be included. The new development factor should require any new development proposals on sites allocated for development in Dornoch to be accompanied by a recreational management plan which examines any likely increased pressures from recreational access of the sandbanks arising from the development. Appropriate assessment would require to be undertaken if Natura site interests are likely to be significantly affected. Where necessary, avoidance or mitigation measures should be provided. The council will liaise with SNH and key local interests to co-ordinate the various management plans and assess cumulative effects. The text should include a commitment to this process being included in the Action Programme (see paragraph 4.39 of the written statement).

3. Insofar as SNH supports this proposal, I am prepared to accept the generality of the council's commendation in respect of recreational management plans. However, it may be

that certain developments would have no effect on sandbanks and a recreational management plan would not be justified. I believe it would be appropriate to take account of this possibility.

4. More specifically, for site H4, Meadows Park Road, Dornoch, mitigation measures 9.1/9.2, 9.5, 9.6 and 9.8 require to be applied. These measures relate to the discharge and treatment of waste water, the addition of Natura sites as a development factor, the protection of open space and the need for an otter survey.

5. SNH is satisfied that the revised appropriate assessment, when combined with proposed changes to the general policies (which are dealt with under the policy issues), development factors, settlement and site plans will not lead to an adverse impact on the Natura site. Accordingly, SNH is content that the Natura interests of this site would be protected.

6. I consider that Policy 7, Waste Water Treatment, as modified (see Issue 88), and the developer requirements for site H4 provide a satisfactory basis for the control of waste water.

7. Recommendations under Issue 102 provide for Natura sites to be included as a development factor for settlement development areas next to such sites. This includes Dornoch where an additional development factor to this effect should be provided.

8. I am not clear how mitigation measure 9.6, which is concerned with the protection of designated open space, applies to site H4. Site H4 is a particular residential allocation without any specifically designated open space. However, I am prepared to accept that the development of the site will involve the provision of an appropriate area of open space. These areas should be protected from future development and this, in itself, may be regarded as a mitigating measure. In any event, the developer requirements include a reference to landscaping and planting.

9. Mitigation measure 9.8 relates to the requirement to undertake an otter survey. Details of this requirement are set out under Issue 102. Insofar as THC and SNH require mitigating measure 9.8 to be applied to site H4, Dornoch must be regarded as a relevant settlement development area where a further "otter survey" development factor is to be included. On this basis an otter survey could be required for site H4 without repeating the requirement as a developer requirement.

10. All in all, I am satisfied that the provisions of the local plan would meet SNH concerns in respect of site H4 and that the required mitigating measures could be applied thereby protecting the interests of the Natura site.

11. Turning to the remaining concerns, this is a further site where the development process has overtaken the preparation procedures of the local plan. Part of the site is already under development with houses being constructed for owner-occupation and for rent. Although concerns have been expressed about the number of houses, the road layout and the potential for flooding, I have no reason to believe that the development is not progressing in accordance with the detailed planning permission referred to by THC. Equally, I would expect that the council's technical standards for development roads have been met and flood risk assessment undertaken. I note that local road improvements have been agreed with the developer and that SEPA is satisfied with the drainage arrangements.

12. As in the case of Issue 5, despite the development being underway, I accept that the local plan should be modified to reflect the SEPA requirement. Again reflecting my conclusions on Issue 5, it is not practical at this late stage to pursue the possibility of a road access from Evelix Road.

**Reporter's recommendations:**

Modify the local plan by adding the following Development Factors in Inset 1.1, Dornoch, as follows:

Where appropriate, new development proposals on sites allocated for development in Dornoch shall be accompanied by a recreational management plan which examines any likely increased pressures from recreational access of the sandbanks arising from the development. Appropriate assessment will require to be undertaken if Natura site interests are likely to be significantly affected. Where necessary, avoidance or mitigation measures should be provided. The council will liaise with SNH and key local interests to co-ordinate submitted management plans and assess cumulative effects. The procedure will be subject to monitoring under the Action Programme.

Insofar as otters are a qualifying feature of the adjacent SAC, a survey indicating whether or not otters are present should accompany any planning application, other than for the modest extension or alteration of an existing building, within 250m of a watercourse, coast, loch or pond.

**Note:** A further development factor drawing attention to the Natura site would also be included as discussed under Issue 102.

Policy H4, Meadows Park Road, itself should be modified by inserting an additional sentence under Developer Requirements for site as follows:

Flood risk assessment will be required; built development to avoid flood risk area.

<b>Issue 7</b>	<b>DORNOCH - MU 1, Dornoch North</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	MU 1, Dornoch North; Text MB 5 – Map 1.1 MB 7	
<b>Organisations or persons submitting representations:</b>		
<p>M. MacGregor (218) K. Cadell (651) on behalf of J. Mackintosh (628) J. Mackintosh (628)</p> <p>Mrs G. Moss (600) G. A. Marshall (255) S. &amp; A. Reid (633) Mrs V. Bhatti (634)</p> <p>Scottish Environment Protection Agency (SEPA) (311)</p>		
<b>Provisions of the development plan to which the issue relates:</b>	Mixed use allocation: housing & business; flood risk	
<b>Summary of representations:</b>		
<p><u>M. MacGregor</u></p> <p>Objects to the access indicated in the draft plan which is through land in his ownership; it would not be possible to achieve the road standard required. Concerned also about flood risk in the area and the potential implications of development exacerbating the flooding already experienced.</p> <p><u>K. Cadell on behalf of and also by J. Mackintosh</u></p> <p>The developing masterplan has identified a preferred access from Station Square, crossing the Dornoch Burn into the builder's yard. The preferred access from Embo Road is to the north of that shown in the draft local plan. These access points should be reflected in the local plan.</p> <p>Indicative proposals include high density mixed use "gateway" building on the corner site to the south of the Dornoch Burn. It would therefore be appropriate to include the slater's yard area within the allocation to enable the "gateway" entrance to the development.</p> <p>It would be preferable to refer to the term "masterplan" instead of "urban design framework." The term "housing use with associated business and commercial uses" should be replaced by "home-work" or "home-office type space".</p> <p><u>Mrs G. Moss, G. A. Marshall, S. &amp; A. Reid, Mrs V. Bhatti</u></p> <p>Objections relate to wide range of issues relating to impact on the character of the town and the capacity of services and infrastructure.</p> <p><u>SEPA</u></p> <p>SEPA seeks the removal of last sentence from developer requirements which is unnecessary given other references to flood risk.</p>		



**Modifications sought by those submitting representations:**M MacGregor

Change indicative access.

K Cadell & J Mackintosh

Change indicative access, include additional land and change the terminology.

Mrs G. Moss, G. A. Marshall, S. & A. Reid, Mrs V. Bhatti

Delete allocation (assumed).

SEPA

Delete final sentence of developer requirements.

**Summary of responses by THC:**M. MacGregor

The potential access points are indicative only and are suggested points of access that may serve part of the development and represent options, the final positioning of the access points will be the subject of a detailed submission.

The council is aware of the flood risk issues associated with the site, the developer requirements indicate the need to prepare a flood risk assessment. This will involve assessing the potential impacts of flood risk, both on and off the site and consider measures to address the position. The outcomes of the study will affect the form of development that will be allowed to take place on the allocation.

Issues relating to providing infrastructure and services to the site will need to be considered as part of the delivery of an overall plan for the site.

K. Cadell on behalf of J. Mackintosh and J. Mackintosh

The council acknowledges that an initial masterplan was prepared in October 2005 and that this would form a material consideration to development as part of a planning application, whether lodged as a planning application in its own right or as a supporting document to a more detailed submission. The council notes that work is currently underway to further address flood risk issues and the detail of the urban design framework to supplement the contents of the masterplan. The proposed community consultation will probably consider issues raised in all these documents. This process may result in a review of elements of the existing masterplan and design framework prior to the formal consideration of a planning application.

The potential access points are indicative only and are suggested points of access that may serve part of the development and represent options, the final positioning of the access points will be the subject of a detailed submission. The developer has indicated that the access road from Station Square will cross the Dornoch Burn and take a route through the builder's yard to the south of the burn. The potential for an access crossing the Dornoch Burn is broadly acceptable to serve a portion of the allocation. However, it will be necessary to demonstrate technical suitability. The access point to Embo Road can be accommodated at the point suggested. There are likely to be added requirements in terms of improvements to the wider road network.

The area of land currently functioning as the slater's yard could be incorporated within a masterplan proposal for the overall development of the site without its inclusion in the allocation. The land falls within separate ownership and its inclusion could prevent the consideration of a separate individual application.

The use of the term "masterplan" would be appropriate to the presentation of all salient information relating to the submission of a planning application for the entire site. This required change is therefore acceptable.

The wording to "housing use with associated business and commercial uses" is a reference to the mix of development opportunities for the entire site and there should be no change in this respect.

### SEPA

It is accepted that other text within the developer requirements section highlights requirements relating to flood risk and the final sentence is unnecessary.

Mrs G. Moss, G. A. Marshall, S. & A. Reid, Mrs V. Bhatti

The provision of adequate infrastructure is an issue that is the subject of consideration when allocating land. Further detail on improvements that require to be undertaken or contributed to by developers will be the subject of more detailed discussion when proposals are formed and submitted for consideration. These issues relate to all factors that are required to facilitate a development to proceed, ie adequacy of roads, pedestrian access, water and drainage provision, flood risk, service provision etc. The preparation of the plan involves discussion with other agencies to allow consideration of the impact on services and allow for the programming of adequate provision.

### **Any further plan changes commended by THC:**

Amend mapping to reflect preferred access points; amend text to refer to "masterplan" requirement; delete final sentence of developer requirements; note: no change in respect of the inclusion of the slater's yard.

### **Reporter's conclusions:**

1. Concerns were expressed about the size and scale of allocation MU1 and the impact on the character of Dornoch. THC did not address these concerns. In my opinion, despite the considerable size of the allocation – 19.5ha. – the development of the site would allow a satisfactory expansion of the town. Visually, the land is relatively self-contained and has little effect on either the existing built-up area or the setting of Dornoch. There would be some impact on those approaching the town from Embo but this is not one of the main entries to Dornoch and, in any event, even on this approach, I believe the visual effect would be relatively limited. In turn, I consider that the character of the town would not suffer a harmful impact. I therefore conclude that the principle of the development of this site is acceptable.

2. Further concerns were expressed about the ability of the infrastructure of the town to cope with the scale of the development. I can appreciate this apprehension as the stated housing capacity is 250 units which is a significant total in the context of Dornoch with an estimated population in 2005 of 1,117. However, THC explains that the various service providers are consulted as part of the local plan preparation process. No indication has been given that an insurmountable problem is envisaged. Inset 1.1 states that the capacity of the primary and secondary schools is 73% and 84% respectively. There is sewerage capacity. Limited water capacity is being addressed as part of the current development programme of Scottish Water.

3. No specific evidence has been supplied to substantiate the fears of inadequate infrastructure and, on the basis of the information provided by the council and contained in the local plan, I believe it is reasonable to conclude that appropriate provision would be possible. In any event, as the development of site MU1 is expected to extend beyond the period of the local plan, some considerable time would be available to make good any currently unidentified shortfall.

4. Turning to the details of development, concerns have been expressed about access. Mr MacGregor explains the problems of using an access indicated in an earlier version of the local plan although Ms Cadell and Mr Mackintosh point out that the southern access via Station Square would cross the Dornoch Burn by means of a new bridge and follow the south bank. They also suggest an amended position for the northern access from Embo Road. THC is content to amend the access points, pointing out that those shown in Inset 1.1 are indicative.

5. Physical constraints dictate the route of the southern access and inevitably, it would seem, there would be a need to cross the Dornoch Burn. Indeed, this is the solution put forward by the potential developers and shown on the drawings submitted. I believe that the southern access point shown in Inset 1.1 is reasonable and, being of an indicative nature, provides appropriate guidance for preparing a detailed proposal. The suggested amendment to the Embo Road access would move the junction to a position close to the northern boundary of the MU1 allocation. THC has not indicated there would be any technical objections to this amendment and I accept that the position should be adjusted in Inset 1.1.

6. In view of my recommendation that the long term allocation, LT, Dornoch North Expansion, should be deleted from the local plan (see Issue 8), the reference to an internal road linking Poles Road and Embo Road should be deleted as a consequence.

7. Mr MacGregor refers to his knowledge of flooding in the area and I note that the potential developers have undertaken a flood risk assessment which involved liaison with SEPA. The developer requirements refer to the issue of flooding and, indeed, SEPA suggests only one reference to this matter is required (it is mentioned twice). The council agrees and proposes to delete the final sentence of the developer requirements which contains the second reference to flooding.

8. It is clear that the Dornoch Burn is susceptible to flooding. Whilst this constraint must be taken into account there is no evidence to lead me to believe at this stage that the potential for flooding would preclude the development of site MU1. I therefore accept that, in the local plan, this matter can be adequately dealt with by means of a reference in the developer requirements. I agree with SEPA that a single reference will suffice and, as the council suggests, the final sentence of the developer requirements should be deleted.

9. The developers state an intention to provide a "gateway" feature at the southern entrance to the development and believe that this could be achieved more effectively by the inclusion of the slater's yard within the MU1 allocation. THC has not responded positively to this suggestion pointing out that the land concerned is within a separate ownership and procedural difficulties could result should the site be included. However, says the council, this does not prevent the site being included within the masterplan.

10. I agree that the incorporation of the yard within the development area would provide more design scope and have the potential to significantly improve the appearance of the entrance. I also note the view of THC that to extend the MU1 allocation could lead to procedural difficulties although this would not preclude the inclusion of the site in a masterplan for the wider area. The procedural difficulties have not been explained in any detail but I accept that the full implementation of an approved development, including the yard area, could not take place until the developer had gained control of all the required

land. Nevertheless, to broaden the scope for providing a good quality access to this major development area, I consider it would be appropriate to extend the MU1 allocation to include the yard area. I recognise that, at the end of the day, the developer of the wider area may not obtain control of the yard and this could lead to adjustments in the detailed layout at this point.

11. THC is prepared to accept the suggestion that the reference to an “urban design framework” should be replaced by “masterplan”. I share this opinion.

12. I agree with THC that the land use description for site MU1 is appropriate and should remain unchanged. This would not preclude the developers seeking to provide “home-work” or “home-office type space” within the wider development.

#### **Reporter’s recommendations:**

Modify the local plan as follows:

Extend the MU1 allocation as shown in Inset 1.1, Dornoch, at its south-east extremity to include the slater’s yard; relocate the northern access point to a position close to the northern boundary of the site.

In the Developer Requirements for site allocation MU1, Dornoch North:

delete: Provision of an internal road linking the Poles and Embo Roads linked to the progression of development.

delete: Address flood risk issues, through provision of appropriate flood prevention, alleviation and attenuation measures.

and, in the third sentence, replace: “an urban design framework” by “a masterplan”.

<b>Issue 8</b>	<b>DORNOCH - LT Dornoch North Expansion</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	LT, Dornoch North Expansion; Text MB 5 – Map 1.1 MB 7	
<b>Organisations or persons submitting representations:</b>		
R G Grant (174)		
<b>Provisions of the development plan to which the issue relates:</b>	Housing expansion allocation	
<b>Summary of representations:</b>		
Question need for LT Dornoch North Expansion allocation, all these developments will change the character of Dornoch. Insufficient infrastructure to cope with all development. What compensation for loss of amenity etc, to occupiers of housing adjoining any proposed development?		
<b>Modifications sought by those submitting representations:</b>		
Deletion of allocation (assumed)		
<b>Summary of responses by THC:</b>		
The development of the Long Term allocation will be tied to the provision of the necessary infrastructure to serve the development and to address any wider implications to the rest of Dornoch. The allocation intends to fulfil the longer term housing and business requirements for the settlement, indicating that this is the area that is likely to be able to accommodate the future growth of Dornoch. Development proposals for this and other allocations for Dornoch will continue to be the subject of the more detailed consideration through the planning application process. The wider amenity of the existing settlement will be a consideration for the development of the site, with requirements seeking appropriate measures to reduce impact on the amenity of the area, not the subject of financial compensation to individuals.		
<b>Any further plan changes commended by THC:</b>		
None		
<b>Reporter's conclusions:</b>		
<p>1. The glossary states that the long-term allocations indicate the direction that the next local plan will take in terms of future development beyond the lifespan of this plan. THC has further explained that these sites have been considered and have been confirmed as having potential for the longer term.</p> <p>2. In respect of site LT in Inset 1.1, Dornoch, I have two particular concerns.</p> <p>3. Firstly, the housing allocations for Dornoch are substantial, including sites H1 - H4 with an identified capacity of 194 residential units, along with site MU1 with capacity for a further 250 units. Almost 450 houses are proposed for the town, the population of which Inset 1.1 states was 1,117 in 2005. There appears to be the clear potential for the development of these sites to extend beyond the lifespan of the local plan. Indeed, this is recognised in the local plan in respect of site MU1. I therefore believe it would be appropriate to await the preparation of the Highland-wide Development Plan to determine whether or not the further expansion of Dornoch can be justified. The Highland-wide plan preparation process will</p>		

have the benefit of the monitoring procedure to which this local plan attributes considerable importance (see paragraphs 4.5 and 4.39). The Highland-wide plan will also be informed by a more recent statistical baseline than that which provided the context for the current structure plan.

4. Secondly, although THC states that the longer-term sites have been considered, no details have been provided. In the case of site LT, Dornoch North Expansion, the development area of some 12.4ha. would extend significantly into land which forms an important component in the setting of the town. The adjacent land to the north of the site is shown as a “natural, built and cultural heritage feature of local/regional importance” under Policy 4.1. At present, to the south of the site, the properties at the northern end of Roman Crescent make little impact on those approaching Dornoch from the north along the B9186. The dominant feature is the sweep of the sloping field to the east of the road as it leads up the edge of the town. In my opinion, this constitutes significantly to the setting of Dornoch.

5. Should development on site LT take place, the character of the setting of Dornoch on this approach would be much changed. The developer requirements appear to recognise the potential impact by stating the need for early landscaping and structural planting. However, in my opinion, it is necessary to undertake a landscape character and visual impact assessment to determine whether or not this area has the ability to absorb the scale of development envisaged across site LT. No evidence has been provided to indicate that such an assessment has been undertaken. Despite THC suggesting that more detailed consideration would be undertaken through the planning application process, I believe that it is a fundamental requirement to first determine whether or not the principle of development is acceptable.

6. On the basis of the foregoing, I share the concerns of Mr Grant in terms of need, which I do not consider to have been clearly established, and impact on character, for which there is no evidence of a landscape character and visual impact assessment. In turn, I conclude that it would be inappropriate to include the LT allocation in the local plan.

**Note:** Issue 103 considers housing land in a wider context and recognises that the deletion of all the long term allocations in the local plan would not reduce the housing land supply below the level required in the structure plan.

#### **Reporter’s recommendations:**

Modify the local plan: delete site LT in Inset 1.1, Dornoch, amend the settlement development area accordingly, and replace the LT designation with a designation of Natural, Built and Cultural Feature of Local/Regional Importance under Policy 4.1. This area should also be shown as being within the Hinterland around Towns.

<b>Issue 9</b>	<b>DORNOCH - C1 Meadows Park</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	C1, Meadows Park; Text MB 5 – Map 1.1 MB 7	
<b>Organisations or persons submitting representations:</b>		
H. Maulley (644) M. Morris (642) M. Gillanders (630) J. Mackenzie (122)		
<b>Provisions of the development plan to which the issue relates:</b>	Community use allocation	
<b>Summary of representations:</b>		
The development of a community centre in this area will reduce house values as a result of increased traffic and noise passing to access centre. The development of a community centre is unlikely to go ahead in the plan period because of the current economic situation. Clarification of where site is to be accessed.		
<b>Modifications sought by those submitting representations:</b>		
Deletion of site (assumed).		
<b>Summary of responses by THC:</b>		
Proposals for the community centre will require to be the subject of a planning application which will involve further consultation on the detail of proposals. The control of use of the facility can be the subject of planning and licensing controls so as not to be detrimental to the general amenity of surrounding properties. The current access from Meadows Park Road is likely to be the most appropriate access although the consideration of a proposal for the site would assist in determining the most appropriate access point.		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
<p>1. The value of property is not in itself a valid planning consideration although the impact of a development on residential amenity is clearly central to the assessment of any particular proposal. In this instance the existing use of the land designated C1 for community and associated purposes suggests to me that the principle of providing a community centre within the site is acceptable. Despite the layout of the existing facilities and the proximity of certain sensitive properties including housing and a nursing home, I believe it would be possible to incorporate a community centre within the wider area and protect the current level of amenity. As THC points out, there are various controls to regulate the activities undertaken in a community centre.</p> <p>2. Access has been a further concern of those submitting representations. Although THC suggests that the existing access via Meadows Park Road would probably be the most suitable, this does pass close to residential property and intensification of use would be likely to detract from current levels of amenity. It may be that there is scope for altering the details of the access and, in turn, this could provide some mitigation.</p>		

3. Insofar as the local plan recognises the need for suitable access, siting and design, I consider that it is not unreasonable to retain reference to a community centre under C1 in the Dornoch site allocations. However, THC has pointed out that a planning application would be required and this would involve further consultation. I believe it would be appropriate to undertake local consultation prior to the submission of a planning application to ensure that those with an interest in the proposal have the opportunity of expressing their views prior to the finalisation of a detailed scheme. This intention should be clearly stated in the local plan.

**Reporter's recommendations:**

Modify the local plan: insert an additional sentence at the end of the developer requirements for site C1, Meadows Park, in the site allocations for Inset 1.1, Dornoch, as follows:

Local consultation on these matters will be undertaken prior to the submission of a detailed planning application.



<b>Issue 10</b>	<b>EMBO SETTLEMENT DEVELOPMENT AREA</b>	<b>Reporter: RICHARD DENT</b>																																																												
<b>Development plan reference:</b>	General Comments; H1, North of Station House; MU1, West Embo; B1, Holiday Park Text MB 8 – Map 1.2 MB 9																																																													
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<b>Summary of representations:</b>																																																														
<p><b>General</b></p> <p>Lack of facilities; no community hall; only the post office is still open; has the housing need been established as private houses are already available?; lack of affordable houses; deficient drainage, water supply/pressure. Single-track road to Dornoch is dangerous and in need of widening to accommodate increased traffic. Concerns with traffic levels past the village to the holiday park; development should not cross the by-pass. Existing allocations within adopted plan are preferred and should be retained (there would be no conflict with by-pass as these sites are on same side as the village); pursue compulsory purchase for these sites. Community buyout proposes to provide opportunities for new crofts; housing allocations will therefore not be required.</p>																																																														

**H1: North of Station House**

The site is “common land” and is part of an area of public recreation. Proximity to natural heritage interests. Site seems isolated without inclusion of the land to the west, which is allocated in existing South East Sutherland Local Plan. Problems with access.

**MU1: West Embo**

Consultation has not addressed the varying concerns raised; the allocation is to the west of the village by-pass which serves the holiday park and the allocation is therefore beyond the existing settlement boundary. Allocation of this land has previously been rejected. The land may be contaminated and have an unacceptable impact on natural heritage interests. There are traffic safety concerns as the current road standard does not accommodate or encourage pedestrians as there is no pavement, crossing point or street lighting. Traffic calming is undesirable and will lead to the village being used as a “rat run” thereby defeating the object of the by-pass. In any event the level of traffic generated would be intolerable. Should the allocation proceed, the by-pass should be re-routed to allow the new development to integrate with the community.

**B1: Holiday Park**

The impact on Embo of the existing development is significant; further development will exacerbate the situation with increased traffic and further reduction of water pressure in the high season. Access to the beach frontage is not shown. The local plan fails to include the line of a potential new by-pass.

**Modifications sought by those submitting representations:**

H1, North of Station House: delete allocation (assumed).

MU1, West Embo: delete allocation (assumed).

B1, Holiday Park: delete allocation (assumed).

**Summary of responses by THC:****General/MU1: West Embo**

It is important that views are sought on successive drafts of the plan, to ascertain the level of support for revisions to the plan that may resolve outstanding concerns. This process is repeated through drafts of the plan as proposals are refined and issues clarified. Consultation forms part of a statutory process, providing the opportunity for all interested parties to come forward with representations on the contents of the plan. It is therefore an obligation to allow all interested parties to comment on the provisions of the plan.

With regard to land allocated in the South East Sutherland Local Plan, the landowner has ruled out a large portion of the option favoured by the many of the community, although site H2, North of Station House, represents the residue of this allocation. Compulsory purchase of land is not appropriate where other land that can realistically be developed is available.

A waiting list for housing for the area indicates that the availability of houses on the open market within the settlement still lie beyond the reach of those with an identified housing need. The lack of an effective housing land supply has led to a restriction in the choice of housing available in Embo.

The provision of adequate infrastructure is a matter considered when allocating land. Further details of improvements that require to be undertaken or be the subject of developer

contributions will be discussed when proposals are brought forward for consideration. These matters include all the factors required to facilitate a development; i.e. the adequacy of roads, pedestrian access, water and drainage provision, flood risk, service provision etc. The preparation of the plan involves discussion with other agencies to allow consideration of the impact on services and allow for the programming of adequate provision. The local plan makes reference to an improvement programme to the water supply for the wider area.

The forest croft initiative is supported by the plan and the successful development of this initiative will provide opportunities for housing and economic development for the wider area. However, there is still a need to meet the more general housing requirements for the area and the settlement.

The preparation process has taken account of all the issues raised when bringing the draft plan forward. The plan seeks to address the main community concern regarding traffic safety issues, through the provision of either a re-routing of the by-pass or appropriate methods to calm traffic movement.

The delivery of traffic calming can be achieved through various physical forms and the introduction of a roundabout at the junction of the by-pass road and Embo Post Office road would be a solution that would lead to significant reduction of traffic speeds on either sides of the roundabout.

In regard to the provision of affordable housing, THC [Affordable Housing Policy](http://www.highland.gov.uk/NR/ronlyres/4D7A7287-205C-41A9-9DE5-C91A0371962B/0/AFFORDABLEHOUSINGSPGrevisedAugust2008.pdf) is well established and the sequential approach to provision is contained within this adopted supplementary guidance.( <http://www.highland.gov.uk/NR/ronlyres/4D7A7287-205C-41A9-9DE5-C91A0371962B/0/AFFORDABLEHOUSINGSPGrevisedAugust2008.pdf>). The wider issue of the need for developer contributions will be addressed through Policy 15, Developer Contributions.

The Environmental Report has addressed all matters appropriately in relation to the allocation.

### **H1: North of Station House**

The allocation at H1, North of Station House, offers potential for small scale development to take place within the settlement. The retention of the site offers choice in respect of development options for the settlement. The site offers capacity for a limited number of lower density units or a small higher density development reflecting the original "Fishertown". The access constraint restricts the overall development potential for the site.

The allocation lies on land immediately adjacent existing development and will offer the opportunity to develop formal recreational links with the wider countryside without impacting on nearby natural heritage interests.

The Environmental Report has addressed all matters appropriately in relation to the allocation.

### **B1: Holiday Park**

The local plan policy reflects the existing position in regard to the approved master plan for the future development of the holiday park site. The extent of the site is already covered by existing planning permissions and the allocation in the local plan reflects an existing approved development. The allocation does not propose any increase in numbers of caravans in addition to those already granted planning permission. Access to the beach area is not compromised by these proposals.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. There is no reason to believe that THC has not undertaken the preparation of the local plan, including consultation and publicity, in accordance with the statutory requirements. In turn, I have no evidence to suggest that the residents of Embo suffered any prejudice through lack of opportunity to submit representations at appropriate points in the plan preparation process. THC confirms that account has been taken of all representations although I accept that the response of the council may not have been as hoped for by those making submissions.

2. Concern is expressed about the lack of facilities, particularly a community hall. However, in this respect, Inset 1.2, Embo, indicates that the local community is endeavouring to provide a community centre in the old school.

3. Particular concern is expressed about the level of housing proposed in the local plan and the level of provision indicated. Although it has been suggested that houses have remained for sale for considerable periods, THC believes the waiting list for social houses demonstrates a need for greater housing choice. On the basis of the evidence, it is difficult to draw firm conclusions in respect of housing need. Reference has been made to a community project involving forest crofts but the local plan indicates that this is centred on Fourpenny Plantation which appears to be remote from the village. The scale of this project has not been made known. Fulfilment of any need in Embo itself would require to be met on the two allocated sites, H1 and MU1.

4. The allocated land for housing has the benefit of widening the potential choice of supply, including the prospect of providing an element of affordable housing. However, the identification of land suitable for residential development is a process which requires considerable care. I believe this is especially so at Embo. Despite, the existence of a large holiday park, containing many caravans and related facilities, the impact on the visual and physical character of the historic village is surprisingly limited. The original Fishertown and more recent development to the west constitute a compact and clearly defined settlement with a clear identity. The by-pass to the holiday park emphasises the western and southern boundaries; the northern boundary is also well-defined. As is the case in many traditional fishing villages, the properties give the impression of inward-looking aspects to provide mutual protection from the elements. Access points to the village are limited and this further draws together the properties in the settlement.

5. On the basis of the foregoing I generally agree with the concerns of the objectors that the proposed development land allocations would both be likely to appear as unfortunate and unsympathetic appendages to the village. Site MU1 has an estimated capacity of 60 housing units along with other uses. I think that this development could lead to the character of Embo being significantly eroded. The impact would be exacerbated as both sites lie close to the only road providing access from the wider road network. Development would undoubtedly affect the setting of the village.

6. The development factors listed in Inset 1.2 refer to the need to address by-pass issues. I believe this is fundamental to the development of site MU1 and that development should not be contemplated until this issue has been resolved. Indeed, it may be that a satisfactory solution in terms of road access and preserving village character could not be achieved.

7. The second development factor relates to availability/accessibility issues. This appears to be especially relevant insofar as site H1 is concerned. Mr Hadden has described how a potential developer has discussed the need to use part of his property to gain access to the site. The amount of land required, he states, "would not be an option". Even a simple visual

assessment of the site demonstrates the difficulties to be faced in securing a suitable access. THC does not appear to favour the use of compulsory purchase powers in these circumstances.

8. Overall, I conclude that the character and setting of Embo would be best protected by the deletion of site allocations H1 and MU1 and that, in any event, access to the former of these sites is far from guaranteed. Although this would leave Embo without development land for new housing I consider that, exceptionally, this course of action is justified.

9. In the first place, as described, the character of the village is highly distinctive and merits special consideration.

10. Secondly, the large holiday park offers an additional dimension to the variety of residential accommodation available which, to some extent, extends the range of choice. It may be, therefore, that the caravan park accommodation contributes to meeting housing need, at least to a limited degree. Although some concern has been expressed about the scale of the facility, THC has explained that the caravan park operates under the terms of planning permission that has been granted in respect of an approved master plan.

11. Thirdly, although few details have been made available, it is possible that the community forest crofting scheme will provide some additional residential accommodation in the general vicinity of Embo.

12. In view of the findings in Issue 103 in respect of the wider housing land supply in Sutherland, the loss of the housing potential on sites H1 and MU1 would not lead to an overall shortfall.

#### **Reporter's recommendations:**

Modify the local plan: delete sites H1, North of Station House, and MU1, West Embo, from the table of site allocations and the inset map in Inset 1.2, Embo; adjust the settlement boundary accordingly. The sites should be re-designated under Natural, Built and Cultural Heritage Features, Local/Regional Importance (Policy 4.1) and included within the hinterland around towns. Consequential changes should be made to the "Prospects" and "Development Factors" sections of the text.

<b>Issue 11</b>	<b>GOLSPIE SETTLEMENT DEVELOPMENT AREA</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	Settlement development area; H5, Ben Bhraggie Drive (deleted); Text MB 10 – Map 2.1 MB 11	
<b>Organisations or persons submitting representations:</b>		
M Cowie (526)		
<b>Provisions of the development plan to which the issue relates:</b>	Settlement development area boundary; housing allocations (H5 - deleted)	
<b>Summary of representations:</b>		
Initial objection to site allocated in previous draft of plan, maintained objection assumed to be on basis of continued inclusion of land within the SDA.		
<b>Modifications sought by those submitting representations:</b>		
Deletion of allocation and change to SDA boundary (assumed)		
<b>Summary of response by THC:</b>		
The landowner has indicated a willingness to develop the land for housing although recent deciduous tree planting and creation of a cycle trail through the site brings into the question the potential for development in anything other than the long term. The potential for the development of the site will be the consideration of subsequent plan reviews.		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
<p>1. As pointed out by THC, the land to the east of Ben Bhraggie Drive has been the subject of tree planting. The trees, whilst young, are nevertheless becoming established. THC recognises that the potential for development is probably limited to the long term. I agree with this assessment and consider that to retain the site within the settlement development area is not justified. The turning area at the end of Ben Bhraggie Drive and adjacent property boundaries form a clear urban edge which will be increasingly emphasised as the young trees to the east mature.</p> <p>2. Under the circumstances, it was appropriate to delete the housing allocation which was applied to this land in earlier drafts of the local plan. Future reviews will provide an opportunity to consider land use and determine whether the settlement development area should be extended.</p>		
<b>Reporter's recommendations</b>		
Modify the local plan: in the proposals map for Inset 2.1, Golspie, realign the settlement development boundary along the eastern side of the properties at the head of Ben Bhraggie Drive, Golspie. The area to the east, currently shown to be within the settlement development area should be re-designated as an area of local/regional importance (Policy 4.1).		

<b>Issue 12</b>	<b>GOLSPIE - H 3 Adjacent Macleod House</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	H 3, Adjacent to Macleod House; Text MB 10 – Map 2.1 MB 11	
<b>Organisations or persons submitting representations:</b>		
Mr & Mrs P. O'Brien (346) Mr G. Mowat (521) M. I. MacBeath (524) A. L. Akers (131) D. & M. Bremner (190) S Doward (45)		
<b>Provisions of the development plan to which the issue relates:</b>	Housing allocations	
<b>Summary of representations:</b>		
Noise, disruption, access, inadequate parking, availability of services, loss of view, property values, overlooking, anti-social behaviour and down-sizing the playing field. Lack of local job opportunities.		
<b>Modifications sought by those submitting representations:</b>		
Deletion of site (assumed).		
<b>Summary of responses by THC:</b>		
<p>The allocation H3, Adjacent to MacLeod House, makes reference in the developer requirements section to the need to widen and improve the access road to meet other current standards. The design and layout of proposed development will need to take into account the characteristics of the site and the potential impact of existing development. The question of individual views is not a planning consideration but the preparation of a layout should take into consideration the amenity of adjacent properties. The allocation is indicated as being suitable for a fairly low level of development and any traffic related implications are likely to be minimal.</p> <p>The site is not allocated specifically for affordable housing but the development of the land would require a 25% contribution in terms of affordable housing. The development of this site would go some way to meeting previously unmet local demand.</p> <p>The purpose of the identification of potential sites for housing and other development is to establish the principle of development on an area of ground. An assessment of site suitability involves the consideration of a number of factors. The local plan does not seek to determine the final physical form of a development but does indicate the requirements expected to be provided as part of a development.</p> <p>The allocation does not impose upon the hockey pitch itself but to adjacent land. The plan identifies an adequate supply of land for business and employment opportunities.</p>		
<b>Any further plan changes commended by THC:</b>		
None.		

**Reporter's conclusions:**

1. For the most part, the representations submitted in respect of site H3 are not valid considerations. For instance, loss of view and impact on the value of property are not matters which usually are included in the assessment of a planning proposal.

2. In my opinion, the most important consideration relates to the loss of open space that would result from the development of site H3. SPP11, Open Space and Physical Activity, presumes against development on open spaces. Development should only be permitted where there is strong justification and alternative open space should be provided. THC states that site H3 does not impose on the hockey pitch and I recognise also that there is an extensive area of open space in this vicinity. Nevertheless, I do not believe that the required strong justification has been provided to overcome the presumption against the loss of open space. In reaching this conclusion I have taken account of the limited capacity of the site (8 units of which 25% could be affordable houses) by comparison with the overall number of houses proposed in Golspie (a further 206 units on four sites). I therefore do not consider that site H3 is fundamental to the delivery of a range of houses in Golspie or would make a significant contribution to the affordable housing stock.

3. I note the concern about access and the THC acknowledgement of the need to widen and improve the access road. Golspie Inset 2.1 also refers to drainage and SUDS issues. Whilst these problems may be capable of a resolution, it is clear that the provision of a suitable road access would have a further impact on the existing area of open space, again contrary to the terms of SPP11.

4. All in all, I conclude that the loss of the development potential of site H3 would not undermine the credibility of the local plan but would preserve in its entirety an open space which has important recreational and visual amenity functions.

**Reporter's recommendations:**

Modify the local plan: delete site H3, Adjacent to McLeod House, from Inset 2.1, Golspie, list of site allocations and replace on the inset map by an extended open space designation.



<b>Issue 13</b>	<b>GOLSPIE - MU 1 Mackay House Hostel site</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	MU 1, Mackay House Hostel site; Text MB 10 – Map 2.1 MB 11	
<b>Organisations or persons submitting representations:</b>		
<p>G. Mclauchlin (649) C. Port (627) S. Morrison (592) H. Gibson (585) H. &amp; D. Field (603) J Campbell (631)</p> <p>SEPA (311)</p>		
<b>Provisions of the development plan to which the issue relates:</b>	Range of suggested potential uses for the site	
<b>Summary of representations:</b>		
<p><u>G. Mclaughlin, C. Port, S. Morrison, H. Gibson, H. &amp; D. Field, K. &amp; J. Macleod, J Campbell</u></p> <p>Objections relate to the allocation at the former MacKay Hostel having potential for business use, with concerns raised relating to the potential increase in traffic flows through Fountain Road.</p> <p><u>SEPA</u></p> <p>The reference to flood risk is not appropriate for this site.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>G. Mclaughlin, C. Port, S. Morrison, H. Gibson, H. &amp; D. Field, K. &amp; J. Macleod, J Campbell</u></p> <p>Delete reference to business/retail use.</p> <p><u>SEPA</u></p> <p>Delete reference to flood risk.</p>		
<b>Summary of responses by THC:</b>		
<p><u>G. Mclaughlin, C. Port, S. Morrison, H. Gibson, H. &amp; D. Field, K. &amp; J. Macleod, J Campbell</u></p> <p>The potential for housing and/or business development is identified for the site to give potential options. This use is appropriate given the proximity of the site to business/retail services on the Main Street. The business/retail element of the plan refers to uses that can be carried out in any residential area without detriment to the amenity of that area. This is to be clarified in the text.</p> <p><u>SEPA</u></p> <p>The reference to flood risk has been inserted in error at the last draft stage of the plan.</p>		

**Any further plan changes commended by THC:**

G Mclauchlin, C Port, S Morrison, H Gibson, H & D Field, K & J Macleod, J Campbell

Insert new text after first sentence: Restrict uses to those compatible with existing residential.

SEPA

Delete final sentence of developer requirements: Need to investigate potential flood risk issue.

**Reporter's conclusions:**

1. The area in the vicinity of site MU1 is generally residential in character although there are other nearby non-residential uses including a school, church, fire station and health centre, each of which will inevitably generate traffic and be the source of a degree of noise and activity. From observation, Fountain Road experiences a steady flow of traffic, which is not entirely free-flowing because of kerbside parking but nevertheless, does not suffer from untoward levels of obstruction.

2. Although THC believes there may be potential for business or retail uses because of the proximity of the site to Main Street, I consider there is not such a close relationship, physically or visually, to justify this contention. I therefore do not think that the site is suitable for retail or business use under class 2 of the Town and Country Planning (Use Classes)(Scotland) Order 1997, that is, financial, professional services which it is appropriate to provide in a shopping area and where the services are provided principally to visiting members of the public. In terms of Policy 17, Commerce, these uses are to be encouraged within the identified network of centres of which, states the local plan, the central area of Golspie may be regarded as a town centre location. I do not consider the Mackay House Hostel site to be part of that location.

3. I accept that it may be possible the site would be appropriate for a use under Class 4, Business, of the Use Classes Order which is defined as use as an office (other than a use within class 2), for the research and development of products or processes, or for any industrial process provided the use could be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Clearly any proposal under class 4 would also require an assessment of traffic generation.

4. THC has suggested an addition to the text relating to the residential compatibility of uses. I consider that the reference to retail use should be deleted and the potential for uses other than residential should be limited to Class 4, Business use.

5. In terms of the comments by SEPA I agree that the reference to a flood risk should be deleted.

**Reporter's recommendations:**

Modify the local plan: the developer requirements for site allocation MU1, Mackay House Hostel site, in Inset 2.1, Golspie, should be amended as follows:

Site suitable for residential use and/or use under Class 4, Business, of the Town and Country Planning (Use Classes) Scotland Order 1997. Subject to appropriate access from Fountain Road.

<b>Issue 14</b>	<b>14. GOLSPIE - MU 2 Drummuie</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	MU 2, Drummuie; Text MB 10 – Map 2.1 MB 11	
<b>Organisations or persons submitting representations:</b>		
R. & J. MacKenzie (545) L. Dow (365)		
<b>Provisions of the development plan to which the issue relates:</b>	Mixed use allocation: housing & business	
<b>Summary of representations:</b>		
<p>Current proposed developments in Brora, Dornoch and Golspie are out of proportion for current needs. Lack of detail of proposals for allocation. Planned housing development looks dull &amp; suburban. Too many houses, lack of need, loss of privacy, security and views, loss of trees, natural scrub and vegetation. Cramming of low-cost and rented housing together in the small field, should be fewer houses, a genuine mix and sympathetic to the rural environment.</p> <p>Concerned about the fate of the old farm steading, although not listed, forms part of the curtilage of two neighbouring listed buildings. Concerned by the decision to persist with the existing access to the new council offices.</p> <p>Notwithstanding the Developments Brief's undertaking that there would be "an assumption in favour of retaining existing trees" there has been wholesale destruction of nearly all the trees in Drummuie along with the natural scrub and vegetation.</p> <p>Implications for the wider infrastructure of Golspie to accommodate growth. Where will residents for this development come from?</p>		
<b>Modifications sought by those submitting representations:</b>		
Changes to site requirements including tree planting scheme (assumed).		
<b>Summary of responses by THC:</b>		
<p>The development of Drummuie will deliver a mix of housing tenures across the site with the exact distribution being the subject of detailed planning applications.</p> <p>The overall provision of infrastructure and service delivery is the subject of discussion with other agencies and services to ensure that there is adequate provision to meet any increase. Development of housing within the settlement has in recent years been very low, in part due to the lack of effective development land, this has seen a decline in the settlement population and also the primary and secondary school rolls. The availability of development land and progression of house construction will provide opportunities for a currently unmet local need for housing and assist in the maintenance of existing services. Any infrastructure or service provision that needs to be augmented as result of development will be subject to developer contributions.</p> <p>The Drummuie site is guided by the existing adopted <a href="#">Drummuie Development Brief</a>*. The current proposals for housing development are following the "Framework 2" option of the brief with variations to the form and density of development.</p>		
* ( <a href="http://www.highland.gov.uk/NR/rdonlyres/F5B2200F-F81F-4040-A062-">http://www.highland.gov.uk/NR/rdonlyres/F5B2200F-F81F-4040-A062-</a>		

*65ABB0D24F57/0/DrummuieDevelopmentBrief.pdf)*

The detail of the proposals are the subject of a detailed planning application that addresses details relating to design, delivery, tenure and layout, including open space provision and footpath linkages.

With regard to the future potential for the Drummuie Farm steading buildings, these are the subject of a feasibility study to determine the options for the conversion or redevelopment of the site.

The Drummuie Development Brief and the subsequent planning application identified the access to the "Technical School" as being from the existing access. The development incorporated improvement to the access road in it's implementation.

The Drummuie Development Brief does have reference to the need to protect existing trees and a requirement for landscaping and structural tree planting to form part of any proposal within the overall area.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. The wider concerns expressed in respect of the scale of proposed residential development in Golspie, Brora and Dornoch are considered under Issue 103.
2. In terms of site MU2, Drummuie, there has been substantial progress in the development of the site. As explained in Inset 2.1, Golspie, and confirmed above, a development brief has been prepared. The brief is dated 2001 although it appears that the development potential had been studied in some detail prior to this.
3. The development brief contains a site analysis and considers the matters raised in these representations. Information is provided on the envisaged density and type of development, access, the future of the existing buildings on the site, including the listed buildings and farm steading, and the retention of trees.
4. Planning permission in principle for residential development was issued in 2007 and subsequently a number of detailed planning permissions have been granted for an access road, individual house plots, affordable housing and private houses.
5. There is a good quality access to the site from the A9. Part of the eastern section of the site has been provided with an access road. At the time of my site inspection, there was continuing activity on this part of the site although no houses had been constructed.
6. Insofar as the local plan is concerned, events on site have overtaken the preparation process. The developer requirements provide a succinct description of the nature of the proposed development and include a reference to the supplementary guidance contained in the Drummuie Development Brief. As I have indicated, the brief provides guidance on those matters which have been raised although I note that THC indicates that there have been some variations in the form and density of development. In these circumstances I believe a pragmatic approach is necessary with the acceptance of the site allocation. This acceptance recognises the progress towards implementation through the granting of planning permission and the commencement of development. Despite the variations referred to, it appears that the intention remains to follow the fundamental guidance of the development brief. This seems to me to be a reasonable way forward. However, development management will be important in determining the detailed form of any future proposals for the site.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 15</b>	<b>PITTENTRAIL – MU1 Mart and adjoining land</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	MU1, Mart and adjoining land Text MB12 – Map 5.1 MB12	
<b>Organisations or persons submitting representations:</b>		
SEPA (311) Mr D. L. & Mrs M. A. Butterworth (620)		
<b>Provisions of the development plan to which the issue relates:</b>	Mixed use: housing, business & commercial	
<b>Summary of representations:</b>		
<p><u>SEPA</u></p> <p>Allocation is in a category 2 flood risk area. Amend allocation boundary to exclude the medium to high flood risk areas. “Flood Risk Assessment will be required, built development to avoid flood risk area” to be inserted into the developer requirements.</p> <p><u>Mr D.L. &amp; Mrs M.A. Butterworth</u></p> <p>Land would require to be raised because of the railway line and flooding which would mean loss of views. Contamination survey required.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>SEPA</u></p> <p>Amendment of site boundary and additional wording in developer requirements.</p> <p><u>Mr D.L. &amp; Mrs M.A Butterworth</u></p> <p>Delete site (assumed).</p>		
<b>Summary of responses by THC:</b>		
<p><u>SEPA</u></p> <p>Retention of the potential flood risk area within the site allocation would allow this constraint to be taken into account within the flood risk assessment for the entire site. Stating in the developer requirements that built development should avoid the flood risk area will ensure that once the outcome of the flood risk assessment is known, no built development will be allowed on areas that may have been identified more accurately as being affected by flood risk. It may also allow the potential for work to be undertaken as part of a development scheme to alleviate the potential flood risk in the area. The developer requirements text should therefore be amended.</p> <p><u>Mr D.L. &amp; Mrs M.A Butterworth</u></p> <p>Loss of private views is not a material planning consideration. The site already has developer requirements for a flood risk assessment and a contamination assessment. The results of such assessments would inform the nature of the specific development proposals and any particular mitigation measures to be included. There is opportunity through development to bring about improvements on this site which is in a prime location within the</p>		

settlement.

**Any further plan changes commended by THC:**

Amend developer requirements text to read, "Flood Risk Assessment will be required, built development to avoid flood risk area".

**Reporter's conclusions:**

1. As pointed out by THC, the concerns expressed by Mr & Mrs Butterworth in respect of flooding and contamination are referred to in the text of the local plan. Mr and Mrs Butterworth also fear loss of view, particularly if the ground level required to be raised to offset any identified flood threat. Again as stated by THC, views are not usually a planning consideration. In any event, I am satisfied that the principle of development of site MU1 for the identified uses is acceptable. Careful design would ensure that existing levels of amenity could be retained although, inevitably, some views would be altered.

2. Although SEPA has suggested that the site boundary should exclude medium and high flood risk areas, it appears an adjustment in this respect would not be possible until a risk assessment had been completed. On this basis, I believe it is reasonable to leave the site boundary as indicated with the qualification that development should avoid those parts where a flood risk is identified. (see also Issue 90).

3. I am content that, once undertaken, the flood risk assessment would allow appropriate development management to be applied to any subsequent proposal. Clearly, future development would be limited to those areas where either no flood risk exists or where mitigation measures had been implemented to prevent or control flooding. As implied by THC, such measures could be of benefit to the area.

**Reporter's recommendations:**

Modify the local plan: the developer requirements of site allocation MU1, Mart and adjoining land, in Inset 5.1, Pittentrail, should be amended by the deletion of:

A Flood Risk Assessment should be submitted with any planning application.

and replaced by:

Flood risk assessment will be required; built development to avoid flood risk area.

<b>Issue 16</b>	<b>BRORA: SETTLEMENT DEVELOPMENT AREA</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	Settlement development area; Text MB 13 – Map 3.1 MB 15	
<b>Organisations or persons submitting representations:</b>		
A. Colvin on behalf of K. A. Forbes (664)		
<b>Provisions of the development plan to which the issue relates:</b>	Location of settlement boundary.	
<b>Summary of representations:</b>		
Objects to the delineation of the settlement boundary along a temporary fence line; seeks to extend the boundary to the south-east to incorporate land within a single ownership.		
<b>Modifications sought by those submitting representations:</b>		
Expansion of settlement area		
<b>Summary of response by THC:</b>		
The land identified by the objector lies to the east of the A9(T), Victoria Road, Brora, to the rear of the property “Ashcroft”. The wider area is constrained for development of any scale through an existing policy restriction to the formation of new vehicular access to the A9(T), as identified in the adopted South East Sutherland Local Plan and maintained in the Deposit Draft Sutherland Local Plan. Any proposals that may emanate from this boundary change can adequately be addressed through the general policies of the plan, and the inclusion of this area of land will not have any implications for the wider operation of the plan.		
<b>Any further plan changes commended by THC:</b>		
Commend change to settlement development area boundary: modify the Brora SDA to include the area of land as indicated within the attached recommendation.		
<b>Reporter’s conclusions:</b>		
1. In terms of land use there is an argument for retaining the settlement boundary as shown in Inset 3.1, Brora, of the Mapping Booklet. On the other hand, I note that there are other open areas fronting Victoria Road that are included within the boundary. The inclusion of the additional area within the settlement development area would provide very limited scope for development and, as explained by THC, any proposals would require to be assessed against a clear policy base. In the interests of expediency, therefore, I accept it would be appropriate to adjust the boundary to the ownership boundary as requested and as commended by THC.		
<b>Reporter’s recommendations:</b>		
Modify the local plan: adjust the settlement development area boundary Inset 3.1, Brora, to the rear of Ashcroft, Victoria Road, Brora. The adjusted boundary should extend in a south-south-east direction from the south-east corner of the property to the north thereby including a rectangular area of land to the rear of Ashcroft within the settlement development area.		



<b>Issue 17</b>	<b>BRORA - Prospects</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	Prospects; Text MB 13 – Map 3.1 MB 15	
<b>Organisations or persons submitting representations:</b>		
Mr A. Risk (230)		
<b>Provisions of the development plan to which the issue relates:</b>	Prospects	
<b>Summary of representations:</b>		
The Braes Hotel building is unattractive to visitors and its unloved and degenerating appearance and condition is of concern. Can a compulsory purchase order not be sought and have it removed and replaced with a new property including commercial units and flats?		
<b>Modifications sought by those submitting representations:</b>		
Inclusion of policy for the Braes Hotel (assumed).		
<b>Summary of response by THC:</b>		
The prospects section of Inset 3.1 makes reference to the council working with the community and businesses to improve the visual amenity of the area. The council has programmed environmental improvements to the paved area in front of the Braes Hotel to facilitate an improvement to the area. The potential for compulsory purchase is limited and the council continues to work to bring about improvements to the area.		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
<p>1. The Braes Hotel building is located close to the A9 and is prominent when entering the town from the south. Whilst noting Mr Risk's comments on the appearance and condition of the property, the building appears to function and serve a useful purpose which is acceptable at this location. In land use terms it would therefore not be appropriate for the local plan to contain a specific policy relating to the property. Similarly, there would appear no justification to initiate compulsory purchase proceedings.</p> <p>2. I note THC has programmed environmental works for the vicinity of the Braes Hotel with the intention of facilitating improvements.</p>		
<b>Reporter's recommendations:</b>		
No change to the local plan.		

<b>Issue 18</b>	<b>BRORA - Development Factors</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	Development factors: Text MB 13 – Map 3.1 MB 15	
<b>Organisations and persons submitting representations:</b>		
The Coal Authority (647)		
<b>Provisions of the development plan to which the issue relates:</b>	Development factors	
<b>Summary of representations:</b>		
The Coal Authority believes it is important that the Sutherland Local Plan identifies previous mining activity so that potential mining legacy issues can be made aware to developers.		
<b>Modifications sought by those submitting representations:</b>		
Add an additional development factor in respect of the consideration of the coal mining history of Brora.		
<b>Summary of response by THC:</b>		
Although not highlighted as a development factor within the draft plan the presence of mining shafts is a constraint that is checked against through the development management process, it is acknowledged that this should be highlighted as a development factor.		
<b>Any further plan changes commended by THC:</b>		
Insert text in development factors section to highlight consideration of development by adding a further bullet point: "Development proposals should pay regard to the potential presence of redundant mining works".		
<b>Reporter's conclusions:</b>		
1. I agree that the local plan should include a reference to the possibility of encountering former mine workings in the vicinity of Brora and, as suggested by the council, this matter would be best addressed by the inclusion of an additional development factor to this effect.		
<b>Reporter's recommendations:</b>		
Modify the local plan: a further development factor should be included in Inset 3.1, Brora, as follows: <ul style="list-style-type: none"> <li>• Development proposals should have regard to the potential presence of former coal mining activity.</li> </ul>		

<b>Issue 19</b>	<b>BRORA - H 1, East Brora Muir</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	H 1, East Brora Muir; Text MB 13 – Map 3.1 MB 15	
<b>Organisations or persons submitting representations:</b>		
A. B. Rennie (284), Mr & Mrs V. and H. Hastings (16) Ms F. Holliday (26) R G. Sim (108) S. M. Clarke (267)		
<b>Provisions of the development plan to which the issue relates:</b>	Housing allocations	
<b>Summary of representations:</b>		
<p>The density of the housing would dictate that the buildings would be of more than single storey construction, with a negative effect on the privacy of the dwellings in Ben Mailey Gardens, adverse effect on house values and outlook from these dwellings.</p> <p>Proposed development in the East Brora Muir area and that at Carrol House will add to the existing problem of access to the A9. Access to A9 has a staggered junction and limited visibility. Ben Mailey Gardens is to be the main access to proposed scheme (with dangerous bends). What is meant by "limited development served through Muirfield Gardens"? How will limited access be enforced to avoid the route becoming used as a main access?</p> <p>Further demand will be made to the infrastructure - particularly sewage and waste water. In the event that Brora's population does rise in line with the number of proposed houses what will be the effect on medical, educational and recreational provisions?</p>		
<b>Modifications sought by those submitting representations:</b>		
Reduction in density of development and amended access.		
<b>Summary of response by THC:</b>		
<p>The concerns regarding traffic safety are noted. Proposals for the site should seek to restrict traffic movements passing the Beachview Daycare Centre and Respite Centre, this may be achieved by having no through access to the Ben Mailey Gardens access. Development accessed from Muirfield Gardens would most appropriately be for sheltered or similar type housing. The primary access for the development shall be through Ben Mailey Gardens with limited development served through Muirfield Gardens. The use of appropriate traffic calming measures will be considered to assist in the management of vehicle movement. It is proposed that the level of development accessed from Muirfield Gardens is limited.</p> <p>The provision of adequate infrastructure is an issue that is the subject of consideration when allocating land. Further detail on improvements to be undertaken or contributed to by developers will be for more detailed discussion when proposals are formed and submitted for consideration. These issues relate to all factors that are required to facilitate a development to proceed, ie adequacy of roads, pedestrian access, water and drainage provision, flood risk, general infrastructure and service provision, also the consideration of the general amenity of existing properties.</p> <p>The preparation of the plan involves discussion with other agencies to allow consideration of</p>		

the impact on services and allow for the programming of adequate provision. The access to the A9 (T) has not been raised as a concern by the Scottish Government.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. The principle of the allocation of site H1 for housing purposes has not been challenged and I accept that the identification of the site for residential use is reasonable.

2. Although concern has been expressed about the local road network in general and the junction with the A9 in particular, I have no evidence to indicate that roads are operating at a point close to capacity. Indeed, THC points out that the Scottish Government, which is the trunk road authority, has not objected to the prospect of more traffic using the A9 junction.

3. I agree that additional traffic should not use Muirfield Gardens to take general access to site H1 as this could have an impact on the amenity of the day-care and respite centres. THC also accepts the concerns that have been expressed in this respect. The council has suggested that sheltered housing, or a similar type of development could use Muirfield Gardens for access. The developer requirements state that Ben Mailey Gardens should be the main access and that the level of development from Muirfield Gardens should have regard to the existing care facilities. I think that this guidance is appropriate but that, additionally, sheltered housing should be specified as an example of the type of development that would be acceptable. It should also be stipulated, for the avoidance of doubt, that the access via Muirfield Gardens would be limited to serving any new sheltered housing or similar facility. Although it has been suggested that the bends on Ben Mailey Gardens are dangerous, I have no evidence to substantiate this claim.

4. Similarly, there is no evidence to suggest that supporting infrastructure would not be available. In any event, as explained elsewhere by THC, the service providers have been consulted and are in a position to regulate development for which there is a lack of adequate facilities such as sewage and waste water.

5. Detailed design is a matter for development management. When proposals for development are being prepared it will be necessary to take account of the landscape setting of the site and adjacent land uses including the level of amenity enjoyed by residential properties and the impact on the golf course. In themselves, property values and views are not a planning consideration. I consider that the developer requirements provide suitable, albeit brief, guidance in these respects and see no reason why an adequate development could not be designed.

**Reporter's recommendations:**

Modify the local plan: the developer requirements of site H1, East Brora Muir, in Inset 3.1, Brora, should include additional third and fourth sentences (after "...existing care facilities.") as follows:

Sheltered housing would be an example of a suitable residential use taking access via Muirfield Gardens. Any access via Muirfield Gardens will not be permitted to connect to the remainder of the development.

<b>Issue 20</b>	<b>BRORA - H2, Tordale, and H3, West of the Masonic Hall, Settlement Development Area (H 5, South of Academy Street (deleted))</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	H2, Tordale, and H3, West of the Masonic Hall; Settlement development area (H5, South of Academy Street (deleted)); Text MB 13 – Map 2.1 MB 15	
<b>Organisations or persons submitting representations:</b>		
Mr J. S. Beattie (235)  Mr I. M. Sutherland (297)		
<b>Provisions of the development plan to which the issue relates:</b>	Housing allocations	
<b>Summary of representations:</b>		
<p><u>Mr J. S. Beattie</u></p> <p>H2 Tordale and H3 West of the Masonic Hall: objects to both allocations</p> <p>H5 South of Academy Street (deleted): initial objection to site allocated in previous draft of plan, maintained objection assumed to be on basis of continued inclusion of land within the SDA.</p> <p><u>Mr I. M. Sutherland</u></p> <p>Seeking inclusion of land adjacent to H3 West of the Masonic Hall within the aforementioned allocation in order to assist in redevelopment of the site.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Mr J. S. Beattie</u></p> <p>H2 Tordale and H3 West of the Masonic Hall: delete allocations (assumed).</p> <p>H5 South of Academy Street (deleted): change SDA boundary (assumed).</p> <p><u>Mr I. M. Sutherland</u></p> <p>Inclusion of land within the existing allocation H3, West of Masonic Hall.</p>		
<b>Summary of responses by THC:</b>		
<p><u>Mr J. S. Beattie</u></p> <p><u>H2 Tordale and H3 West of the Masonic Hall</u></p> <p>The allocation of land at H2 Tordale and H3 West of the Masonic Hall offers an element of choice of available housing land. The allocations provide opportunity for housing development to the northern side of the settlement that already has the benefit of an existing access to the A9(T).</p> <p><u>H5 South of Academy Street (deleted)</u></p> <p>The council acknowledged the views of the landowner, who did not wish to release the site</p>		

for housing development, the site was removed as an allocation but retained within the settlement boundary, through this retention there remains potential for limited infill.

Mr I. M. Sutherland

The potential for the redevelopment on this area of land can be pursued within the context of the general policies of the plan.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

Site H2, Tordale

1. Mr Beattie has not elaborated his objection to the allocation of site H2. This site has an area of 2.6ha. although the indicative capacity of 20 residential units would provide a relatively low density. This is understandable as a low but steep-faced ridge crosses the site. The effect of the ridge is, to some extent, to isolate the northern part of the site. The developer requirements recognise that re-grading would be necessary to increase the development potential and also that local road improvements would have to be undertaken. I am prepared to accept the council's argument that the allocation of the site widens the choice of housing land available. Whilst I think the physical constraints of development may not be easy to overcome, I am not persuaded that the site H2 allocation should be removed from the local plan.

Site H3, West of Masonic Hall

2. Similarly, Mr Beattie has not provided reasons for objecting to the allocation of site H3. Three sides of this site are bounded by existing development and I consider that the housing land allocation is appropriate. Again, this site will assist in providing greater choice.

3. Although Mr Sutherland believes that an area of adjoining land, which he owns, should be incorporated within site H3, THC has pointed out that development proposals could be assessed under the general policies of the local plan. Indeed, subject to certain qualifications, I note Policy 1, Settlement Development Areas, is supportive of development. I therefore accept that there is no requirement for site H3 to be extended to include the land in the ownership of Mr Sutherland. Indeed, lack of a specific allocation may allow greater flexibility in terms of future land use although I can see no planning reason why, if required, the ground could not be included in a wider development including site H3.

Site H5, South of Academy Street

4. This allocation, which was included in an earlier version of the local plan, is said by the council to have been deleted although the land has been retained within the settlement development boundary. Mr Beattie's objection includes no details but, for the avoidance of doubt, I share the opinion of THC that the former H5 allocation should be retained within the settlement development area. The land is virtually surrounded by existing development and is an integral part of the town.

5. I note that the deletion of site H5 was agreed by the Planning, Environment and Development Committee on 24 September 2008 although reference to the site remains in the list of site allocations in Inset 3.1, Brora. The site is also shown in the Brora proposals map. This appears to be an oversight and both references to site H5 should be removed.

**Reporter's recommendations:**

No change to the local plan in respect of site allocations H2, Tordale and H3, West of Masonic Hall as described and illustrated in Inset 3.1, Brora.

For the avoidance of doubt, I have regarded site H5, Old Woollen Mill, as having been deleted by THC and the continued inclusion of the site in Inset 3.1 as being an oversight. The references to the site in Site Allocations, Prospects, and in the proposals map should be removed. The land should be retained within the settlement boundary shown in the proposals map in Inset 3.1, Brora.

<b>Issue 21</b>	<b>BRORA - H 4, Rosslyn Street; MU4, Former MacKays Yard</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	H 4, Rosslyn Street, MU4, Former MacKays Yard; Text MB 13 – Map 3.1 MB 15	
<b>Organisations or persons submitting representations:</b>		
A. Clarke (106)		
M. Fielding (158)		
<b>Provisions of the development plan to which the issue relates:</b>	Mixed use allocation: housing & business	
<b>Summary of representations:</b>		
<p>Objections to development relate to physical disruption and potential damage to property adjacent during any demolition. Also impact to roots and branches of trees and plants in adjacent property from excavations. Effected by dust, vibration and noise during demolition/construction. Suitability of access. Impact on adjacent listed building of design and type of new buildings i.e. houses or flats and effect on property values.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>A. Clarke</u></p> <p>Delete allocations (assumed).</p> <p><u>M. Fielding</u></p> <p>Seek requirement that flats are not appropriate development for this site.</p>		
<b>Summary of response by THC:</b>		
<p>The former Mackays Garage site has lain disused since vacation of the site by its former user, potential lies in the site for it's reuse for similar business type uses, however the potential for the redevelopment of the site for housing would be appropriate given surrounding uses. The delivery of any development on the site would be controlled by planning conditions and subsequently building regulations which will require more detail on method of demolition, this will respect the amenity of adjacent existing uses. The development has the benefit of an existing access to the trunk road that can be utilised. Proposals to utilise an alternative access will be subject to consultation with the Scottish Government Trunk Roads Authority.</p>		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
<p>1. Sites H4 and MU4 are shown separately in the proposals map for Inset 3.1, Brora. In the table of site allocations, site H4 is described as "Rosslyn Street/former Mackays yard" and site MU4 is termed as "Former Mackays Garage".</p> <p>2. THC has provided information indicating that detailed planning permission has been granted for the formation of 9 housing plots on the "Rosslyn Street" site. This appears to relate to the site shown as H4 in Inset 3.1. An access road has been partially constructed.</p>		



No further work was underway at the time of my site inspection.

3. Neither Mr Clarke nor Ms Fielding has specifically objected to site H4 and, in any event, the granting of planning permission and the start of development has overtaken the local plan preparation process. I believe it is appropriate to adopt a pragmatic approach to this site and recognise the potential for the construction of houses on individual plots. Clarification should be provided and the site re-designated "Rosslyn Street". A revised capacity should be indicated to relate to the planning permission that has been issued. Similarly, the developer requirements should omit the reference to "the former Mackays yard" and limit the text to describing the requirements for site H4.

4. Both Mr Clarke and Ms Fielding are concerned about the construction of flats on the site of the former Mackay's Garage which is site MU4. THC has indicated that a planning application for a flatted development of 20 units has been submitted and is under consideration. However, even the granting of planning permission is not a guarantee that any particular scheme will progress and therefore, until an approved development is implemented, it is important that the local plan contains relevant developer requirements.

5. Mr Clarke objected as the owner of Rockpool Cottage to the immediate east of site MU4. A number of his concerns are not matters relevant to this local plan examination but should be addressed through the development management process. Other matters raised relate to site management and the need to apply best practise to any development scheme that might be undertaken. On the other hand, the impact of any new proposal on the amenity of properties in the vicinity in general and the character and setting of Rockpool Cottage, said to be a B category listed building, are aspects of site development that require to be taken into account through the local plan. Mr Clarke is also concerned about the access provisions although I note there is already an access to the site and that THC would undertake a consultation with the trunk road authority.

6. Whilst it may be that this vacant property will be re-used for business purposes, I believe that THC is correct to identify residential use as an acceptable alternative. In principle, I see no reason why a layout could not be designed which would respect established levels of amenity in the area. This is a standard requirement for any development and does not require to be specifically included in the developer requirements. However, reference to the adjacent listed building is important to ensure that this is fully taken into account in any layout and design.

7. I do not think that the local plan should contain a presumption against a flatted development. Whilst a scheme involving flats might provide a challenge in terms of layout and design, the opportunity to devise a flatted proposal of a suitable scale and appearance should remain as an option.

#### **Reporter's recommendations:**

Modify the local plan: essentially, sites H4 and MU4 in Inset 3.1, Brora, should be included as clearly separate development sites. On the basis of the information provided, the following changes to the site allocations would be appropriate:

- a) Site H4 should be designated "Rosslyn Street". If necessary, the housing capacity should be adjusted to take into account the development which is underway. Should THC have grounds to believe that the development may not be completed in accordance with the approved layout, the current capacity should be retained.

The developer requirements should be amended as follows:

Site road layout in place. The site may be at risk of flooding. A flood risk

assessment should be submitted with any planning application; built development should avoid areas of flood risk.

- b) Site MU4 should be designated “Former Mackay’s Garage and Yard”. The developer requirements should be amended as follows:

Potential redevelopment of the former Mackay’s Garage and Yard for uses compatible with its location including re-use of the existing business unit. Redevelopment for residential use would also be appropriate subject to suitable access and design. An assessment of potential contamination issues would be required. Account must be taken of Rockpool Cottage, a listed building to the immediate east of the site, to ensure that the character and setting of the building are preserved and suffer no adverse effect.

<b>Issue 22</b>	<b>BRORA - MU 1 Former radio station</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	MU 1, Former radio station; Text MB 13 – Map 3.1 MB 15	
<b>Organisations or persons submitting representations:</b>		
Mr I. M. Sutherland (297) Sutherland Country Homes (569)		
<b>Provisions of the development plan to which the issue relates:</b>	Mixed use allocation	
<b>Summary of representations:</b>		
<p><u>Mr I. M. Sutherland, Sutherland Country Homes</u></p> <p>Support plan for housing at the former radio station. This is an area of Brora which is in need of upgrading and renovation. The only viable use would be housing given the amenity and attraction of the site.</p> <p>Objection relates to identified potential for the site differing from the existing South East Sutherland Local Plan. The deposit draft plan does not consider housing use. Given the pursuit of a planning application for housing and the investment in a flood risk assessment, the plan should reflect the potential for housing on the site. Wording from the adopted <a href="#">South East Sutherland Local Plan</a> states “<i>Special Uses 11 - part or full development of the site for permanent dwellings may also be appropriate.</i>”</p> <p>(<a href="http://www.highland.gov.uk/NR/rdonlyres/243465DE-FAAD-4A2D-A43C-850CF604ECD0/0/sesuthwritstat.pdf">http://www.highland.gov.uk/NR/rdonlyres/243465DE-FAAD-4A2D-A43C-850CF604ECD0/0/sesuthwritstat.pdf</a>)</p>		
<b>Modifications sought by those submitting representations:</b>		
Include housing as an identified use at site MU1, Former Radio Station, Brora.		
<b>Summary of response by THC:</b>		
<p>The deposit draft local plan seeks to identify the most appropriate uses to identified allocations. The former radio station offers a brownfield opportunity for redevelopment on the edge of the settlement. Given the location of the site, which is dislocated from the built extent of the settlement in a wider area of amenity, it is considered that the most appropriate uses relate to visitor/interpretation/recreational uses. However, given the pending planning application for housing development there is a need to allow potential for alternative redevelopment opportunities to be assessed on their individual merits.</p>		
<b>Any further plan changes commended by THC:</b>		
<p>Amend first sentence of developer requirements text to indicate potential for alternative uses as follows: “Brownfield site, preferred reuses relate to visitor/interpretation/recreational and outdoor uses, alternative uses will be assessed on merit and against general policies.”</p>		

**Reporter's conclusions:**

1. Despite the provisions of the adopted local plan, this review is entitled to bring forward changed land use proposals. I agree with THC that the most appropriate uses for the former radio station are as indicated in the proposed amendment to the first sentence of the developer requirements.

2. In my opinion, the conversion of the site for housing would not be straightforward in respect of access. As pointed out by THC, the site lies within a wider, open amenity area. Access to the former radio station is currently taken by a single track road which crosses the open area and passes through public parking and a vehicle turning circle. Clearly it would be necessary to ensure that conflict would not occur.

3. I acknowledge that a planning application for residential use has been submitted and will require to be determined by THC. In the light of this proposal I consider that the THC amendment to the local plan is acceptable setting out the preferred use of the site whilst allowing the assessment of other uses.

**Reporter's recommendations:**

Modify the local plan by amending the first sentence of developer requirements for site allocation MU1, Former Radio Station, in Inset 3.1, Brora, as follows:

Brownfield site, preferred re-uses should relate to visitor/interpretation/recreational and outdoor uses; alternative uses will be assessed on merit and against the general policies of the local plan.

<b>Issue 23</b>	<b>BRORA - MU2 Scotia House</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	MU2, Scotia House; Text MB 13 – Map 3.1 MB 15	
<b>Organisations or persons submitting representations:</b>		
<p>G. H. Johnston on behalf of Brora Investments (331)</p> <p>J. Shaw &amp; E. Davis (583) A. Norris (588) D. Gunn (595) A. Coghill (594) Mrs Y. Mackay (597) Mr G. MacKenzie (607) T. M. Burns (624) Mrs D. White (625)</p> <p>Transport Scotland (659)</p>		
<b>Provisions of the development plan to which the issue relates:</b>	The developer requirements for site allocation MU2, Scotia House, Brora	
<b>Summary of representations:</b>		
<p><u>G. H. Johnston on behalf of Brora Investments</u></p> <p>Concerned that the wording relating to housing potential is too restrictive. The modular housing project is currently in abeyance due to the economic recession. In the event that it does not proceed at this location in future the restrictions indicated in the highlighted section of the text – “related to modular house construction activities at the Scotia House. Provision of housing to be subject to legal agreement for longer term management.” – would not be appropriate. Accept the reduction to 10 units and an overall requirement that a minimum of 25% would be affordable. The objection would be withdrawn if the relevant text was deleted.</p> <p><u>J. Shaw &amp; E. Davis, A. Norris, D. Gunn, A. Coghill, Mrs Y. Mackay), Mr G. MacKenzie, T. M. Burns, Mrs D. White</u></p> <p>Objections relating to the identification of Scotia House as having further potential for development of housing and/or retail/tourism uses. Understanding that no further development would be allowed closer to the existing housing, loss of views and privacy.</p> <p><u>Transport Scotland</u></p> <p>Objection to the intensification of uses on the site with regard to the potential cumulative increase of traffic on a junction to the A9(T). Seek that provision of an assessment of impact to the junction is carried out prior to inclusion of the allocation.</p>		

**Modifications sought by those submitting representations:**G. H. Johnston for Brora Investments

Less restrictive developer requirements.

J. Shaw & E. Davis, A. Norris, D. Gunn, A. Coghill, Mrs Y. Mackay, Mr G. MacKenzie, T. M. Burns, Mrs D. White

Delete potential for development in the proximity of existing houses.

Transport Scotland

Cumulative impact of development on the existing access.

**Summary of responses by THC:**G. H. Johnston for Brora Investments

It is noted that the current economic climate has impacted on the development programmes of many businesses, and it is accepted that the link to the delivery of “modular housing” is restrictive. The potential for the development of a limited number of houses between Dudgeon Drive and the bunding has been indicated within the draft plan. The relation to the development of modular housing does not require to be tied and the requirement for the provision of 25% affordable housing on a proposal of this size is established within wider policy.

J. Shaw & E. Davis, A. Norris, D. Gunn, A. Coghill, Mrs Y. Mackay, Mr G. MacKenzie, T. M. Burns, Mrs D. White

The allocation seeks to enable the existing development at Scotia House to further the overall economic development of the settlement. Development of housing on the site would be confined to the land to the rear of Dudgeon Drive with other potential uses maintaining a separation from the residential areas and continued presence of the bund offering protection from noise emanating from activities at Scotia House.

Transport Scotland

The allocation at Scotia House lies within the defined settlement boundary. The site already has consent in regard to the provision of tourist and restaurant facilities, although these have not yet been implemented. The approved development and junction has been originally designed to accommodate the Hunters Woollen Mill with associated tourist/restaurant facilities and was approved in 1996. The mill was to have an intended workforce of approx 400 employees. The existing junction, which is within the 30mph limit and accommodates a dedicated right hand turning lane, was designed to accommodate the workforce, road deliveries and tourist related traffic as well as existing residential traffic. Currently the mill building, Scotia House is utilised by small scale users and the junction operates well under the designed capacity. The local plan allocation seeks to facilitate the development of the existing site and building to provide further economic development opportunities for the area through the identification of a number of potential future uses. Any potential intensification of traffic use would require consideration of the need for further assessment of the traffic flows and junction. The existing policy can be augmented to indicate more clearly this requirement “The cumulative impact of development on the access to the A9(T) will need to be considered and any further identified mitigation measures undertaken by the developer.”

**Any further plan changes commended by THC:**G. H. Johnston for Brora Investments

Amend developer requirements text: delete: “related to modular housing construction activities at Scotia House. Provision of housing to be subject to legal agreement for longer term management”. Insert in third sentence, “25% Affordable housing contribution will apply”.

Transport Scotland

Amend text, final sentence of developer requirements to read, “The cumulative impact of development on the access to the A9(T) will need to be considered and any further identified mitigation measures undertaken by the developer.”

**Reporter’s conclusions:**

1. In total the site is under-utilised and I consider it appropriate for THC to promote development in an endeavour to maximise the use of this land which is clearly within the settlement development area. The disposition of the buildings and related car parking and service provision leaves little scope for residential development but I agree that a limited number of houses could be constructed in the south-eastern part of the site. I have noted the concerns of residents of Dudgeon Drive (not Dudgeon Terrace as stated in Inset 3.1, Brora) but I consider that a development of about 10 houses, as stipulated, could be accommodated in this location without significantly detracting from the established level of residential amenity. Outlook is not, in itself, a planning consideration. Whilst it had been understood by residents that further housing would not be allowed closer to the existing properties, I regret that assurances of this nature are of little standing or credibility.

2. I can appreciate the concern of Brora Investments and support THC in the proposed amendment to reduce the restrictive nature of the developer requirements. The proposed reference to affordable houses is also appropriate, having been agreed by potential developers. In any event, Policy 5 requires an element of affordable housing.

3. Transport Scotland requires the cumulative impact of the development on the A9 to be assessed prior to inclusion of this allocation in the local plan to ensure any identified mitigation measures are identified in the developer requirements. In response, THC points to the scale of the development already approved for the site and states that the junction was designed to accommodate the anticipated level of traffic that development would generate. The council recognises that any further intensification would require assessment of impact on the A9 and, if necessary, the implementation of mitigation measures. I consider this to be a reasonable approach.

4. To ensure co-ordinated development management, it would be appropriate to assess the impact on the A9 of any individual element of development that may come forward for land within site MU2. This would ensure the level of traffic would not cross the threshold of acceptability without further mitigation being required.

**Reporter's recommendations:**

Modify the local plan: in the developer requirements for site MU2, Scotia House, in Inset 3.1, Brora, delete:

related to modular housing construction activities at Scotia House. Provision of housing to be subject to legal agreement for longer-term management.

Insert in place of the above:

;25% affordable housing contribution will apply.

Note: the reference to "Dudgeon Terrace" should be changed to "Dudgeon Drive".

Replace the final sentence with the following:

The cumulative impact on the A9 of successive developments within the site must be assessed and any further identified mitigation measures undertaken by the developer



<b>Issue 24</b>	<b>BRORA - MU3 Carrol House</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	MU3, Carrol House; Text MB 13 – Map 3.1 MB 15	
<b>Organisations or persons submitting representations:</b>		
A. Robertson (622) P. Shanks (635)		
<b>Provisions of the development plan to which the issue relates:</b>	Housing or tourist related development	
<b>Summary of representations:</b>		
Object on basis that there still may be flatted development and that the capacity is not indicated. There is a lack of demand in Brora and no need for further housing.		
<b>Modifications sought by those submitting representations:</b>		
Deletion of allocation (assumed).		
<b>Summary of response by THC:</b>		
The allocation seeks to address the potential for redevelopment of this site that has been the subject of development proposals. Given the site is contained within a largely residential area the proposed use is not inconsistent with existing and consideration of a detailed proposal will consider the appropriate level of development. The existing demand for tourist related development requires that the need to provide a contribution towards affordable housing is clearly identified.		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
<p>1. The immediate vicinity of Carroll House is largely characterised by long-established, substantial residential properties although there is more recent, higher density flatted development on the opposite side of Golf Road to the south-east. There are also other recreational and tourist-related uses in the general area including a bowling green, tennis courts, golf club and hotel.</p> <p>2. THC explains that the site has been the subject of development proposals. As these have apparently not come to fruition, I agree that it is appropriate to identify the site within the local plan as a development opportunity. Clearly, development within this area will require to be undertaken sensitively, respecting the existing character, particularly in terms of residential amenity. I believe that it is not unreasonable to recognise the potential for housing or tourist-related accommodation. Reference to affordable housing is also justified in terms of Policy 5. Of course, any affordable housing need not be on the development site as Policy 5 makes it clear that the contribution may be in the form of land, housing units or a financial contribution.</p> <p>3. Although concern has been expressed that the local plan does not specify the number of residential units anticipated, I believe that this is reasonable under the circumstances. The precise form of any redevelopment cannot be anticipated and I consider it is appropriate simply to identify the development potential of the site and refer to the need to have regard to</p>		

the surroundings. Indeed, in this respect I consider that it would be appropriate to emphasise the residential ambience created by the established properties to the south-west and south-east of Carrol House. This could be achieved by strengthening the final sentence of the developer requirements.

**Reporter's recommendations:**

Modify the local plan: amend the final sentence of the developer requirements of site allocation MU4, Carrol House, in Inset 3.1, Brora, as follows:

Proposals should be sensitive to the character of the surroundings and particularly respect the residential ambience created by the long-established houses in the vicinity of the site.

<b>Issue 25</b>	<b>BRORA - I1 Adjoining industrial estate</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	I1, Adjoining industrial estate; Text MB 13 – Map 3.1 MB 15	
<b>Organisations or persons submitting representations:</b>		
Mr S. Price (246)		
<b>Provisions of the development plan to which the issue relates:</b>	Industrial allocation, development requirements	
<b>Summary of representations:</b>		
No objection provided that there is a buffer zone at the rear (bedroom area) of the adjacent houses in Park Court. Perhaps, raised ground with trees to block noise & view from the industrial area.		
<b>Modifications sought by those submitting representations:</b>		
Modification of development requirements relating to boundary treatment.		
<b>Summary of response by THC:</b>		
The allocation of an effective land supply is required to accommodate growth in economic activity; available units may not be suitable for emerging business and it is necessary to have flexibility to cater for differing needs. Any proposals forthcoming to extend the existing infrastructure at the industrial estate would be the subject of planning application, the need to address impact on neighbouring properties would be addressed through this process. The requirements for the site indicate the need for landscaping on boundary adjacent housing.		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
1. Further development of the existing industrial estate on site I1 should have regard to existing surrounding land uses, particularly the residential properties in Park Terrace. This is recognised by THC insofar as detailed planning applications will be assessed taking into account the impact on neighbouring properties. I consider that any necessary mitigation could be provided by careful design and landscaping. Considerations of this nature are central to the council's role in development management. On this basis I believe the description of the developer requirements for site I1 is adequate insofar as it draws attention to the need for landscaping on the boundary with adjacent housing.		
<b>Reporter's recommendations:</b>		
No change to the local plan.		

<b>Issue 26</b>	<b>HELMSDALE - H 1 North of Rockview Place and I1 North of Industrial Estate</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	H 1, North of Rockview Place and I1, North of Industrial Estate; Text MB 16 – Map 4.1 MB 17	
<b>Organisations or persons submitting representations:</b>		
<p>Mrs M. Sutherland (186): H 1, North of Rockview Place</p> <p>S Blance Associates on behalf of the landowner (523): H 1, North of Rockview Place and I1, North of Industrial Estate:</p> <p>Transport Scotland (659): I1, North of Industrial Estate:</p>		
<b>Provisions of the development plan to which the issue relates:</b>	Housing, industrial allocations	
<b>Summary of representations:</b>		
<p><u>Mrs M. Sutherland: H 1 North of Rockview Place:</u></p> <p>Loss of greenfield land, increase in traffic and resultant conflict with existing play area. Impact on property values and loss of outlook.</p> <p><u>S.Blance Associates: H 1 North of Rockview Place/ I1 North of Industrial Estate:</u></p> <p>Include the entire field, which is within a single ownership, for housing development and not split between housing and industrial uses. Propose housing/business mix of uses appropriate for home working with office/workshop attached to residence across whole ownership ie H1 and I1 with allocation being now mixed use.</p> <p><u>Transport Scotland: I1 North of Industrial Estate:</u></p> <p>With regard to access, the developer requirements states “Access through improved existing road.” It is noted that the site is currently served by an existing access onto the A9(T), however, given the presumption against new junctions on trunk roads and for the avoidance of doubt, Transport Scotland would request the wording is changed to state that “Given the presumption against new trunk road junctions, access to be afforded through improved local road network”.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Mrs M. Sutherland: H 1 North of Rockview Place</u></p> <p>Delete site (assumed)</p> <p><u>S. Blance Associates: H 1 North of Rockview Place/ I1 North of Industrial Estate</u></p> <p>Combine sites H1 and I1 to provide a new mixed-use allocation.</p> <p><u>Transport Scotland: I1 North of Industrial Estate</u></p> <p>Amend wording of requirement in relation to access.</p>		

**Summary of responses by THC:**Mrs M. Sutherland

There is a need to allocate a sufficient supply of effective land to provide for the future housing development needs of the settlement. The potential for developing on brownfield locations are limited and appropriate greenfield locations have been identified, with proximity to existing development and services. The allocation consists of land previously allocated in the South East Sutherland Local Plan with the addition of areas of underutilised croft land to the east. The allocation is located immediately to existing housing development and can be readily serviced and accessed from Rockview Place/Simpson Crescent. The issue of outlook is not a planning consideration but the amenity of existing land should be taken into account. The consideration of a detailed application will include issues such as traffic safety and safe routes to school.

S Blance Associates

The allocation of land parallel to Rockview Place intends to make best use of the existing road and drainage infrastructure to allow residential development to take place in a manner consistent with the existing development pattern.

The allocation to the north of the holding relates well to existing industrial land allocation and offers the opportunity for the relocation of other industrial uses situated elsewhere in Helmsdale. The form of development contained within the existing industrial estate is not considered appropriate for integration with residential use although the former police station has been the subject of development interest for housing purposes with the investigation of alternative access and indeed part of the building has received permission for conversion to a church hall.

Transport Scotland

Accept the suggested wording in order to clarify the position in regard to the provision of an appropriate access.

Amend "Developer Requirements" text to replace "Access through improved existing road." with "Given the presumption against new trunk road junctions, access to be afforded through improved local road network".

**Any further changes commended by THC**

None

**Reporter's conclusions:**

1. I believe the development of site H1 for residential purposes could be achieved successfully in respect of integration within the built fabric of Helmsdale and, in particular, the Simpson Crescent vicinity. Whilst noting Mrs Sutherland's concerns about impact on the play park, including routes to the facility, I accept THC's indication that this is a matter that could be addressed at the time of a detailed proposal. I have no evidence to suggest that additional traffic levels would threaten public safety or the established residential amenity of the area. As pointed out by THC, outlook, in itself, is not a valid planning consideration. All in all, I conclude that the allocation of site H1 for residential purposes is reasonable.

2. Turning to the request that the undeveloped part of site I1 should be included as a possible site for residential purposes, I accept that access could be taken to this area via site H1 and that careful design could ensure compatibility between the residential and industrial uses. However, I do not consider that a compelling case has been made for allocating land

for housing in addition to the sites – H1, H2 and H3 - shown in the local plan. On the other hand, I believe it is prudent to make provision for industrial uses and that site I1 fulfils this function. Accordingly, I conclude that site allocations H1 and I1 should remain unchanged.

3. THC accepts the amended wording suggested by Transport Scotland in respect of access to the A9 trunk road. I see no reason to dissent from the proposed modification.

**Reporter's recommendations:**

Modify the local plan: the final sentence of the developer requirements for site allocation I1, North of Industrial Estate, in Inset 4.1, Helmsdale, should be deleted and replaced as follows:

In view of the presumption against new trunk road junctions, access to be afforded through improved local road network.

<b>Issue 27</b>	<b>HELMSDALE - MU 1 Shore Street</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	MU 1, Shore Street; Text MB 16 – Map 4.1 MB 17	
<b>Organisations or persons submitting representations:</b>		
SEPA (311)		
<b>Provisions of the development plan to which the issue relates:</b>	Mixed use allocation	
<b>Summary of representations:</b>		
SEPA considers that the use of the area of flood risk should be limited to water-based or harbour activities and seeks clarification of this in the developer requirements.		
<b>Modifications sought by those submitting representations:</b>		
Amendment to wording in relation to limited development potential in flood risk area.		
<b>Summary of responses by THC:</b>		
The clarification suggested by SEPA is acceptable.		
<b>Any further plan changes commended by THC:</b>		
Amend “Requirements” to insert new sentence after fourth sentence, <i>“Only water-related or harbour uses would be acceptable within flood risk areas.”</i>		
<b>Reporter’s conclusions:</b>		
1. THC accepts the suggestion made by SEPA and I agree that it is reasonable and appropriate to specify the limited uses to be permitted within the flood risk area.		
<b>Reporter’s recommendations:</b>		
Modify the local plan: insert a new fourth sentence the developer requirements of site allocation MU1, Shore Street, in Inset 4.1, Helmsdale, as follows:  Only water-related or harbour uses will be acceptable within flood risk areas.		

<b>Issue 28</b>	<b>HELMSDALE – LT, North Helmsdale/West of Primary School</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	LT, North Helmsdale/West of Primary School; Text MB 16 – Map 4.1 MB 17	
<b>Organisations or persons submitting representations:</b>		
Mr & Mrs Wood (329)		
<b>Provisions of the development plan to which the issue relates:</b>	Long term housing allocation	
<b>Summary of representations:</b>		
<p>Objection relates to several issues: site currently used as croft land, current access is unsuitable, insufficient demand for housing on this scale, insufficient employment to sustain a development of this size, inadequate infrastructure, strain on the village's limited resources and the local economy. Recent closure of food shops in the village, the remaining one does not meet local needs. Trouble being caused by young people will be exacerbated by a substantial increase in population, particularly if it brought with it large numbers of unemployed.</p>		
<b>Modifications sought by those submitting representations:</b>		
Delete allocation (assumed).		
<b>Summary of responses by THC:</b>		
<p>The plan has allocated the land at North Helmsdale/West of Primary School for Long Term provision looking to the potential future expansion of the site and the ability to provide housing land for the longer term development of the settlement. The development of a site of this size would take a considerable time given the low level of demand within the community, but there is a need to consider options for the longer term development of the settlement. The provision of an appropriate access for the development of this area of land, potentially utilising the access to the school will require more significant investment and is for consideration in the longer term. Development would progress from the eastern side of the allocation through currently unused land.</p> <p>National planning guidance expects planning authorities to provide an adequate supply of effective housing land. It also acknowledges planning's role in advancing the vision for rural Scotland is to enable and create opportunities for development in sustainable locations wherever appropriate e.g. where infrastructure capacity and good access exist, or can be provided at reasonable cost, or to meet justifiable social and economic objectives.</p> <p>The plans objectives are broadly to support existing communities through the identification of development opportunities in locations that can assist in sustaining communities and their services, infrastructure and population. The loss of local shops is symptomatic of a general decline in the vibrancy of the community and the provisions of the plan seek to promote the growth of communities and secure existing services.</p>		
<b>Any further plan changes commended by THC:</b>		
None.		



**Reporter's conclusions:**

1. The glossary states that the long-term allocations indicate the direction that the next local plan will take in terms of future development beyond the lifespan of this plan. In providing further information, THC has explained that these sites have been considered and have been confirmed as having potential for the longer term.

2. In respect of site LT in Inset 4.1, Helmsdale, I have two particular concerns.

3. Firstly, as stated by THC, there is a low level of demand within the community. The housing allocations for Helmsdale include sites H1 – H3 with an identified capacity of 57 residential units, along with site MU1 with an unspecified residential capacity. As in Dornoch, there appears to be the potential for the development of these sites to extend beyond the lifespan of the local plan. I therefore believe it would be appropriate to await the preparation of the Highland-wide Development Plan to determine whether or not the further expansion of Helmsdale can be justified. The Highland-wide plan preparation process will have the benefit of the monitoring procedure, to which this local plan attributes considerable importance (see paragraphs 4.5 and 4.39). The Highland-wide plan will also be informed by a more recent statistical baseline than that which provided the context for the current structure plan. See also Issue 103.

4. Secondly, although THC states that the longer-term sites have been considered, no details have been provided. In the case of site LT, North Helmsdale/West of Primary School, the developer requirements indicate a potential access from the south-east of the site. Mr and Mrs Wood are of the opinion that the current access is unsuitable. I agree that the access to the properties to the south-west of site LT would be unsuitable for taking access to the long term development land. I am also concerned about the indicative access from the south-east shown in Inset 4.1. This access would share the school entrance and I believe it is a pre-requisite to clearly show that the required standard of safety could be achieved. At present, I am not satisfied that this requirement has been met.

5. On the basis of the foregoing, I share the concerns of Mr and Mrs Wood in terms of need, particularly during the lifespan of the local plan, and access arrangements, which must be demonstrably safe. In turn, I conclude that it would be inappropriate to include the LT allocation in the local plan.

**Reporter's recommendations:**

Modify the local plan: delete site LT, North Helmsdale/West of Primary School, in Inset 4.1, Helmsdale, amend the settlement development area accordingly, and replace the LT designation with the designation of Natural, Built and Cultural Feature of Local/Regional Importance under Policy 4.1.

<b>Issues 29 (also see Issue 31)</b>	<b>EDDERTON SETTLEMENT DEVELOPMENT AREA</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	Settlement development area; Text MB 18 – Map 6.1 MB 19	
<b>Organisations or persons submitting representations:</b>		
<p>Historic Scotland (495)</p> <p>Edderton Community Council (295)</p>		
<b>Provisions of the development plan to which the issue relates:</b>	Extension of settlement development area, addition of further housing and business allocations.	
<b>Summary of representations:</b>		
<p><u>Historic Scotland</u></p> <p>Objects to the extension on the grounds that the inclusion of land to the north-west of the settlement has potential to cause significant direct impacts on the scheduled monument; a potential access to the rear of Carri Blair Crescent had been removed with the approval of new houses.</p> <p><u>Edderton Community Council</u></p> <p>A further extension to the north-west boundary would facilitate a more harmonious development in the future.</p> <p>Greater provision is sought of business/industrial land in the settlement; this could be facilitated by the extension of the settlement boundary to the east, adjacent to existing business use.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Historic Scotland</u></p> <p>Reduction of impact on scheduled monument.</p> <p><u>Edderton Community Council</u></p> <p>Extensions to settlement boundary.</p>		
<b>Summary of responses by THC:</b>		
<p><u>Historic Scotland</u></p> <p>The extension to the settlement boundary is to allow the development of an access to serve infill opportunities to the rear of existing development on Station Road/Carri Blair Crescent. The area of land is sufficient to form a road access outwith the immediate setting to the Scheduled Ancient Monument (SAM) and would afford greater separation than the SAM has from the existing Station Road. Further to this Policy 4 Natural, Built and Cultural Heritage, requires that the impact of proposed applications is considered in their determination. The land referred to does not form part of a formal allocation and other opportunities for infill development do exist within the settlement and any application is determined against all relevant policies.</p>		

In regard to the removal of an alternative access to the rear of Carri Blair Crescent, the access track serving the new houses at this location did not have the capacity to support a larger number of houses.

Edderton Community Council

In respect of the desire to extend the settlement boundary further north-west; the settlement has a more than adequate supply to meet the demands of a growing community. The potential for further allocations of land to serve future development will be the subject of a future review of the plan.

The inclusion of scrub land within the local plan seeks to augment and replace previously identified business land within the settlement. The current allocation seeks to deliver opportunities for short to medium term business requirements. The development of this site is unlikely to require significant investment in terms of roads infrastructure improvements. A more significant proposal would require more significant improvement to road and junction. At this point in time demand for a greater level is not evidenced; however, monitoring of demand will feed towards future reviews of the plan.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

Historic Scotland

1. This aspect of Issue 29 is dealt with under Issue 31 which relates specifically to site allocation H1.

Edderton Community Council

2. The proposed extension of the settlement development area to the west under site allocation H1 comprises some 6.8 ha. with an estimated capacity of 40 residential units. Comparing this area with the existing size of Edderton, the proposed increased area is significant. Although the number of houses anticipated would represent a relatively low density, THC indicates that the development of the site could extend over the plan period and beyond.

3. The community council states that planning permission has been granted for residential development to the west of Station Road and that some of the houses would not be contained within the settlement boundary. I have noted the plans of the approved application under reference 06/000483/FULSU and understand that a development of 37 houses was granted planning permission. The boundaries of site plan extend beyond the settlement development area shown in Inset 6.1, Edderton, but it appears that the houses themselves would be contained within the boundary. In particular I note that built development is not proposed on the symbol stone, a scheduled monument, which is within the site granted planning permission but not contained within the settlement boundary.

4. Although the community council considers that the boundary should be extended northwards along the Ardmore road to the railway bridge, I cannot accept that this additional land, which is substantial in area, would allow a more harmonious development. No evidence has been put forward to substantiate this contention. On the basis of my consideration of the scale and size of the village when compared with site H1, along with the anticipated rate of development, I do not consider there is justification for the boundary to be further extended at this location. Notwithstanding the extent of the planning permission which has been granted, I conclude that there should be no further extension of the

settlement development boundary beyond site allocation H1.

5. The community council also requires additional land for business use although THC believes that site MU1 is an adequate provision, at least in the meantime. The community council has not objected to site allocation MU1 but has not provided specific evidence to support the claim that a further allocation is necessary. I therefore accept the contention of THC that additional business land has not shown to be necessary at this time. I note the situation will remain under review.

**Reporter's recommendations**

No change to the local plan.

<b>Issue 30</b>	<b>EDDERTON - Development Factors</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	Development factors; Text MB 18 – Map 6.1 MB 19	
<b>Organisations or persons submitting representations:</b>		
Edderton Community Council (295)		
<b>Provisions of the development plan to which the issue relates:</b>	Development factors	
<b>Summary of representations:</b>		
Consideration of infrastructure changes should be included to accommodate the transport demands that new housing would make, in particular, the need to upgrade single-track road from the top of School Brae to the Struie Road by Aultnamain.		
<b>Modifications sought by those submitting representations:</b>		
Inclusion of a developer requirement to improve the unclassified Edderton – Mudh-a-Blair road.		
<b>Summary of responses by THC:</b>		
The impact of individual development proposals are assessed on relevant infrastructure and service impacts. The provision of, or contribution to, improved infrastructure and service provision are included as conditions of approval of planning applications. The emphasis of any consideration would be on the provision of necessary infrastructure improvements to facilitate a development to proceed.		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
<p>1. As pointed out by THC, all development proposals involve the consideration of infrastructure requirements. Indeed, site allocation MU1 draws attention to the need to provide a suitable access. This is also a matter that may be taken up under Policy 15, Developer Contributions, which explains that the impact of new development might require mitigation. Examples of developer contributions are provided and include the need for the improvement of road infrastructure. I therefore do not consider that, in general, there is a further need for the local plan to draw attention to any infrastructure requirements arising from a development proposal.</p> <p>2. More particularly, whilst I can appreciate that single track roads may cause difficulty in allowing the free flow of traffic, I cannot perceive any justification for the upgrading of the road identified by the community council in terms of the site allocations in Inset 6.1, Edderton.</p>		
<b>Reporter's recommendations:</b>		
No change to the local plan.		

<b>Issue 31 (also see Issue 29)</b>	<b>EDDERTON - H 1 West of Station Road</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	H 1, West of Station Road, Text MB 18 – Map 6.1 MB 19	
<b>Organisations or persons submitting representations:</b>		
Historic Scotland (495 & 501)		
<b>Provisions of the development plan to which the issue relates:</b>	Housing allocation	
<b>Summary of representations:</b>		
Two scheduled ancient monuments (SAM) lie to the north-east of this land use allocation. There is no objection to the principle of development but there is potential for the design of the development to have an adverse effect on the setting of this nationally important site. Mitigation has already been provided and reference has been made to the setting of the Pictish standing stone. However, the text should be further strengthened.		
<b>Modifications sought by those submitting representations:</b>		
Strengthening of developer requirements in regard of consideration of the adjacent scheduled monuments.		
<b>Summary of responses by THC:</b>		
THC accepts that there is a need to indicate the requirement for developers to consider the impact on the scheduled ancient monuments that exist in close proximity to the site. The existing planning permission for the development of the site has considered this issue but in the event that this permission is not implemented, this should be reflected in the plan requirements.		
<b>Any further plan changes commended by THC:</b>		
Retain the allocation but amend the text with the insertion of:  The setting of the symbol stone (a Scheduled Ancient Monument) should be protected by an area of open space around the monument. An area of open space along the northwest edge of the plot should also be left to protect the line of sight from the stone circle (also a Scheduled Ancient Monument) and symbol stone to the hills to the west and south-west. This area of open space should also protect the peripheral views of that line of sight.		
<b>Reporter's conclusions:</b>		
<p>1. Under Issue 29, Historic Scotland draws attention to the Carriehill stone circle and cist, a scheduled monument of national importance, and indicates that the settlement boundary at this point would carry a strong risk of causing significant direct impacts on the monument and also have a negative impact on the setting. On this basis, development would be at variance with the principles of national policy. On the other hand, THC is of the opinion that local plan Policy 4, Natural Built and Cultural Heritage, along with the developer requirements specified for site H1, afford adequate protection for the scheduled monument.</p> <p>2. Scottish Planning Policy 23, Planning and the Historic Environment, requires local plans and, in future, local development plans, to assess the scale of change likely to occur over</p>		

the plan period and ensure that new development is accommodated without damaging the character of the historic environment. They should, where appropriate, define the historic environment and its landscape or townscape setting and set out policies and criteria for assessing development proposals to ensure the protection, conservation and enhancement of the historic environment.

3. SPP23 further states that scheduled monuments are of national importance and they should be preserved *in situ* and within an appropriate setting. While the scheduled monument consent process is separate from the statutory planning process, where works requiring planning permission affect a scheduled monument, the protection of the monument and its setting are material considerations in the planning process.

4. Under Issue 31, Historic Scotland states that there are two scheduled monuments of national importance in the proximity of site allocation H1 at Edderton. These are Clach Chairidh (or Clach Biorach), a symbol stone standing in the field close to the north-east boundary of H1, and the Carriehair stone circle and cist (referred to under Issue 29), also to the north-east of H1 but on the opposite side of Station Road.

5. In terms of Issue 31, Historic Scotland recognises that planning permission has been granted for site H1 (this is described more fully in Issue 29 in respect of the Edderton Community Council representation) and explains that close working with THC led to a design which would protect the setting of the two monuments. However, to protect against any review of the planning permission, Historic Scotland believes the text describing the developer requirements should be strengthened. THC agrees as it remains possible the development, as approved, will not be implemented.

6. Despite the concerns expressed by Historic Scotland under Issue 29, I note that it proved possible to achieve a layout which was satisfactory in terms of impact on the scheduled monuments. This indicates to me that the fears expressed by Historic Scotland under Issue 29 have been allayed. In this respect therefore, the settlement development boundary in this vicinity can be regarded as acceptable.

7. I note that the planning permission relating to site H1 was approved in August 2007 and that implementation has not commenced. Clearly, for whatever reason, there is the possibility that the development will not proceed in the approved manner and, in turn, proposals may come forward for an alternative scheme. On this basis, I agree with both Historic Scotland and THC that it would be prudent to strengthen the text of the developer requirements for site H1 to provide clear guidance in respect of the protection of the scheduled monuments and their settings. I believe the amended guidance should be somewhat more specific than suggested by THC.

#### **Reporter's recommendations:**

Modify the local plan: the developer requirements for site allocation H1, West of Station Road, in Inset 6.1, Edderton, should be amended as follows:

Delivery of housing for the settlement for the plan period and beyond. The Clach Chairidh (or Clach Biorach), is a symbol stone standing in the field close to the north-east boundary of site H1. The Carriehair stone circle and cist is also to the north-east of site H1 but on the opposite side of Station Road. Both are scheduled monuments and, along with their respective settings, must be protected. An area of open space is required around the symbol stone and no development should take place which would encroach on the line of sight from the stone circle and symbol stone to the hills to the west and south-west. The extent of open space required in this latter respect should also be sufficient to preserve peripheral views of the line of sight. A full archaeological survey is required along with the provision of landscaping, planting, and formal open space within the developed area of the site. Development is subject to connection to a new waste water treatment plant.

<b>Issue 32</b>	<b>EDDERTON - MU 1 Adjacent to Glebe Cottage</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	MU 1, Adjacent to Glebe Cottage, Text MB 18 – Map 6.1 MB 19	
<b>Organisations or persons submitting representations:</b>		
Mr W. Ritchie (514)  A.I. Sutherland & Son Ltd (543)		
<b>Provisions of the development plan to which the issue relates:</b>	Mixed use allocation: housing & business	
<b>Summary of representations:</b>		
<p><u>Mr W. Ritchie</u></p> <p>Object to close proximity of industrial units to house as proposed.</p> <p><u>A. I. Sutherland &amp; Son Ltd</u></p> <p>Land would possibly be suitable for one small workshop - existing right of way crosses through this site. Access is very narrow single track road not suitable for larger vehicles. Large area of land near Station Road already zoned for housing.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Mr W. Ritchie</u></p> <p>Delete allocation (assumed).</p> <p><u>A. I. Sutherland &amp; Son Ltd</u></p> <p>Delete reference to housing potential.</p>		
<b>Summary of responses by THC:</b>		
<p>There is a need for local plans to identify opportunities for housing and economic development opportunities. National planning guidance expects planning authorities to provide an adequate supply of effective housing land. It also acknowledged the role of planning in advancing the vision for rural Scotland is to enable and create opportunities for development in sustainable locations wherever appropriate e.g. where infrastructure capacity and good access exist, or can be provided at reasonable cost, or to meet justifiable social and economic objectives.</p> <p>Housing and economic development are both supported by the planning system, by identifying land of a suitable quantity and quality in the right locations to meet the need for economic development and new housing.</p> <p>The loss of previously allocated industrial land to housing use within Edderton has set a precedent for the mix of uses; with demand existing for this style of development in the area. It is therefore necessary to identify land suitable for business development within the settlement to allow opportunity for economic growth in addition to the identified opportunities for housing. The allocation allows for the development of small scale business units or</p>		



workplace units. Proposals should be compatible with surrounding uses.

Developer requirements indicate the need for improved access to service the development.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

Mr W Ritchie

1. Mr Ritchie does not state why he is opposed to what he describes as "industrial units" but it is not unreasonable to assume that he is concerned about detrimental impact on residential amenity.

2. In principle, I see no reason for not allocating land for business related uses within the village and in this respect I accept the arguments of THC. Clearly it is important to have regard to existing levels of amenity but I consider that this relatively small site could fulfil the function described under allocation MU1 without significant impact. Insofar as it is indicated that workplace homes would be acceptable, I consider it would be appropriate to specify that any other uses would be limited to those within Class 4, Business, of The Town and Country Planning (Use Classes)(Scotland) Order 1997, that is, a use which can be carried out in any residential area without detriment to the amenity of that area.

A. I. Sutherland & Son Ltd

3. As already indicated, site MU1 is not large and therefore the potential for development is relatively limited. Clearly, detailed design and the precise nature of any development would be required to have regard to the scale and disposition of the site. Although reference is made to the scope for residential development on site H1, the number of workplace homes that could be provided on site MU1 would be very restricted and I see no reason why this use of the site should not be permitted. Mention is also made of a right of way and, of course, it would be necessary for future development proposals to take account of any constraints such as a right of way which, in any event, benefits from statutory protection.

4. Road access might not be straightforward as the site is served by a single track carriageway. However, the need for a suitable access, is a qualification specified in the developer requirements.

5. Overall, I am satisfied that the MU1 designation is justified although, as indicated, Class 4 use should be specified.

**Reporter's recommendations:**

Modify the local plan: the developer requirements for site MU1, Adjacent to Glebe Cottage, in Inset 6.1, Edderton, should include an additional second sentence as follows:

Business uses to be limited to those in Class 4, Business, as defined in The Town and Country Planning (Use Classes)(Scotland) Order 1997.

<b>Issue 33</b>	<b>ARDGAY - General Comment – Settlement Development Area</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	General comment – settlement development area; Text MB 20 – Map 7.1 MB 20	
<b>Organisations or persons submitting representations:</b>		
Mr D. J. Allan MRICS on behalf of Mrs G Hart (274)		
<b>Provisions of the development plan to which the issue relates:</b>	Settlement development area	
<b>Summary of representations:</b>		
Kincardine, Ardgay is clearly a developing settlement and it should be zoned to permit development within the yellow line (shown in the submitted representations). There are 3 areas zoned for development around Ardgay but no development has taken place. This is perhaps the reason Kincardine has developed the way it has.		
<b>Modifications sought by those submitting representations:</b>		
Inclusion of new settlement development area at Kincardine.		
<b>Summary of responses by THC:</b>		
The area of Kincardine is subject to the general local plan policy for development in the wider countryside. Any development would also be considered against other relevant general policies. The area in question falls within the settlement setting for Ardgay which is of local/regional importance in Policy 4, Natural, Built and Cultural Heritage. This policy states that developments will be allowed if they will not have an unacceptable impact on the amenity and heritage resource. The suggested settlement development area at Kincardine is rejected.		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
1. Although a significant amount of recent building has taken place in the vicinity of Kincardine, I do not consider that a discernable settlement has been created and, in turn, it would not be appropriate to define a settlement development boundary as required by Mr Allan on behalf of Mrs G Hart. I therefore agree with THC that the relevant local plan general policies should apply to any development proposals brought forward in this vicinity.		
<b>Reporter's recommendations:</b>		
No change to the local plan.		

<b>Issue 34</b>	<b>ARDGAY - General Comment – Settlement Development Area</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan Reference:</b>	General comment – settlement development area; Text MB 20 – Map 7.1 MB 21	
<b>Organisations or persons submitting representations:</b>		
Mr I. & Mrs G. Glennie (581)		
<b>Provisions of the development plan to which the issue relates:</b>	Extension to settlement development area	
<b>Summary of representations:</b>		
Land to the south of the Kyle of Sutherland Hatchery should be included in an extension of the SDA by moving the current boundary from the edge of the hatchery land further along the road to the Kincardine Burn.		
<b>Modifications sought by those submitting representations:</b>		
Extension to settlement development area south of the Kyle Hatchery.		
<b>Summary of response by THC:</b>		
This area is within the wider countryside and subject to a general policy in the local plan. Any development would also be considered against all the relevant general policies in the local plan. The area in question falls within the settlement setting for Ardgay which is of local/regional importance and therefore subject to general Policy 4, Natural, built and Cultural Heritage. Development will be allowed if it would not have an unacceptable impact on the amenity and heritage resource.		
<b>Any further plan changes commended by THC:</b>		
None		
<b>Reporter's conclusions:</b>		
1. As argued by THC, the land falls within the settlement setting of Ardgay. However, the Kyle Hatchery is not an integral part of the village itself in either visual or physical terms. Accordingly, I do not consider it would be appropriate to extend the settlement development boundary to include the hatchery. THC points out that any development proposals that may be forthcoming would be assessed against the relevant general policies of the local plan.		
<b>Reporter's recommendations:</b>		
No change to the local plan.		

<b>Issue 35</b>	<b>ARDGAY - H1, North of Manse Road</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	H1, North of Manse Road; Text MB 20 – Map 7.1 MB 21	
<b>Organisations or persons submitting representations:</b>		
<p>S. Maclean (590), Mr A.E. &amp; Mrs P Nash (621) Mr &amp; Mrs H. Jack (643) Scottish Natural Heritage (326) Mr W. MacLaren (334) Ardgay &amp; District Community Council (546) Mrs A. McDonnell (548) Miss H. Buchanan (561)</p>		
<b>Provisions of the Development Plan to which the issue relates:</b>	Housing allocations	
<b>Summary of representations:</b>		
<p><u>SNH</u></p> <p>H1 (previously LT1) An appropriate assessment is likely to be required here and so SNH objects until the results of the Council's appropriate assessment can be considered.</p> <p><u>S. Maclean, Mr A.E. &amp; Mrs P. Nash, Miss H. Buchanan, Mrs. A. McDonnell, Mr &amp; Mrs H. Jack</u></p> <p>Poor road access to new site, restrictions on improvement and lack of jobs in area so no need to build new homes or business. Location of allocation would be to the detriment of the village setting. Development would require the residents to pass through an already established quiet area of the village to reach any amenities. Not enough employment for the present population of the area. Other larger settlements are better placed to accommodate development. Water supply is inadequate for more housing development, closing the railway bridge to traffic would add to road journeys. Better access in place on other sites along Church Road.</p> <p><u>Mr W. MacLaren</u></p> <p>Objection to the land north of Manse road being used for housing as it is regularly cultivated and is the only access to land rented from Balnagown Estate which I can move livestock to the farm for veterinary purposes. Any other movement would involve going through housing estate (open plan). Below and South of manse would be more suitable rather than proposed site as it would be closer to water, sewer, and road.</p> <p><u>Ardgay &amp; District Community Council</u></p> <p>Objecting to zone LT1 (now H1). Access to this site would be very difficult and create great difficulties for the farmer who works the land who has no alternative route for moving stock. The community would suggest that residential zones could be made north of the railway line adjacent to the A836, at Kincardine and on the road to Gledfield.</p>		

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

Preparation of an appropriate assessment and consideration of impacts and mitigation to natural heritage designations.

S. Maclean, Mr A.E. & Mrs P Nash, Miss H. Buchanan, Mrs A. McDonnell, Mr & Mrs H. Jack, Mr W. MacLaren, Ardgay & District Community Council

Deletion of site (assumed).

**Summary of responses by THC:**SNH

An appropriate assessment has been prepared in liaison with SNH, the consideration of impacts of development did not identify impacts that have not been addressed by amendments to general policies. No adverse effects on site integrity as a result of this decision.

S. Maclean, Mr A.E. & Mrs P. Nash, Miss H. Buchanan, Mrs A. McDonnell, Mr & Mrs H. Jack, Mr W. MacLaren, Ardgay & District Community Council

The Council cannot determine who houses are sold to. For social rented housing, applicants to the housing waiting list should not be debarred because they have no local connection to an area, but it can determine priority. Highland Council waiting list policy is that anyone can apply to be on the list but priority is given to people who need to reside in an area.

The access from the A836 would need to be double tracked towards the main road. The railway bridge would be just for pedestrian use, this could also facilitate the movement of livestock.

Generally development in an area creates growth which in turn supports the creation of new infrastructure and amenities and helps to support existing facilities. The Local Plan has a general policy on developer contributions which helps to ensure that there is mitigation for the impact of new development. The Local Plan also takes account of the ageing population in Sutherland and where housing for varying needs or sheltered housing has been identified we have allocated sites that are close to community facilities. This allocation has not been specifically identified as being for this kind of housing.

This allocation is required as replacement for H1 South of Oakwood Place which has not been retained and the lack of suitable alternatives. It is our understanding that the landowner is willing to develop the site.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. Inset 7.1, Ardgay, in the Map Booklet indicates that the developer requirements for site H1, North of Manse Road, are to be determined via negotiation during the planning application process. This is not a satisfactory situation particularly as no guidance is provided in terms of access, a matter of concern to several of those making representations.

2. The only prospect for access appears to be from Manse Road where it runs adjacent to

the south-eastern part of the site. However, Manse Road is narrow and both the horizontal and vertical alignment at this point are not conducive to the formation of a junction. Clearly, significant work would be required to overcome these problems. This work and the development of the site would have adverse impact on the setting of Ardgay from both the A836 to the east and the road from Lower Gledfield to the west. In both these views the village appears as an attractive feature within the landscape. I therefore share the concern of those who have drawn attention to the detrimental impact on the setting.

3. Reference has also been made to operational agricultural difficulties that would be caused. THC has not responded to this concern and, whilst it may be that any problem could be overcome, I do not believe it would be appropriate to endorse site allocation H1 without more certainty in this respect.

4. All in all, I do not consider that site H1 should be retained in the local plan. In reaching this conclusion I have taken account of the strategic housing requirement but do not think that the loss of this site would have a significant wider effect (see Issue 103).

5. I have also noted the concern of SNH and the response of the council in respect of the need for an appropriate assessment. Following the preparation of a revised appropriate assessment, the Examination Draft Version 2 (December 2009), SNH has indicated that the Natura interests would be protected subject to the application of agreed mitigation measures. However, in view of my conclusion that this allocation should be deleted there is no need to further consider the SNH representations. An appropriate assessment is not necessary and the deletion of the allocation would also meet the concerns of the agency.

#### **Reporter's recommendations:**

Modify the local plan: delete allocation H1, North of Manse Road, on the proposals map of Inset 7.1, Ardgay, and adjust the boundary of the settlement development area to exclude this area which should be designated as a Natural, Built and Cultural Heritage Feature of Local/Regional Importance under Policy 4.1. Delete reference to the site allocation from the associated text.

<b>Issue 36</b>	<b>ARDGAY - H2 Adjacent To Primary School</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	H2, Adjacent to primary school; Text MB 20 – Map 7.1 MB 21	
<b>Organisations or persons submitting representations:</b>		
CKD Galbraith on behalf of the Gledfield Trust (275) D. & C. Easton (279)		
<b>Provisions of the development plan to which the issue relates:</b>	Housing allocation	
<b>Summary of representations:</b>		
<p><u>CKD Galbraith</u></p> <p>H2 is owned by the Gledfield Trust which supports the early development of the land. The main constraint is the limited capacity of the public water supply, a matter which hopefully will soon be addressed by Scottish Water. This site is suitable for development and is undoubtedly the most practical location for infill development as it is flat ground, easily accessible and close to infrastructure and services.</p> <p>All land originally allocated as H2, including land to east of the farm lane should be retained with no reduction in the area originally allocated.</p> <p><u>D. &amp; C. Easton</u></p> <p>The site is affected by flooding, access is at blind corner giving concerns over traffic safety and speeding. Will the houses be built using the highest quality of materials and planned in according with the character of the area, at appropriate densities, consistent with the existing? Loss of privacy is likely.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>CKD Galbraith</u></p> <p>Include the full extent of land allocated in an earlier draft plan.</p> <p><u>D. &amp; C. Easton</u></p> <p>Stringent requirements must be applied to ensure an appropriate quality of development.</p>		
<b>Summary of response by THC:</b>		
<p>The size of the allocation has been reduced on its eastern side to remove a farm lane and the SDA revised accordingly. The preferred access is on the bend to the east of the primary school.</p> <p>A robust drainage system will be required. There is a general policy in the local plan that covers surface water drainage; it states that all development must be drained by sustainable drainage systems (SUDS).</p> <p>We will avoid or minimise any impact on adjacent properties by good siting, design, layout, planting and setback. These matters will all be dealt with during the planning application process.</p>		

Impact from light pollution can be minimised by planting and via the council's policy to install low, downward emission lighting.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. Although the Gledfield Trust seeks an extension to the land allocated under H2, this would involve development on both sides of the farm access. I believe this would be an impractical arrangement and could lead to conflict between residential and agricultural uses. On this basis it would be preferable to restrict site H2 to the west of the entrance to the farm with a separate site access as shown in Inset 7.1 in the local plan.

2. Mr & Ms Easton do not object to the principle of the housing land allocation but express a number of detailed concerns. I consider that the site is suitable for low density development (an anticipated capacity of 6 houses on 1ha. of land) and, as stated in the developer requirements, careful siting and design is required. This will allow the amenity of existing properties to be maintained. Although the preferred access is at a bend in the road, the geometry of the carriageway ensures sight lines are reasonable. It would of course be necessary to ensure that the required standards are achieved. Drainage is not referred to in the developer requirements although, in response to the flooding concerns that have been raised, THC states that a robust system would be required. Policy 14, Surface Water Drainage, confirms the requirement for a sustainable drainage system. However, in view of the evidence provided in respect of potential flooding, it would be preferable to strengthen the developer requirements by adding a reference to flood risk assessment.

**Reporter's recommendations**

Modify the local plan: insert a new second sentence into the developer requirements for site allocation H2, Adjacent to primary school and north of Church Street, in Inset 7.1, Ardgay, as follows:

Flood risk assessment must be undertaken; built development should avoid any identified flood risk area.



<b>Issue 37</b>	<b>ARDGAY - B1 Ardgay Railway Station Yard North</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	B1, Ardgay railway station yard north; Text MB 20 – Map 7.1 MB 21	
<b>Organisations or persons submitting representations:</b>		
Mr D. J. Laver MRICS FCIQB (368) Mr & Mrs E. K. Dunbar (533) Ardgay & District Community Council (546) Miss H. Buchanan (561)		
<b>Provisions of the development plan to which the issue relates:</b>	Business allocations	
<b>Summary of representations:</b>		
<p><u>Mr D. J. Laver</u></p> <p>If access to site B1 is to be via the existing station yard, this will cause a major traffic hazard when joining the existing highway and, if the sole access, would impair development. Regardless of levels, access should be via a new roundabout including Oakwood Place (cost to be equally borne between development of H2 and B1).</p> <p><u>Mr &amp; Mrs E. K. Dunbar</u></p> <p>Area is adjacent to a sheltered housing complex for elderly people - many of whom have medical conditions including asthma and so any commercial activity would be detrimental to their well-being apart from the safety aspect of increased traffic on a road which has to be crossed both for the railway station and for the bus south. Increased noise would also be detrimental to general health, the aesthetic beauty of the location would also not be enhanced.</p> <p><u>Ardgay &amp; District Community Council, Miss H. Buchanan</u></p> <p>It would be of more benefit to the community if site B1 had mixed use of housing and light business. This would allow small businesses to be created and for people perhaps to be able to live above or beside their business, enabling enterprise and hopefully improving the economic status of the community. It would also give land owners more flexibility in land use terms.</p> <p>No heavy industry should be allowed which would generate traffic on the A836 into the village, particularly, the transport of aggregates from Ardchronie Quarry.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Mr D. J. Laver</u></p> <p>Relocate access.</p> <p><u>Mr &amp; Mrs E. K. Dunbar</u></p> <p>Delete site (assumed).</p>		

Ardgay & District Community Council, Miss H. Buchanan(561)

Re-allocate site as mixed use.

**Summary of responses by THC:**

The preferred access is through the existing station road, with some minor improvements. It is not intended to create a new access onto the A836.

The site will remain as a business use (not industrial use). The railway sidings are still in use by Network Rail for maintenance and other support functions and this use is more likely to sit comfortably beside business use as housing. It is not being proposed that the allocation be used for industrial purposes.

The adopted South East Sutherland Local Plan identifies the area for an aggregate depot connected with the transport of material from Ardchronie Quarry, the draft Sutherland Plan does not propose this use.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. In effect, the B1 site allocation simply confirms the existing land use of the site. In the context of the built form of the village, I do not consider that this use has any significant impact on the surrounding uses, including the residential care facility at Oakwood Place. THC emphasises that the site is allocated for business use – not industry. The size of the site limits the scope for intensification and I believe that the further development of site B1 for business purposes would be acceptable. I see no reason to expect that the level and nature of traffic generated would be of a scale to cause concern. I accept the argument of THC that the continuing use of the railway sidings reduces the compatibility of the site for residential purposes and, in turn, I conclude that the allocation should be for business rather than mixed use.

2. I note Mr Laver's concern about access but have no evidence to support his suggestion that a roundabout should be constructed at the junction with Oakwood Place. The developer requirements indicate that the *preferred* access is via the existing station road. This could provide a degree of flexibility in the overall design although THC points out that a new access from the A836 is not intended. I conclude that there is no requirement to amend the developer requirements although, should ownership constraints adversely affect the potential for development, it may be necessary to explore alternative layout solutions.

3. Although the community council refers to the transportation of aggregates from Ardchronie Quarry, the lack of any detailed information means that this is not a matter on which I am able to comment. In any event, THC has indicated that the local plan does not propose an aggregate depot at the quarry.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 38</b>	<b>ARDGAY - B2 Ardgay Railway Station Yard South</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	B2, Ardgay railway station yard south; Text MB 20 – Map 7.1 MB 21	
<b>Organisations or persons submitting representations:</b>		
Mr D. J. Laver MRICS FCIQB (368) Ardgay & District Community Council (546) Miss H. Buchanan (561)		
<b>Provisions of the development plan to which the issue relates:</b>	Business allocations	
<b>Summary of representations:</b>		
<p><u>Mr D. J. Laver</u></p> <p>Two access points indicated, assumed that this will be one way in and out.</p> <p><u>Ardgay &amp; District Community Council, Miss H. Buchanan</u></p> <p>It would be of more benefit to the community if site B2 had mixed use of housing and light business. This would allow small businesses to be created and for people perhaps to be able to live above or beside their business, enabling enterprise and hopefully improving the economic status of the community. It would also give land owners more flexibility in land use terms.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Mr D. J. Laver</u></p> <p>Clarification of access points.</p> <p><u>Ardgay &amp; District Community Council, Miss H. Buchanan(561)</u></p> <p>Re-allocate as mixed use.</p>		
<b>Summary of responses by THC:</b>		
<p>This allocation is a continuance of existing use and the site will remain as a business use, other allocations in the settlement can more appropriately accommodate residential uses. This use is more likely to sit comfortably beside business use than housing. It is not intended to expand the area from what is currently there. Both access points remain acceptable.</p>		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
<p>1. As in the case of site B1, the proposed use of site B2 is simply a confirmation of the existing use. A significant part of the site is occupied by a local authority depot and I share the opinion of THC that a mixed use development, especially a development including residential use, would not be appropriate as there could be conflict and an unacceptable</p>		

impact on residential amenity.

2. I note that both access points are acceptable to THC. Details of traffic circulation could be determined in the light of any development proposals that might be forthcoming.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 39</b>	<b>BONAR BRIDGE - SETTLEMENT DEVELOPMENT AREA</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	Settlement development area; Text MB 22– Map 7.1 MB 23	
<b>Organisations or persons submitting representations:</b>		
Mr B. Coghill (253)		
<b>Provisions of the development plan to which the issue relates:</b>	Extension to settlement development area	
<b>Summary of representations:</b>		
Reconsideration required of the village boundary behind Tulloch Road involving realignment with Robert Grant's coal yard, even if only between nos. 1 and 6 Tulloch Road, to allow for development.		
<b>Modifications sought by those submitting representations:</b>		
Inclusion of land for development.		
<b>Summary of responses by THC:</b>		
<p>The local plan does not say that land behind Nos 1 to 12 Tulloch Road cannot be developed. It is outwith the settlement development area for Bonar Bridge, which is the preferred area for development. However in the area in question, if development were to be proposed, it would be assessed against all the general policies in the local plan. In particular, it should be noted that the land falls within the settlement setting for Bonar Bridge which is of local/regional importance in Policy 4, Natural Built and Cultural Heritage. The policy allows developments if they would not have an unacceptable impact on the amenity and heritage resource. THC will not extend the settlement development area behind the houses on Tulloch Road. There are other housing allocations in Bonar Bridge and this area can be considered during the next review of the local plan in 5 years time when it should be possible to assess if the housing allocation at Cherry Grove has been effective. There has been an outline planning permission for one house refused within this area of land.</p>		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
<p>1. The settlement boundary is clear to the rear of properties on the east side of Tulloch Road. Mr Coghill has not identified any specific form of development for particular consideration at this location and THC has pointed out the importance of the vicinity within the settlement setting of Bonar Bridge. In my opinion, Inset 8.1, Bonar Bridge, correctly depicts the boundary at this location. Accordingly, in both visual and physical terms, I do not perceive any justification for altering the settlement development area at this point.</p> <p>2. THC has indicated that development is not precluded on land beyond the settlement boundary and has described the policy approach for assessing any proposal.</p>		
<b>Reporter's recommendations:</b>		
No change to the local plan.		

<b>Issue 40</b>	<b>BONAR BRIDGE - General Comment</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	General comment; Text MB 22 – Map 7.1 MB 23	
<b>Organisations or persons submitting representations:</b>		
Scottish Natural Heritage (326)		
<b>Provisions of the development plan to which the issue relates:</b>	Bonar Bridge settlement development area	
<b>Summary of representations:</b>		
<p>All Bonar Bridge allocations are likely to require appropriate assessments, individually and cumulatively in relation to their possible effect on the River Oykel SAC and so SNH objects until the results of the council's appropriate assessment can be considered. In particular, SNH maintains the objection for MU1 site at Bonar Bridge until a satisfactory appropriate assessment has been produced.</p>		
<b>Modifications sought by those submitting representations:</b>		
Preparation of an appropriate assessment and consideration of impacts and mitigation natural heritage designations.		
<b>Summary of responses by THC:</b>		
<p>An appropriate assessment has been prepared in liaison with SNH; the consideration of impacts of development did not identify any matters that have not been addressed by amendments to general policies. No adverse effects on site integrity would result.</p>		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
<p>1. SNH anticipated the likely requirement for an appropriate assessment and THC responded that there had been liaison in this respect. More details of this process were requested and the council has provided an Appropriate Assessment of the Deposit Draft Sutherland Local Plan, Version 2, dated December 2009. The assessment was prepared in liaison with SNH and the matter is considered in general under Issue 102. The document contains a series of mitigation measures, 9.1 – 9.8, and the council has identified those measures which require to be applied to the various settlements and development allocations within the local plan area.</p> <p>2. The Bonar Bridge development allocations – MU1, OS and LT1 require mitigation measures 9.1/9.2, 9.5, 9.6 and 9.8 to be applied. These measures relate to the discharge and treatment of waste water, the addition of the Natura site as a development factor, the protection of open space and the need for an otter survey.</p> <p>3. SNH is satisfied that the revised appropriate assessment, when combined with proposed changes to the general policies (which are dealt with under the policy issues), development factors, settlement and site plans would protect the interests of the Natura site.</p> <p>4. I consider that Policy 7, Waste Water Treatment, as modified (see Issue 88) provides a satisfactory basis for the control of waste water.</p>		

5. Recommendations under Issue 102 provide for Natura sites to be included as a development factor for settlement development areas next to such sites. This includes Bonar Bridge where an additional development factor to this effect should be provided.

6. In terms of mitigation measure 9.6, there is no suggestion that the land designated as open space would be subject to development. Indeed, other provisions in the local plan provide protection in this respect. Accordingly, I am satisfied that this mitigation measure can be applied in Bonar Bridge.

7. Mitigation measure 9.8 relates to the requirement to undertake an otter survey. Details of this requirement are set out under Issue 102. Insofar as THC and SNH require mitigating measure 9.8 to be applied to sites in Bonar Bridge, the village must be regarded as a relevant settlement development area where a further “otter survey” development factor is to be included. On this basis I am satisfied an otter survey could be required for development proposed in the settlement.

8. All in all, I am satisfied that the provisions of the local plan would meet SNH concerns in respect of development in Bonar Bridge and that the required mitigating measures could be applied.

**Reporter’s recommendations:**

Modify the local plan to include further development factors for Inset 8.1, Bonar Bridge in respect of (a) drawing attention to the proximity of the Natura site to the settlement and (b) the need for an otter survey (as recommended under Issue 6).

<b>Issue 41</b>	<b>BONAR BRIDGE – Development Factors</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	Development Factors Text MB 22 – Map 7.1 MB 23	
<b>Organisations or persons submitting representations:</b>		
Mackenzie & Cormack (134) on behalf of Mrs Sheila Thomson		
<b>Provisions of the development plan to which the issue relates:</b>	Bonar Bridge – settlement development area	
<b>Summary of representations:</b>		
<p>Sewerage/foul drainage: the foul drainage in Bonar Bridge could not cope with the increased capacity and is currently in a very poor state; the drainage system has ruptured twice in the last eighteen months. There are concerns if further capacity was added to the existing poor drainage system.</p> <p>Water capacity: lack of water supply capacity for domestic purposes. Accordingly, Scottish Water could not cope with any further demand for water for new houses. This is an important issue in terms of resource planning.</p>		
<b>Modifications sought by those submitting representations:</b>		
Delete allocations (assumed).		
<b>Summary of responses by THC:</b>		
<p>A revised general policy deals with drainage.</p> <p>THC has used information on capacities provided by Scottish Water when drafting the local plan. There is ongoing liaison.</p> <p>The granting of planning permission does not secure connection to the public water supply or public sewer, but applicants are advised by the council that they must seek consent from Scottish Water for a water and waste water connection. Scottish Water will not, other than in exceptional circumstances, object to a planning application. However, the absence of an objection should not be interpreted as acceptance that the proposed development can currently be serviced. Scottish Water takes into consideration the views and development priorities expressed by the planning authority, and planning permissions that have been granted, when preparing its investment programme. The agency has been consulted on the local plan, is aware of the allocations and will use this information when programming investment priorities. Scottish Water advises the council on the current and programmed capability to accommodate development.</p> <p>Similarly, the granting of planning permission does not secure connection to the public water supply, but applicants are advised by the council that they must seek consent from Scottish Water for a water connection.</p>		
<b>Any further plan changes commended by THC:</b>		
None.		



**Reporter's conclusions:**

1. The issues raised on behalf of Mrs Thomson are important and are clearly of concern to any person affected by these matters.
2. THC has explained that Scottish Water has been consulted on the local plan and that there is ongoing liaison. The council also points out that the granting of planning permission does not, in itself, absolve a potential developer from the need to obtain approval to connect to the public water supply and the waste water system. I believe this procedure provides reasonable safeguards to ensure that new development would not proceed without adequate water and foul drainage capacity being available.
3. Furthermore, says THC, the general policy dealing with drainage has been revised. I note that Policy 14, Surface Water Drainage, stipulates a requirement for sustainable drainage systems and provides relevant guidance. I note also that examples of developer contributions that that may be required in terms of Policy 15 include a reference to improvement to water and sewerage infrastructure. Policy 7, deals with waste water treatment, the associated text setting out the role of the Scottish Environment Protection Agency (SEPA) in this respect.
4. Whilst I appreciate the concern of Mrs Thomson, I consider that the policy base of the local plan provides a reasonable basis for development management in respect of water supply, surface water and waste water treatment. In practical terms, the regulatory responsibilities of Scottish Water and SEPA add a further level of control over proposed new development. All-in-all, I conclude there is no requirement to amend the local plan in respect of the impact on drainage and water supply of new development in Bonar Bridge.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 42</b>	<b>42. BONAR BRIDGE - MU1 Cherry Grove</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	MU1, Cherry Grove; Text MB 22 – Map 8.1 MB 23	
<b>Organisations or persons submitting representations:</b>		
Mrs M. Mackay(596) SNH (326) (see Issue 40)		
<b>Provisions of the development plan to which the issue relates:</b>	Housing allocations	
<b>Summary of representations:</b>		
Concern regarding ongoing problems with water supply in Bonar Bridge. Water tanks are carting water to the plant on a regular basis. Extra housing will suffer the same supply interruptions.		
<b>Modifications sought by those submitting representations:</b>		
Delete allocation (assumed).		
<b>Summary of responses by THC:</b>		
Scottish Water has been consulted on the local plan, is aware of the allocations and will use this when programming investment priorities. Scottish Water advises the council on the current and programmed capability to accommodate development.		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
<p>1. SNH expressed concern about the prospect of further development at Bonar Bridge, including site allocation MU1. This concern has been considered under Issue 40 where I conclude that certain mitigation measures should be included as development factors. SNH has indicated that the application of agreed mitigation measures would satisfy the concerns over further development in the village as the interests of the Natura site would be protected.</p> <p>2. As also indicated in Issue 41, THC has explained that Scottish Water has been consulted on the local plan and that there is ongoing liaison. The council points out that the granting of planning permission does not, in itself, absolve a potential developer from the need to obtain approval to connect to the public water supply. I believe this procedure provides a reasonable safeguard to ensure that new development cannot proceed without an adequate water supply being available.</p> <p>3. I note also that the examples of developer contributions that may be required in terms of Policy 15 include a reference to improvement to, <i>inter alia</i>, water infrastructure. Whilst I appreciate the concern of Mrs Mackay, I consider that the policy base of the local plan provides a reasonable approach to development management in respect of water supply. In practical terms, the regulatory responsibilities of Scottish Water adds a further level of control over proposed new development. All-in-all, I conclude there is no requirement to amend the local plan in respect of the impact on water supply of new development in Bonar Bridge.</p>		

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 43</b>	<b>BONAR BRIDGE - LT1 South Of Cherry Grove</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	LT1, South of Cherry Grove; Text MB 22 – Map 8.1 MB 23	
<b>Organisations or persons submitting representations:</b>		
<p>Mrs M. Mackay (596)  Ms M. Watt (33)  Creich Parish Church (86)  Mackenzie &amp; Cormack on behalf of Mrs Sheila Thomson (134)</p> <p>Scottish Natural Heritage (326) (see Issue 40)</p>		
<b>Provisions of the development plan to which the issue relates:</b>	Long term housing allocations	
<b>Summary of representations:</b>		
<p><u>Ms M. Watt</u></p> <p>Request that the designation be changed to a housing allocation (H1), as the other previously allocated housing land at Swordale Road has been deleted. LT1 is of little or no agricultural use and has the main services of water, power and sewage installed to supply the new development of Swordale Park. Access is readily achievable from Carnegie Court.</p> <p><u>Creich Parish Church</u></p> <p>An old septic tank is in the field (marked LT) and overflows from this caused sewage and other unsavoury odours to "invade" the ground and driveway of the Manse? Some drainage was undertaken but with the continuous heavy rainfall there is a strong possibility that further influx of water etc may recur. Access, drainage, sewage etc must all be addressed before further plans can be carried out.</p> <p><u>Mackenzie &amp; Cormack</u></p> <p>Surface water: the current drainage system cannot cope with the situation and this can only get worse if the fields to the east of her property are developed particularly given the upward gradient of the field behind Kyle House. This, in the recent past, has resulted in flooding of her garden ground.</p> <p>Privacy: concerns that privacy at Kyle House will be considerably compromised by an additional 30 houses as the development is to be on a slope with tiers of overlooking properties. The number of houses is too high.</p> <p>Drainage: site meeting and plans of new drainage system required.</p> <p><u>Mrs M. Mackay</u></p> <p>Increase in traffic on Carnegie Court.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Ms M. Watt</u></p> <p>Change designation from LT1 to H1.</p>		

Creich Parish Church

Drainage and other unspecified improvements required.

Mackenzie & Cormack

Delete the allocation (assumed).

Mrs M. Mackay

Amend access arrangements.

**Summary of responses by THC:**

This land will remain as long term. At present the allocation at Cherry Grove appears to be effective. If however when the Local Plan is being reviewed in 5 years time and the allocation at Cherry Grove has not been effective, the allocation South of Cherry Grove will be considered for a housing allocation.

Access, drainage and sewage would all be addressed when a proposal came forward as a planning application. The developer requirements for MU1 Cherry Grove already state, "Access point to be reserved for future access onto allocation LT1 South of Cherry Grove". It is not intended to have traffic access through Carnegie Court. The Local Plan has general policies which cover these areas. Any problems with septic tanks in the area would need to be resolved at planning application stage to the satisfaction of the Council and SEPA.

Issues of privacy can be minimised by good siting, design, layout, planting and set back. This would all be considered in further detail at planning application stage.

The indicative capacity of 30 units is only indicative and actual site capacity would be agreed at planning application stage.

**Any further plan changes commended by THC**

None.

**Reporter's conclusions:**

1. Although I appreciate the concern expressed about drainage and surface water, THC has explained the regulatory roles of SEPA and Scottish Water in response to representations under Issue 41 (also by Mackenzie & Cormack on behalf of Mrs Thomson).

2. Mrs Mackay is concerned about additional traffic using Carnegie Court but THC points out that the developer requirements of site MU1 identify a need to reserve an access to site LT1. It is therefore clear that access via Carnegie Court is not intended. Insofar as I share the concern about the use of Carnegie Court for an access to site LT1, I find I am unable to support Mrs Watt's suggestion that the site should be re-designated as H1.

3. I also note Mrs Thomson's belief that the density is too high and that there would be an impact on her privacy. In my opinion, a housing capacity of 30 units on a site of 2.3ha is not unreasonable although I accept the site is sloping and careful design would be required to protect the amenity of adjoining land, especially land at the foot of the slope.

4. Overall, I conclude that it would be possible to develop the site for residential purposes although a number of challenging issues would require to be faced.

5. However, in the light of wider conclusions on the long-term allocations at various locations

in the local plan area (see Issue 103), I do not consider it is appropriate to include LT1 or retain the land within the Bonar Bridge settlement boundary. The land should be re-designated under natural, built and heritage features as either land of national importance (Policy 4.2) or land of local/regional importance (Policy 4.1), whichever is applicable.

6. Site MU1 with its stated capacity of 30 units would therefore remain as the single development site in Bonar Bridge. In my view, this 5 ha site is likely to meet the housing requirements of the village for the duration of the plan period. The developer requirements should exclude the reference to reserving an access to site LT1.

7. SNH expressed concern about the prospect of any further development at Bonar Bridge. This concern has been considered under Issue 40 where I conclude that certain mitigation measures should be included as development factors. SNH has indicated that the application of agreed mitigation measures would satisfy the concerns over further development in the village. The belief of SNH that the interests of the Natura site would be protected by the mitigation measures does not alter my opinion that the site allocation should be deleted.

#### **Reporter's recommendations:**

Modify the local plan: delete site LT1 from the site allocations in Inset 8.1, Bonar Bridge, and from the proposals map. Realign the settlement boundary to exclude site LT1 which should be re-designated either land of national importance (Policy 4.2) or land of local/regional importance (Policy 4.1), whichever is applicable.

In the developer requirements for site MU1 (H/C), Cherry Grove, delete: "access point to be reserved for future access onto allocation LT1 South of Cherry Grove;"

<b>Issue 44</b>	<b>SOUTH BONAR INDUSTRIAL ESTATE - I1, South Bonar Industrial Estate</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	I1, South Bonar Industrial Estate; Text MB 24 - Map 8.2 MB 24	
<b>Organisations or persons submitting representations:</b>		
Mr S. Copely (90)  Scottish Natural Heritage (326)		
<b>Provisions of the development plan to which the issue relates:</b>	Business allocations	
<b>Summary of representations:</b>		
<p><u>Mr S. Copely</u></p> <p>Concern regarding long term future of site with rising sea levels, units should be relocated to higher ground.</p> <p><u>SNH</u></p> <p>Site occupies a prominent location on the flat and low-lying floodplain of the River Oykel and falls just outside the boundary of the Dornoch Firth NSA. SNH strongly recommends that alternative sites are considered within the areas identified for business and mixed use in the neighbouring villages of Bonar Bridge and Ardgay which might provide a more sustainable location for this allocation. SNH is particularly concerned about the potential visual impact of land raising and on the possible impacts on the adjacent SAC and SPA from additional discharge from the site. An Appropriate Assessment is also likely to be required here, for the same reason as for Bonar Bridge and Ardgay above, and so SNH objects until the results of the Council's appropriate assessment has been produced.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Mr S. Copely</u></p> <p>Seeks provision of alternative business allocation.</p> <p><u>SNH</u></p> <p>Preparation of an appropriate assessment and consideration of impacts and mitigation to natural heritage designations.</p>		
<b>Summary of responses by THC</b>		
<p><u>Mr S. Copely</u></p> <p>The existing Industrial Estate will remain as an allocation. There are existing businesses located on the Industrial Estate which need to be supported. We have amended the developer requirements to state that a Flood Risk Assessment will be necessary when submitting a planning application.</p> <p><u>SNH</u></p> <p>An Appropriate Assessment has been prepared in liaison with Scottish Natural Heritage, the</p>		

consideration of impacts of development did not identify impacts that have not been addressed by amendments to general policies. No adverse effects on site integrity as a result of this decision. Decision was taken to retain allocation. No adverse effects on site integrity as a result of this decision.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. SNH anticipated the likely requirement for an appropriate assessment and THC responded that there had been liaison in this respect. More details of this process were requested and the council has provided an Appropriate Assessment of the Deposit Draft Sutherland Local Plan, Version 2, dated December 2009. The assessment was prepared in liaison with SNH and the matter is considered in general under Issue 102. The document contains a series of mitigation measures, 9.1 – 9.8, and the council has identified those measures which require to be applied to the various settlements and development allocations within the local plan area.

2. The South Bonar Bridge Industrial Estate requires mitigation measures 9.1/9.2, 9.4, 9.5 and 9.8 to be applied. These measures relate to the discharge and treatment of waste water, flood risk assessment, the addition of the Natura site as a development factor and the need for an otter survey.

3. SNH is satisfied that the revised appropriate assessment, when combined with proposed changes to the general policies (which are dealt with under the policy issues), development factors, settlement and site plans will not lead to an adverse impact on the Natura site. Accordingly, SNH considers that the Natura site interests at South Bonar Bridge Industrial Estate are protected.

4. I consider that Policy 7, Waste Water Treatment, as modified (see Issue 88) provides a satisfactory basis for the control of waste water.

5. In terms of mitigation measure 9.4, THC commends an additional development factor should be included requiring the design of the waste water arrangements in development proposals to have regard to the risk of flooding leading to the contamination of the Natura site. Indeed, the design should seek to avoid this eventuality. This is an appropriate mitigating measure which I consider should be endorsed. I consider that this additional development factor along with the inclusion of flood risk assessment in the developer requirements meets the concern of Mr Copely.

6. Recommendations under Issue 102 provide for Natura sites to be included as a development factor for settlement development areas next to such sites. This includes South Bonar Bridge Industrial Estate where an additional development factor to this effect should be provided.

7. Mitigation measure 9.8 relates to the requirement to undertake an otter survey. Details of this requirement are set out under Issue 102. Insofar as THC and SNH require mitigating measure 9.8 to be applied to South Bonar Bridge Industrial Estate, the location must be regarded as a relevant settlement development area where a further "otter survey" development factor is to be included. On this basis I am satisfied an otter survey could be required for development proposed in the settlement development area.

8. All in all, I am satisfied that the provisions of the local plan would meet SNH concerns in respect of development in Bonar Bridge and that the required mitigating measures could be applied thereby protecting the interests of the Natura site.



**Reporter's recommendations:**

Modify the local plan to include further development factors for Inset 8.2, South Bonar Bridge Industrial Estate in respect of (a) drawing attention to the proximity of the Natura site to the settlement; (b) requiring for the design of the waste water arrangements in development proposals to have regard to the risk of flooding leading to the contamination of the Natura site; the design should seek to avoid this eventuality, and (c) the need for an otter survey (in terms of the recommendation under Issue 6).

<b>Issue 45</b>	<b>ROSEHALL – Settlement Development Area (H 2 Opposite the Post Office (deleted))</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	H 2, Opposite the Post Office (deleted); Text MB 25 – Map 8.5 MB 25	
<b>Organisations or persons submitting representations:</b>		
Bracewell Stirling, Architects (638) on behalf of Balnagown Estate		
<b>Provisions of the development plan to which the issue relates:</b>	Settlement development area boundary/ housing land (unallocated)	
<b>Summary of representations:</b>		
<p>Site H2 should not be removed from the local plan. The matters raised which resulted in the deletion of site H2 can be addressed and resolved. THC has a desire to provide housing in small, rural settlements to sustain the community and local services. To achieve this, the boundary of the allocation could be moved away from the river to the stone dyke to provide a 23m buffer zone, allowing access and removing the area that may be a flood risk. To this end, a planning application was lodged for development of the site.</p>		
<b>Modifications sought by those submitting representations:</b>		
Restore the site allocation on land opposite the post office with a consequent extension of the settlement boundary.		
<b>Summary of responses by THC:</b>		
<p>The deletion of the site from the previous draft plan took account of the River Oykel Special Area of Conservation (SAC) and effects on the setting of Invercassley House, a listed building.</p> <p>The resulting reduction in size of the allocation left two small areas of unlinked land, on either side of the kennels. The land to the south is directly opposite the proposed access point to allocation H1 and would therefore not have a suitable access. The area of land to the north will remain within the settlement development area as suitable for infill development. The housing allocation of site H1, Rear of the Post Office, will continue to provide land for development.</p> <p>The settlement development area to the north excludes the land between the River Cassley and the A837 as this land would not be suitable for infill development due to its proximity to the SAC and the important views from the road over the river on the approach to the settlement from the north.</p>		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
<ol style="list-style-type: none"> <li>1. Inset 8.5, Rosehall, indicates that the River Cassley is a natural feature of international importance. This is part of the River Oykel SAC. I understand that the primary reason for the designation of the SAC is the presence of the freshwater pearl mussel.</li> <li>2. THC explains that land previously allocated for residential development adjacent to the</li> </ol>		

river (site H2) was deleted because of the SAC status of the river. On the other hand, Messrs Bracewell Stirling maintain that restricting development to the west of a stone dyke would leave a clear area of 23 metres next to the river and this would prevent the housing having an impact on the SAC.

3. Details have been supplied of a development of seven houses to the north of Invercassley House. A “buffer zone” has been retained between the stone dyke and the river, a drainage impact assessment undertaken and a SUDs strategy prepared.

4. Balnagown Estate believes that THC was incorrect in deleting the housing allocation on the basis of the SAC and that an appropriate assessment could be undertaken during the planning process.

5. I cannot accept the opinion of Bracewell Stirling that leaving an open area of 23 metres next to the river would prevent an impact on the SAC as no evidence has been provided to substantiate this statement. I am aware that the freshwater pearl mussel requires pure water and I cannot be confident that a development in the location proposed in the planning application could retain the required level of purity. Of course, as Balnagown Estate indicates, an appropriate assessment could be carried out as part of the planning process. This would be in accordance with Policy 4, Natural, Built and Cultural Heritage. In the meantime, in view of the international importance of the SAC, I consider it would be inappropriate to allocate land for development beyond the settlement boundary shown in Inset 8.5.

#### **Reporter’s recommendations**

No change to the local plan; that is, site H2, Opposite the Post Office, in Inset 8.5, Rosehall, should not be re-instated.

<b>Issue 46</b>	<b>ROSEHALL - H 1 Rear of the Post Office</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	H 1, Rear of the Post Office Text MB 25 – Map 8.5 MB 25	
<b>Organisations or persons submitting representations:</b>		
A. C. Snody (75) Ms E. Smith (376) Lord Marks of Broughton (551)		
<b>Provisions of the development plan to which the issue relates:</b>	Housing allocations	
<b>Summary of representations:</b>		
<p><u>A. C. Snody</u></p> <p>Need to know more about housing - private, rental, council? Too close to Cassley Drive, too enclosing on housing already there. Loss of Rosehall Trails path.</p> <p><u>E. Smith</u></p> <p>Say “no” to local development; Rosehall should stay as it is: quiet and crime free, looking out to see fields and the hills rather than houses.</p> <p><u>Lord Marks of Broughton</u></p> <p>Lack of facilities, no employment, too large-scale development inappropriate.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>A. C. Snody, E. Smith</u></p> <p>Delete housing land allocation.</p> <p><u>Lord Marks of Broughton</u></p> <p>Reduce the scale of land allocations.</p>		
<b>Summary of responses by THC:</b>		
<p>The type of housing provided will be determined by the landowner/developer and would be tested through a planning application. The local plan has an affordable housing policy which states that when 4 or more houses are built, 25% must be affordable. Design, siting, layout, planting and set-back from other properties would also be dealt with in detail at planning application stage.</p> <p>Reference to maintenance of Rosehall Trails path is included in the developer requirements.</p> <p>National planning guidance expects planning authorities to provide an adequate supply of effective housing land. The local plan aims to identify areas of land for development that will meet the existing and projected need for each settlement and its catchment. There is a need to ensure that there is an adequate supply of effective land readily available to develop.</p> <p>The development factors for Rosehall state that local road improvements will be required</p>		

where a network deficiency is created or worsened by a particular proposal and development must be proportionate to the capacity of the mainly single track A837.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. It is necessary to strike a balance between potentially overwhelming the character of the village – physically and socially – by proposing an unjustifiably high level of development or causing stagnation by allowing no development whatsoever. The Foreword of the local plan recognises the need for homes, jobs, services and facilities and, in supporting communities, paragraph 4.32 states that the priority is to support existing services, address remaining deficiencies and improve the range and quality of facilities.

2. On the basis of the foregoing, I do not share the opinion of Ms Smith who requires Rosehall to remain unchanged. However, I concur with Lord Marks that large-scale development would be unacceptable and note that he acknowledges the possibility of a limited number of additional houses. I agree with this view and believe that the allocation of site H1 permits this objective to be achieved. However, taking into account the scale of Rosehall, I consider that the indicative capacity of 15 houses is too high and think that a reduction to 10 units would be more appropriate. This reduced number of houses would lead to a low overall density on the site which extends to 1.3ha. Depending on detailed design, the whole of the site may not be required although, to provide flexibility in the layout, I consider the boundary should remain as shown in Inset 8.5, Rosehall.

3. A. C. Snody is concerned about the details of the development and the relationship between new buildings and existing property. I accept the council's opinion that matters of a detailed nature are more properly assessed through the development management process. I also note that the developer requirements include an obligation to maintain access to the Rosehall Trail path. I see no reason why a suitable layout could not be provided for site H1.

**Reporter's recommendations:**

Modify the local plan: the housing capacity of site allocation H1, Rear of the Post Office, in Inset 8.5, Rosehall, should be reduced from 15 units to 10 units.

<b>Issue 47</b>	<b>INVERSHIN SETTLEMENT DEVELOPMENT AREA AND H1 FORMER BALBLAIR WORKINGS</b>	<b>Reporter: RICHARD DENT</b>
<b>Development plan reference:</b>	Settlement development area and H1, Former Balblair Workings; Text MB 26 – Map 8.3 MB 27	
<b>Organisations or persons submitting representations:</b>		
Invershin Hall Committee (102) S. Chalmers (362) SNH (326) SEPA (311)		
<b>Provisions of the development plan to which the issue relates:</b>	Settlement development area boundary; H1, Former Balblair Workings	
<b>Summary of representations:</b>		
<p><u>Invershin Hall Committee</u></p> <p>Seek change to the village boundaries for Invershin, removal of Balblair area.</p> <p><u>S. Chalmers</u></p> <p>There is a need for affordable housing and affordable building plots along with appropriate small-scale housing in the village. The Balblair development is not within the boundary of the village and does not reflect local needs.</p> <p><u>SNH</u></p> <p>Reduction in settlement development area around Invershin Farm to hold back from the river, which is a special area of conservation. An appropriate assessment is also likely to be required here and so SNH objects until the results of the council's appropriate assessment can be considered.</p> <p><u>SEPA</u></p> <p>Recommends the allocation boundary is modified to more accurately reflect the medium to high flood risk areas.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Invershin Hall Committee, S. Chalmers</u></p> <p>Amend SDA at Balblair workings; make provision for affordable housing and building plots.</p> <p><u>SNH</u></p> <p>Amend SDA at Invershin Farm; preparation of an appropriate assessment.</p> <p><u>SEPA</u></p> <p>Amend SDA along river.</p>		

**Summary of responses by THC:**Invershin Hall Committee, S Chalmers

The SDA was enlarged to the north as suggested however the allocation of H1, Former Balblair Workings, will remain within the SDA. General Policy 1, Settlement Development Areas, supports appropriate infill development within a settlement development boundary, therefore appropriate infill for affordable housing or plots will not be affected by the allocation within the SDA.

SNH

Land within the SDA does not offer *carte blanche* for development and there is no site allocation for development around Invershin Farm. Proposals will be considered on merit and if necessary would be subject to appropriate assessment. An appropriate assessment has been prepared in liaison with SNH, the consideration of impacts of development did not identify impacts that have not been addressed by amendments to general policies. No adverse effects on site integrity as a result of this decision.

SEPA

There is already a developer requirement for a flood risk assessment to be submitted with any planning application and for housing to be kept back from the river. Given the very low density nature of the proposals, this will be readily achieved. We have added the following developer requirements: "Housing must be kept back from the river" and "A design brief must be prepared." The developer requirement on flood risk will be amended to read, "This site may be at risk from flooding. A flood risk assessment should be submitted with any planning application".

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. Although Invershin is shown as a settlement, the scatter of buildings over a significant length of the A836 does not provide a clear settlement boundary. Although Inset 8.3 indicates that Invershin is a small centre which sustains important local facilities, I do not believe a "sense of place" is discernable in either visual or physical terms. The population is estimated to be 26.

2. On the basis of the foregoing I consider the proposed extension of the settlement boundary and the related allocation of 21.4ha for housing purposes to be an artificial and somewhat contrived concept. In turn, I agree with those who expressed concern about the Balblair area being included within the boundary as site allocation H1.

3. Responding to the suggested need for affordable and small-scale housing, including plots, within the settlement boundary, THC has indicated that development of this type is supported without the need for a specific allocation. This being the case, it seems to me that there must be a reasonable expectation that the indicative capacity of 12 units allocated to site H1 could be accommodated within the defined settlement boundary. Indeed, this adds weight to my belief that the boundary should not be extended southwards to encompass site H1.

4. Both SNH and SEPA express concerns about site H1. Following the preparation of a revised appropriate assessment, the Examination Draft Version 2 (December 2009), SNH has indicated that the application of agreed mitigation measures would protect the interests of the Natura site. However, in view of my conclusion that this allocation should be deleted

there is no need to further consider the SNH representations. An appropriate assessment is not necessary and the deletion of the allocation would meet the concerns of the agency. Similarly, the deletion of the site also meets the concerns of SEPA and there is no need to consider these representations further.

**Reporter's recommendations:**

Modify the local plan: delete allocation H1, Former Balblair Workings, in the proposals map of Inset 8.3, Invershin, and adjust the boundary of the settlement development area to exclude this area which should be designated as "Wider Countryside (Policy 3)". Delete site allocations from the associated text (site H1 being the single site allocation at Invershin) and adjust the "Prospects" section accordingly.



<b>Issue 48</b>	<b>LAIRG – C1 North-West Of Ferrycroft</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	C1 North-west of Ferrycroft Text MB 28 - Map 9.1 MB 29	
<b>Organisations or persons submitting representations:</b>		
SNH (326)		
<b>Provision of the development plan to which the issue relates:</b>	Community allocation	
<b>Summary of representations:</b>		
<p>Recommends that the developer requirements include an indication of the nature of possible community use. The allocation should be retained as primarily open land and any built development should be sensitively sited and designed with regard to the views across the loch.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>Identification of potential community uses. Requirement to retain the site as primarily open land and any built development should be sensitively sited and designed with regard to the views from across the loch.</p>		
<b>Summary of response by THC:</b>		
<p>The developer requirements will not indicate the nature of possible community use as this is currently unknown. However, the developer requirements will be amended to include, "Any development should be sensitively sited and designed with regard to the views from across the loch".</p>		
<b>Any further plan changes commended by THC:</b>		
<p>Commend amendment of developer requirements.  Amend developer requirements to include, "Any development should be sensitively sited and designed with regard to the views from across the loch".</p>		
<b>Reporter's conclusions:</b>		
<p>1. This site on the western shore of Little Loch Shin is prominent in views across the loch from the A836 and from most of the village on the opposite (eastern) shore. I consider that the open character of the site, with semi-mature planting along the lochside, makes a positive contribution to the visual amenity of the area. I have no basis on which to define any particular community use. However, I agree that any associated buildings should be of a design appropriate to this prominent rural location and should be set back into the site in order to protect the open character of the loch shore. Whilst the council's suggested change goes some way to meet the concerns of SNH it does not include the wording "retained as primarily open land". I consider that a variation of the council's proposed wording would address this issue without placing an undue restriction on development.</p>		

**Reporter's recommendations:**

Modify the local plan, Inset 19.1: Lairg to add the following text to the developer requirements for site C1-North-West of Ferry Croft:

Any development should be of an appropriate design and should be carefully sited in order to protect the open character and amenity of the site, with particular regard to views from across the loch.

<b>Issue 49</b>	<b>LAIRG – H1 South-West Of Main Street</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	H1 South-west of Main Street Text MB 28 - Map 91 MB 29	
<b>Organisations or persons submitting representations:</b>		
Mrs M. Ross (46) Lairg Estate (153) Lairg Community Council (188) Mr & Mrs D. A. Walker (189) E. Ross (344)		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation	
<b>Summary of representations:</b>		
<p><u>Mrs M Ross, E. Ross, Mr &amp; Mrs D. A. Walker</u></p> <p>Lairg is a small village with an eradicated community spirit and cannot sustain a larger population as there is no work. Seventy houses would be too many houses for the village for a host of reasons. Drainage is already a problem with the road along the front of Loch Shin from Main Street to the corner of Ord Place bridge flooding in places during periods of heavy rain. The burn at the back of Glenburn which goes underground is overgrown and would be a flooding problem during excavation and building. The area has very little work so incomers would be retired or otherwise and would not be adding anything to the local economy. It would add to the burden of the local GP, nursing staff, police etc. It is already difficult to get a dentist.</p> <p><u>Lairg Community Council</u></p> <p>Object to future development of these areas until employment is created within Lairg. Should development go ahead this would put a strain on infrastructure i.e. medical, care of the elderly services etc. Housing would be occupied by an ageing/retiring population and as second homes. Prime agricultural land would be lost.</p> <p><u>Lairg Estate</u></p> <p>Wish amendments to wording regarding access and the Masterplan for the site. The requirements assume the site as a whole will be developed. Smaller scale organic growth of the terrace or at the tennis courts could be considered.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Mrs M. Ross, E. Ross, Lairg Community Council, Mr &amp; Mrs D. A. Walker</u></p> <p>Deletion of allocations (assumed).</p> <p><u>Lairg Estate</u></p> <p>Amend paragraph 3 to state- "Existing access to the site could be acceptable for a small number of additional units. A new access via the A836 would be required for any larger scale development of the site."</p>		

Amend paragraph 1 to read- “Masterplan required for large scale development of the site to ensure houses are carefully designed to fit with the undulating landform”.

#### **Summary of response by THC:**

Developer requirements have been amended since the previous draft to cover design, preparation of a masterplan, and flood risk.

Preferred access to the site is via the A836. The current access via The Terrace is substandard for any additional units. It is not intended for access to be taken via the tennis courts.

Housing capacity for allocations is only indicative and will be negotiated during the planning applications process.

National planning guidance expects planning authorities to provide an adequate supply of effective housing land. A choice of housing has a direct impact on an area’s ability to grow and prosper and hence on the ability to attract jobs.

The landowner has indicated that the land is available for development. Although the land has an agricultural value it is not classified as prime agricultural land. The development plan does need to identify land for the future development of the settlement and this site does offer a sustainable location at the edge of the settlement.

Amend first point to read, “Existing access to the site could be acceptable for a small number of additional units. A new access via the A836 would be required for any large scale development of the site”.

Amend third point to read, “Masterplan required for large scale development of the site to ensure houses are carefully designed to fit with the undulating landform. This Masterplan should also take account of the allocation at MU1”.

These changes will allow for a small number of houses to be added to the site subject to agreement regarding the suitability of any existing access points. However, it still stresses that any large scale development, including long term phased development of the site, should be developed via a Masterplan for the entire site.

#### **Any further plan changes commended by THC:**

Amend first point of developer requirements to read, “Existing access to the site could be acceptable for a small number of additional units. A new access via the A836 would be required for any large scale development of the site”.

Amend third point to read, “Masterplan required for large scale development of the site to ensure houses are carefully designed to fit with the undulating landform. This Masterplan should also take account of the allocation at MU1”.

#### **Reporter’s conclusions:**

1. I agree that this is a relatively large allocation of housing for this village. However, the community has a range of local services and some employment provision. Sites at the former laundry (B1), West of Church Hill Road (B2) and South-West of Ord Place (B3) are identified for business use. In addition, Lairg Station is also mentioned in the settlement text as an area for further business growth. Issues regarding the extent of the housing land supply are addressed in Issue 103. The plan has been prepared in consultation with service providers, I recognise the benefits of enabling growth and agree with the council that

additional housing can promote enhanced service provision and encourage economic growth.

2. The developer requirements for the site recognise the potential risk of flooding and require a flood risk assessment as well as integration of existing watercourses within the site. The existing access is along a single-track road leading from the main street past the tennis courts. Some minor development along the west side of the existing access track may be acceptable subject to the details of any planning application. I agree with the council that access improvements would be required to facilitate release of the remainder of the site and that master planning is required to ensure an integrated approach to any development. I consider that this should also have regard to any proposals for the adjacent former hotel site (MU1), particularly with respect to access, although I note that this site now has planning permission for a hotel and 32 apartments. Whilst the challenging topography of the site may indicate a capacity lower than the 70 suggested by the council, the site relates well to the village and I am content that there is potential for any remaining concerns to be addressed through the required master planning and development management process.

3. Consequently, subject to the council's proposed amendments, I consider that this site is acceptable in principle for housing development.

#### **Reporter's recommendations:**

Modify the local plan, Inset 9.1 Lairg, H1 South West of Main Street as follows:

- amend first point to read, "Existing access to the site could be acceptable for a small number of additional units. A new access via the A836 would be required for any large scale development of the site" and;
- amend third point to read, "Masterplan required for large scale development of the site to ensure houses are carefully designed to fit with the undulating landform. This masterplan should also take account of the allocation at MU1".

<b>Issue 50</b>	<b>LAIRG - North Of Manse Road</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	H2 North of Manse Road Text MB 28 - Map 91 MB 29	
<b>Organisations or persons submitting representations:</b>		
J. B. H & K Norton (193)		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation	
<b>Summary of representations:</b>		
<p>Access to Springfield not shown or is it intended to provide a different access within the planning consent. How is the electrical supply line that crosses the site to be diverted. Land requires extensive draining and water-course diversion. Is on-street parking on Manse Road to be resolved by provision of lay-bys or alternative parking areas (off-street). Will redevelopment be limited to 1.5 storeys or less? Question design of housing, on street parking and viability of allocation given high infrastructure costs.</p>		
<b>Modifications sought by those submitting representations:</b>		
Deletion of allocation (assumed).		
<b>Summary of response by THC:</b>		
<p>National planning guidance expects planning authorities to provide an adequate supply of effective housing land. A choice of housing has a direct impact on an area's ability to grow and prosper and hence on its ability to attract jobs. There are two business sites allocated in Lairg and Lairg Station is also mentioned in the settlement text as an area for further business growth.</p> <p>The boundary has been amended to remove the land at Springfield and its access from the allocation and also the land at Tynron.</p> <p>Re-routing or under grounding of the electricity supply would be preferable; this would be at the expense of the developer. A robust drainage system will be required. Siting, design, layout, planting and set-back will all be dealt with during the planning application process. We cannot tie the provision of additional parking to this allocation to resolve on street parking problems on Manse Road.</p> <p>This site usefully adds to the choice of sites for housing within Lairg. Ultimately, it will be for a developer to determine whether or not the site is viable in the prevailing economic climate.</p> <p>Both these issues would be dealt with in detail at planning application stage once there are defined proposals available.</p>		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
1. My conclusions do not cover wider issues relating to the extent of the housing land supply		

and associated employment opportunities (see Issue 103), as this representation is restricted to site specific matters. No access is shown on the settlement development area map although the developer requirements refer to access from the south and I note that the boundary of the site has been amended from the previous draft.

2. From my site visit, I observed the extent of on-street parking in this area of Manse Road. However, I agree with the council that it would only be appropriate to require developers to address any parking and access issues arising from the new development. Allocation of a site in a local plan establishes the principle of development/use of the land. There may often be some constraint to realising that potential. However, at this stage in the planning process it is sufficient that the site meets other relevant planning requirements and that there is a reasonable prospect that it can become effective.

3. Given that issues of access, drainage, parking, layout and design would be considered through the development management process, and re-routing of services would be a matter for the developer, I am content that a further addition to the list of developer requirements is not required. I have no evidence to suggest that there are planning reasons sufficient to justify deletion of this site from the local plan.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 51:</b>	<b>LAIRG - North Of Milnclarin</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	LT 1 North of Milnclarin Text MB 28 - Map 91 MB 29	
<b>Organisations or persons submitting representations:</b>		
Mr Sutherland (340)		
<b>Provision of the development plan to which the issue relates:</b>	Long Term – Housing	
<b>Summary of representations:</b>		
<p>Consider access to LT1 from Manse Road/Back Road to be unsuitable. This has been one of our concerns. Present access from Milnclarin limits the number of houses which could be built in this area. Concerns regarding any excavations or vibrations in the area of our services.</p> <p>Seek assurance that services will not be disturbed by any development in this area after any scheme is completed. Site is subject to flood risk.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>Delete allocation (assumed).</p> <p>Objector has not indicated that they wish issue taken forward for examination however, neither have they withdrawn.</p>		
<b>Summary of response by THC:</b>		
<p>There is a general policy in the local plan that covers Surface Water Drainage; it states that all development must be drained by Sustainable Drainage Systems (SuDS).</p> <p>Preferred access is via Milnclarin. The current access does limit the number of additional units on this site to 3.</p> <p>Requirement for a Flood Risk Assessment is contained in the Developer Requirements.</p> <p>Issues with service damage during development are the responsibility of the developer who should consult with the service providers to identify services in an area. Any legal way leave for services should be shown in the title deeds for a property. The Council consults service providers during the Local Plan process, so they will be aware of allocated sites.</p> <p>Disturbance is not a planning issue but a matter for project management of the construction process, although operations during construction can be controlled through planning condition. There is already a developer requirement for a flood risk assessment to be done for this allocation.</p>		
<b>Any further plan changes commended by THC:</b>		
None.		



**Reporter's conclusions:**

1. Access is not shown on inset map 9.1, although the council states that the preferred access is through Milnclarin. This is a residential access road running through from Main Street and Church Hill Road and my understanding from the council's response is that the capacity of the site, based on this existing access, is restricted to an additional 3 units. I have no reason to doubt that this is the case and no information on the extent or feasibility of the works required to upgrade this access. The only alternative would be from the narrow single-track road (Back Road) leading up from Manse Road. On this approach, the site is detached from the village and there is no pedestrian provision or street lighting. Consequently, I am left in some doubt as to whether appropriate access for a development of 15 houses could be achieved. I also note the requirement for a flood risk assessment given the low lying nature of the southern portion of the site adjacent to existing watercourses.

2. Whilst the plan has been prepared in consultation with service providers and housing growth can help to deliver jobs and services, the total capacity of housing land identified in this local plan for Lairg is around 172 units. For a community with a current estimated population of 369, this is a significant level of growth when considered in the context of my conclusions on Issue 103. Whilst I appreciate the council's desire to provide for a range and choice of sites and to guard against any becoming ineffective the overall level of growth proposed for Sutherland already includes flexibility beyond that indicated in the structure plan.

3. Given the constraints on this site and the extent of other land available I am not persuaded that the principle of development of 15 houses on this 4.2 hectare extension to the village should be established through this local plan. In any event, the council accept that development would not be considered during the lifetime of the plan unless some of the other allocated sites become ineffective. In this context, I consider that there is an adequate supply of more suitable sites (including H1, see Issue 049) which are better located to consolidate the village.

**Reporter's recommendations:**

Modify the local plan Inset 9.1: Lairg to delete references to LT1: North of Milnclarin from the text and accompanying map. Redefine the boundary of the SDA accordingly.

<b>Issue 52:</b>	<b>LAIRG - North-West Of Lochside</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	LT2 North-west of Lochside Text MB 28 - Map 91 MB 29	
<b>Organisation or persons submitting representations:</b>		
Mrs V. Willoughby (178) J. B. H. & K. Norton (193)		
<b>Provision of the development plan to which the issue relates:</b>	Long Term - Housing	
<b>Summary of representations:</b>		
<p><u>Mrs V. Willoughby (178)</u></p> <p>Lairg does not have the infrastructure to carry large housing development. 50 houses need to be built where they have shops and work in the area. This would be too far out for working people with the price of fuel. Need bigger school/doctors/police/transport.</p> <p><u>J. B. H. &amp; K. Norton (193)</u></p> <p>Manse Road is not suitable for an additional 50 to 75 vehicles as there is no full footpath both sides especially at bottom, no provision for off street parking on Manse Road. Upper part of Manse Road (after Manse) is used during large funerals and development of LT2 would have to provide parking (off road) for 40 to 50 vehicles as a minimum and also provide additional parking at cemetery. Access will be required to ensure safe ingress and egress and better sightlines provided. Query capacity of drainage (foul and storm) system. Need for additional facilities for the young population. Footpath extension required. Is there intention to use compulsory purchase on this site?</p>		
<b>Modifications sought by those submitting representations:</b>		
Deletion of allocation (assumed).		
<b>Summary of response by THC:</b>		
<p>A developer requirement is to extend the footpath on Manse Road. The preferred access would be via a roundabout off the A836. A Sustainable Drainage System will be required as per General Policy 14 of the Local Plan.</p> <p>We cannot tie the provision of additional parking to this allocation to resolve on street parking problems on Manse Road.</p> <p>Generally development in an area creates growth which in turn supports the creation of new amenities and infrastructure and helps to support existing facilities. The Local Plan has a general policy on developer contributions which helps to ensure that there is mitigation for the impact of new development.</p> <p>We have been informed by Scottish Water that there is sufficient capacity in the waste water treatment plant.</p> <p>The impact on the cemetery or privacy of adjacent properties can be avoided or minimised by siting, design, layout, planting and set-back and would all be dealt with during the</p>		

planning application process.

The Council does not own the land so it is not within the Council's control who develops this site. The local plan does however have an affordable housing policy. This states that where 4 or more houses are built on a site, 25% of them must be affordable housing.

National planning guidance expects planning authorities to provide an adequate supply of effective housing land. A choice of housing has a direct impact on an area's ability to grow and prosper. The allocation is also for longer term. It is intended that this site will not be considered for development for housing during the lifetime of this plan unless some of the other allocated sites become ineffective. If a planning application is lodged for this site it will state how many housing units are proposed for the site. It would be at this stage that a detailed response on footpath requirements could be provided.

There are no compulsory purchase intentions with this site.

#### **Reporter's conclusions:**

1. This is a large site which is in a prominent location at the entrance to the village from the north-west. The site extends beyond the established boundary of the village and slopes up from the A836 towards the cemetery. I consider that development here would be highly visible on the approach along the A836 and from the cemetery along Manse Road. In addition, I consider that this field contributes to the established landscape setting of Lairg. The council states that access from a roundabout on the A836 would be preferred. No information on the feasibility of this has been provided and I have some concerns regarding visibility along this stretch of road given its configuration and the apparent difference in levels. I accept that detailed issues regarding drainage, footpath provisions and traffic management along Manse Road could be addressed through the development management process.

2. Whilst the plan has been prepared in consultation with service providers and housing growth can help to deliver jobs and services, the total capacity of housing land identified in this local plan for Lairg is around 172 units. For a community with a current estimated population of 369, this is a significant level of growth when considered in the context of my conclusions on Issue 103. Whilst I appreciate the council's desire to provide for a range and choice of sites and to guard against any becoming ineffective the overall level of growth proposed for Sutherland already includes flexibility beyond that required by the structure plan.

3. The council already accept that it is not intended that either of the long term sites identified in Lairg would be developed in the lifetime of the plan and I consider that further assessment of the proposed access and the landscape impact of the proposal would be required prior to accepting the principle of development here. Future review of the development plan may enable assessment of the need for this site and its future development potential in the context of a sustainable level of growth for Sutherland and the Highlands as a whole.

#### **Reporter's recommendations:**

Modify the local plan Inset 9.1: Lairg to delete references to LT2: Northwest of Lochside from the text and accompanying map. Redefine the boundary of the SDA accordingly.

<b>Issue 53</b>	<b>LAIRG - Former Hotel/Outbuildings</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	MU1 Former hotel/outbuildings Text MB 28 - Map 91 MB 29	
<b>Organisations or persons submitting representations:</b>		
Mrs M Ross (46)		
<b>Provision of the development plan to which the issue relates:</b>	Mixed Use – Tourist accommodation	
<b>Summary of representations:</b>		
Should encourage anything that would add to work and economy of village. Let the site be used and ignore thoughts of preserving old trees and such. We can grow plenty of these again where they could perhaps enhance the buildings etc. Economy of area and spirits of real villagers is very important.		
<b>Modifications sought by those submitting representations:</b>		
Removal of restraints to development in regard to preservation of trees.		
<b>Summary of response by THC:</b>		
The site is being retained as an allocation for Mixed Use (MU) for tourist accommodation and is not allocated for an industrial use. There is currently a Tree Preservation Order on the site and will be protected under General Policy 4 of the Plan.		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
1. From my site visit, I observed that the hotel has already been demolished. Additional submissions from the council confirm that the site has outline planning permission for a 20 bedroom hotel and 32 apartments (application reference number 06/00405/OUTSU). The preferred use for the site, as set out in the developer requirements, should contribute to the economy of the village. There is no reference in the local plan to trees on the site, although the council confirms that a Tree Preservation Order (TPO) is in place. The law protects trees subject to such an order and Policy 4 applies the relevant policy context for this. Consequently, I am not persuaded that any change to the local plan is required in response to this representation.		
<b>Reporter's recommendations:</b>		
No change to the local plan.		

<b>Issue 54</b>	<b>LOCHINVER - Settlement Development Area</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	Settlement Development Area Text MB 30 - Map 10.1 MB 31	
<b>Organisations or persons submitting representations:</b>		
Albyn Housing Society (499) H. MacDonald (210) Scottish Natural Heritage (326)		
<b>Provision of the development plan to which the issue relates:</b>	Settlement Development Area	
<b>Summary of representations:</b>		
<p><u>Albyn Housing Society</u></p> <p>The density changes to H3 welcomed but concern that the plan falls short in addressing the lack of land for development in the Lochinver area which is uniquely constrained by topography and geology and this begs the question: Is this plan going to deliver effective land? A response to this might be to take a (perhaps more radical) look at the land south and west of the river towards the harbour which might benefit from a more in-depth analysis of all sites within the settlement boundary to look at issues of commercial relocation, the scope for development within and around the Culag Wood, alternative uses for existing buildings and the scope, if any, to examine whether the edges of the playing field offer any scope for development in the event that there could be some flexibility in the playing field location.</p> <p><u>H. MacDonald</u></p> <p>Why is Baddidarroch not included in the settlement development area (Policy 1) as it is a populated hamlet? The roads in Baddidarroch should be a priority for upgrading before Glencanisp development, and this should be incorporated into the local plan. The lack of inclusion of Baddidarroch prevents any croft related development and poses difficulty for crofters who want to even build a shed or barn. There needs to be exceptions to the Local Plan which help crofters regenerate their land more easily.</p> <p><u>Scottish Natural Heritage</u></p> <p>See modification sought.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Albyn Housing Society</u></p> <p>They would like additional housing allocations and feel that this could be achieved through relocation of commercial uses and potentially at the playing field if an alternative site can be found.</p> <p><u>H. MacDonald</u></p> <p>Include Baddidarroch within the SDA.</p>		

**Scottish Natural Heritage**

All allocations should be limited to 1½ storey housing. Regarding the extension to the SDA to the south, in the Culag area, and the relevant bullet point under Development Factors, SNH suggests that the proposed new crofts be described as “forest crofts” and that the wording under Development Factors is changed, to reflect the link to “effective woodland practice” as described at 3.4.1(d) in the plan.

**Summary of response by THC:**

An amendment was made in order to offer scope for forest croft development at Culag woodlands. The scope for development in Culag wood is limited by the terms of the lease held by the Culag Community Woodland Trust (CCWT). Forest crofts are therefore considered the only housing development that may comply with the aspirations of the CCWT and the terms of their lease. The area has therefore been supported for this type of development through inclusion within the SDA with a development factor encouraging forest crofts.

If any proposal comes forward for the relocation of commercial uses or the playing field then these can be considered on their merits. The playing field lies within the SDA and is not specifically allocated as open space. Therefore it is not safeguarded at that location. Applications would fall to be considered on their merits and against the General Policies of the Local Plan.

Furthermore it is considered that a sufficient housing land supply has been identified considering that the housing allocations will be supplemented as historically has been the case by small scale or single house development.

It is felt that a restriction to one and half storey across all the allocations is perhaps too prescriptive and we should consider proposals on H1 and H3 on their merits. Particularly in the case of H1 where the landform should be able to accommodate some two storey development.

Baddidaroch is not included within the Settlement Development Area (SDA) because there is no further capacity on the road network and no suggestion that the road improvement necessary to increase its capacity, will be viable or forthcoming. It would therefore be misleading to include it within the SDA. There are however some developments that do not require planning permission, or may be considered acceptable and gain planning consent because they are not considered to be traffic generating. Therefore, any proposal should be subject to prior discussion with and advice from the council.

**Any further plan changes commended by THC:**

Commend change to the development factor to mention effective woodland practice.

**Reporter’s conclusions:**

1. I agree that there are obvious difficulties in delivering effective housing land in Lochinver. H1 and H2 (corrected by the council to read 12 as opposed to 120 units) are the only identified sites within the village, with an indicative total capacity of 18 units. My conclusions on H2 (see Issue 56) indicate that even the council’s reduced capacity of 10 units may be optimistic given the apparent constraints on this site. There are significant landscape and other constraints which I consider are sufficient to support deletion of the H3 allocation at Glencanisp (see Issue 57). Consequently, further development potential in the short to medium term is likely to rely on opportunities for infill development within the settlement. Such opportunities would be considered in the context of Local Plan Policy 1 and Structure Plan Policy G2.

2. In this context, there may be opportunities for a rationalisation of the commercial and other land uses which are grouped around the harbour to the south and west of the river and in the surrounding area of woodland. This may include potential development around the edges of the playing field (which is located between the river and the adjacent commercial area) subject to the requirements of local plan policy 1 and structure plan policy SR2 (which requires sports facilities and amenity open space within settlements to be protected). There is recognition of the potential for croft development in the surrounding woodland within the SDA in the development factors list although this area is not identified on the Inset 10.1 map. I note that the development potential of this area would be limited by the terms of the lease held by the Culag Community Woodland Trust (CCWT). I agree with SNH and the council that inclusion of an additional reference to “effective woodland practice” would be sensible to clarify the purpose of woodland crofts.

3. I agree that the identified sites are unlikely to accommodate buildings above 1½ storey but I am content to leave this to the detailed consideration of any planning application. The area to the north of the loch at Baddidaroch is constrained by access and I agree with the council that it should not be included in the settlement development area. This area has a dispersed settlement pattern and I am content that any proposals should continue to be assessed on their merits in the context of Local Plan Policies 3 and 4.

4. Consequently, other than the council’s proposed inclusion of reference to forest crofts and effective woodland practice, I am not persuaded that modification to the local plan is required in response to these representations.

**Reporter’s recommendations:**

Modify the local plan Inset 10.1: Lochinver by amending the 4<sup>th</sup> bullet point of the development factors to read “Potential within the SDA for development of new woodland crofts at Culag as a community initiative to address effective woodland practice as well as economic and housing requirements.”

<b>Issue 55</b>	<b>LOCHINVER - H1 Sheep Pens north Of Inver Park</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	H1 Sheep pens north of Inver Park Text MB 30 - Map 10.1 MB 31	
<b>Organisations or persons submitting representations:</b>		
Mr G. Dougall (249) SEPA (311)		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation	
<b>Summary of representations:</b>		
<p><u>G. Dougall</u></p> <p>Taking away yet more natural landscape, closeness of development to our property, would developers install or fund screening e.g. wood fencing to east of our property, would raise objections if new builds more than 1½ storey buildings</p> <p><u>SEPA</u></p> <p>Objection unless connection to public sewer is added.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>G. Dougall</u></p> <p>Delete allocation (assumed).</p> <p><u>SEPA</u></p> <p>Add developer requirement for connection to public sewer.</p>		
<b>Summary of response by THC:</b>		
<p>The council is satisfied that this site is well related to Lochinver and there is capacity within the landform. SNH have not objected to this site.</p> <p>When/if there are detailed plans will depend on the landowner's intentions. The local plan identifies suitable sites and gives the developers/landowners certainty that the principle of development is established on these sites.</p> <p>Proposed development is usually adjacent to existing properties. However, adequate spacing and privacy would be a concern that can be considered if/when a planning application is submitted. At the planning application stage there will be consideration of the design proposed, also the disruption from the construction process can be controlled by standard conditions on working hours and access. Mr Dougall's letter has been forwarded to the landowner's representative so they are aware of the potential opportunity to acquire Tigh Guithais.</p> <p>The drainage issues will be considered as part of a planning application. All development must meet the guidance set out in The SUDS Manual and in Sewers For Scotland, including the making of agreements for the on-going maintenance of surface water drainage systems.</p>		



It is considered that the application of Policy 7 is appropriate rather than a requirement for connection to the public sewer. It may be that the applicant can demonstrate points 1 and 2 which relate to the economic feasibility and not being likely to cause significant environmental health problems. In this case connection to the public sewer would go beyond these requirements and may stymie development.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. The site is relatively contained in the landscape and set back from the public road. Therefore, I do not consider that development here would have an unacceptable impact on the landscape. Issues of privacy and any disturbance in the construction phase could be addressed through the planning application.

2. I have recommended that Policy 7 be amended in accordance with SEPA's suggested wording (see Issue 88). This only has a requirement for connection to the public sewer in settlements with a population equivalent of more than 2000 or where any particular development exceeds 25 units. SEPA have not indicated any particular circumstances whereby the limited flexibility of the second section of Policy 7 should not apply. Consequently, I am not persuaded that connection to the public sewer should be added as a developer requirement.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 56</b>	<b>LOCHINVER - H2 Cnoc A Mhuillin</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	H2 Cnoc A Mhuillin Text MB 30 - Map 10.1 MB 31	
<b>Organisations or persons submitting representations:</b>		
Free Presbyterian Church of Scotland (268) Scottish Natural Heritage (326) D. & M. MacLeod (506)		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation	
<b>Summary of representations:</b>		
<p><u>Free Presbyterian Church of Scotland</u></p> <p>Concerned that it would detract from the privacy of the manse, which would also lower its value. They would prefer if the building of houses proceeds, to have the entry from the Stoer road about 300m from the main road junction. They feel this would take the entrance to the site on a sensible gradient and would avoid congestion at the foot of the manse road and surrounding area.</p> <p><u>Scottish Natural Heritage</u></p> <p>Welcome the requirement for a design statement but question the suitability of the site, which consists of a knolly ridge on its southern side. The ridge provides a degree of visual containment to the church and cemetery and this narrow part of the sea loch. SNH strongly recommends that the ridge should remain intact and that housing should be located on the north side of the ridge with vehicle access from the north west only.</p> <p>SNH fully recognises the need for more housing in this area. Believe that this could be developed to better recognise and protect the local character of Lochinver and the nationally important Assynt Coigach NSA. Having considered the draft layout produced SNH is concerned about the density and visual impact of proposals which they feel will adversely impact on the setting and the character of the NSA. This site is on the edge of the settlement and should follow the existing dispersed pattern of housing.</p> <p><u>D. &amp; M. MacLeod</u></p> <p>They contend that tourism is surviving and growing and one of the main industries left in the West Highlands and it is most obvious that inappropriately sited development would discourage tourists impacting on the economy. Lochinver was voted seventh most beautiful village in Scotland and is a very highly rated destination, the tourism offered is sustainable unlike many other economies and as such it is essential that this can be retained within the area benefiting the local community. They also want to retain darkness without street lights.</p> <p>They feel this is an attractive approach to a settlement which has been developed around the head of the loch and is in harmony with the surrounding environment. The most obvious impression of this is from the water, but from the many views of Lochinver from the surrounding area the character is undoubtedly that of a coastal village with probably one of the most impressive backdrops in the country.</p> <p>They ask whether any guidance is provided in the Landscape Capacity study. They feel that the extent of this site does not take into account the existing landscape character. The</p>		

ground rises steeply from Lochinver and is typical of the unique Assynt landscape. They suggest that the most northerly part of the site should be removed from H2 and a smaller area could potentially be developed with minimum impact. This could be integrated within the landscape and contribute to the existing character of Lochinver.

H1 area has previously been considered for development so they question why more emphasis is not being placed on it. They feel it would appear to have much less impact on the area particularly on the skyline, backdrop to Lochinver and arrival/exit to the village. They consider it has greater potential for numbers of houses long term, with a built in gradient to assist services.

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

##### Free Presbyterian Church of Scotland

It would be preferable if the building of houses proceeds, to have the entry from the Stoer Road about 300m from the main road junction.

##### D. & M. MacLeod and SNH

In earlier drafts of the plan the area of land suggested for exclusion by the MacLeod's was different to that originally suggested for exclusion by SNH. SNH were concerned about development on the southern side of the knolly ridge whereas the MacLeod's concern is over the northern part of the site.

After considering a draft proposed layout SNH expressed concern over the density including the northerly area of this site. SNH objects to this allocation unless the housing capacity is reduced to an appropriate level and the developer requirements include that any application will need to be accompanied by a design statement that is agreed by THC in consultation with SNH (Assynt Coigach NSA) and that housing is limited to 1½ storey.

#### **Summary of response by THC:**

The effect on the value of individual properties is not a planning consideration however amenity and privacy and the detail of access arrangements are issues which are considered if/when a planning application comes forward.

It is considered that H2 should continue to be supported. The detail of street lighting and privacy issues can be considered as part of any planning application coming forward. Then the Highland Council will consider the detail of what is proposed, including the siting and design and there will be the opportunity for anyone to make representations for the council's consideration.

The council appreciates the concern expressed by D. & M. MacLeod and SNH about the development of this site in terms of landscape impact. The site's prominent gateway position is recognised as is the need for sensitive siting, and good design. Therefore a design statement will need to be submitted with any planning application, and that development should be limited to 1½ storey housing. The removal of areas is not considered necessary.

The Landscape Capacity study only identified a small area within the allocation as suitable for development. However the two sites it identifies in Lochinver are not effective, at Baddidarrach because the road network predicates against further development, and north of Inver Park because of ground conditions.

It is considered that development can be accommodated within the southern area of the allocation without breaking the ridge and can be visually contained. One house has already

gained planning permission and has recently been built here.

Furthermore with the appropriate design standards this is considered to be a suitable area to develop further. On considering specific points in relation to density of housing proposed on the south of the ridge it is considered that the housing capacity should be reduced to 10. It is not agreed that 6 houses will necessarily be inappropriate for the remainder of the site. This will ultimately be a matter to consider in detail with the submission of the full application and design statement. It is recognised that our capacity figures are indicative, and the Local Plan states, "At planning application stage a more detailed appraisal will be undertaken of the actual site capacity in the context of assessing whether the developer's scheme is appropriate."

**Any further plan changes commended by THC:**

Commend 1½ storey housing across the whole site and for the design statement to be considered in consultation with SNH. Also commend a change to the indicative capacity of the site from 12 to 10.

**Reporter's conclusions:**

1. I agree with SNH and D & M Macleod that this is a sensitive site above the village providing an attractive backdrop and setting to the river, church and cemetery. These features make an important contribution to the character and amenity of the village. I consider that the density, siting and design of any development should have particular regard to the protection of these qualities. The northern section of the site is also visible and prominent on the main approach to the village.

2. The site capacity is currently stated as 120 and I understand, from the council's errata sheet, that this should be corrected to 12. I share SNH's concerns regarding development on the ridge line above the church. However, the existing pattern of development in this corner of the village is of low density housing sitting into the hillside. I consider that there is some scope for this to be continued within this area. The capacities are indicative and I am content that the requirement for a design statement, to be prepared in consultation with SNH, would enable this to be revised should detailed assessment of levels, ground conditions and landscape impact indicate that fewer houses could be accommodated. In the meantime, given the evident constraints I consider the council's suggestion to reduce the indicative capacity from 12 to 10 and for heights to be restricted to 1½ storeys is sensible.

3. Three potential points of access are identified in the local plan and not all of these may be necessary. Detailed issues relating to access, street lighting, disturbance during the construction phase and protection of residential amenity can be addressed through any planning application. The protection of house values is not a relevant planning matter.

**Reporter's recommendations:**

Modify the local plan Inset 10.1 : Lochinver, H2 Cnoc A Mhuillin as follows:

- delete reference to 120 units and replace with 10;
- after the words "design statement" in the first sentence of the developer requirements add- "to be considered in consultation with SNH." and;
- replace the final sentence of the developer requirements with "Housing should be limited to 1½ storey and careful siting is vital with particular regard to landform and the setting of the village including the river, church and cemetery.

<b>Issue 57</b>	<b>LOCHINVER - H3 Glencanisp</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	H3 Glencanisp Text MB 30 - Map 10.1 MB 31	
<b>Organisations or persons submitting representations:</b>		
Mr N. Gorton (62) Bidwells (540) SEPA (311)		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation	
<b>Summary of representations:</b>		
<p><u>SEPA</u></p> <p>The allocation should be removed from the Plan and replaced with alternative sites which can connect to the public system or a feasible solution to connect to public sewer is identified and required within the developer requirements.</p> <p><u>Mr N. Gorton</u></p> <p>Objects to the cost of building a new road and the effect on the environment.</p> <p><u>Bidwells</u></p> <p>Clients currently have a sporting lease over the Glebe lands and accordingly have an interest in this area. Concerned that development of this general area will impose a significant impact upon the scenic quality and amenity of an area which provides an important backdrop to the village of Lochinver and is also the main access route into the Assynt hinterland. Concern that development would not be in keeping with the designation of this area as a National Scenic Area.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>N. Gorton</u></p> <p>Delete allocation</p> <p><u>Bidwells</u></p> <p>Unclear and it could be inferred that they are not against the principle of development or the provisions in the Local Plan. They state that should development proceed the provision of infrastructure, particularly access road improvements, pedestrian access and street lighting could have a significant detrimental impact and would have to very carefully managed.</p> <p><u>SEPA</u></p> <p>Delete this allocation.</p>		

**Summary of response by THC:**

The Assynt foundation had initial proposals for between 5 - 10 houses with a larger long term capacity of 30 to make feasible the road upgrade that is required by the Council to bring it up to adoptable standard. However it is considered by affordable housing agencies that it requires a capacity of 15 upfront to make it feasible. In effect this brings forward the amount of housing that can be provided within this plan period and it is considered that this is acceptable. The long term capacity of 30 will be omitted because it is recognised that the capacity should be reassessed when reviewing the Local Plan.

There are developer requirements for this site seeking development to be sensitively sited within the cnocan landscape. When/if it comes forward as a planning application we are also seeking a design statement and safer routes to school plan. The Council feels in this context proposals could acceptably mitigate their impact on landscape but we acknowledge the sensitivity of development here. We also feel it is significant that SNH have not made any recommendations or objections to this allocation. It is acknowledged that the road requires upgrading and the detail will be considered with any planning application if/when it comes forward.

Whilst this site lies outwith the village there is a shortage of effective land within Lochinver. In Assynt the housing completions data has indicated that the majority of development has occurred within the townships and wider countryside rather than within Lochinver. Therefore the Highland Small Community Housing Trust have been working with the Assynt Foundation to develop their housing proposals for this site. They are in the process of tendering for a full feasibility study and one of the key considerations for them will be, 'as far as possible socially and physically connect the proposed development with the main village'.

In recognition that to avoid significant environmental problems, as per General Policy 7 on Waste Water Treatment the level of treatment will need to meet Scottish Water adoptable standards. This is reflected in the tender brief along with the need to work with Scottish Water and the Scottish Environment Protection Agency on this matter.

**Any further plan changes commended by THC:**

Commend change to developer requirement to ask for Scottish Water adoptable standard for waste water treatment.

**Reporter's conclusions:**

1. I consider that this is a particularly sensitive site within the National Scenic Area. Undulating moorland which is visually and physically detached from the village of Lochinver slopes down to Loch Culaig. Canisp Road, which is a narrow single track road lacking street lighting or a footpath leads steeply up through woodland some 0.5km from the easterly edge of the rest of the settlement. I consider that this scenic area on the approach to the Assynt estate has a distinctive rural character, with only a few isolated houses. Aside from my concerns regarding the impact of development on the landscape character of this area, its topography, ground conditions, access and drainage constraints indicate that it would be challenging to develop. I agree with the council that the access road would require significant upgrading.

2. The council's submissions indicate that a feasibility study is being progressed with the backing of the Highland Small Community Housing Trust working with the Assynt Foundation. Having visited Lochinver, I am aware of the physical and landscape constraints which limit the potential for development within or directly adjacent to the village. I also appreciate the need to meet community aspirations and address local housing needs (including affordable housing). My concerns regarding the only larger allocation at Cnoc A Mhuillinn (H2) indicate that a figure less than the council's anticipated capacity (see Issue 56) may be achievable. However, H1 and H2 between them do provide for some level of growth

on sites which I consider to be relatively more suitable.

3. I am in some doubt as to whether the access, physical and drainage constraints on this site can feasibly be addressed in the context of 15 houses. I have recommended that policy 7 be amended in accordance with SEPA's suggested wording (see Issue 88). This only has a requirement for connection to the public sewer in settlements with a population equivalent of more than 2000 or where any particular development exceeds 25 units. As SEPA have not indicated any particular circumstances whereby the limited flexibility of the second section of policy 7 should not apply, I am not persuaded that the site should be deleted on this basis alone. However, SEPA's response does question the feasibility of achieving a sustainable drainage solution.

4. Whilst some limited dispersed development sensitively located within this landscape may be appropriate this could be considered in the context of Policies 3 and 4. Although the capacity of the site is indicated as 15 units, I am concerned about accepting the principle of housing development over such a large area (16.2 hectares) as this could encourage further proposals for development to the detriment of the landscape character of the area and the established pattern of settlement. As there are more suitable sites available (H1 and H2) and I have no evidence to suggest that there is any immediate shortfall in the supply of housing land (see Issue 103), I find that this site should be deleted. Given that feasibility work on the site is underway, I am content that reference to this is retained with some minor amendment. Any completed feasibility work may enable further consideration of the aspirations of the Assynt Foundation in the context of the Highland-wide development plan.

#### **Reporter's recommendations:**

Modify the local plan Inset 10.1 Lochinver as follows:

- delete H3 Glencanisp from inset Map 10.1 so that it is no longer included within the SDA;
- delete reference to the site from the site allocations table and;
- delete the final sentence of the final paragraph under the heading "Prospects" to replace with "Given the sensitive landscape of this area, its location detached from the village and current uncertainty regarding the feasibility of development it is not included within the settlement development area."

<b>Issue 58</b>	<b>LOCHINVER - I1 Culag Harbour</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	I1 Culag Harbour Text MB 30 - Map 10.1 MB 31	
<b>Organisations or persons submitting representations:</b>		
SEPA (311)		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industry allocation	
<b>Summary of representations:</b>		
See modification sought.		
<b>Modifications sought by those submitting representations:</b>		
Change wording of developer requirement to state that Flood Risk Assessment will be required, built development to avoid flood risk area. Only water related or harbour uses would be acceptable within the flood risk areas.		
<b>Summary of response by THC:</b>		
To reflect amended SEPA wording which offers better clarity as to the Highland Council's position on flood risk on this site.		
<b>Any further plan changes commended by THC:</b>		
Commend change suggested to developer requirement.		
<b>Reporter's conclusions:</b>		
1. The site is low lying adjacent to the harbour and my recommendation in relation to Policy 9 on flood risk (see Issue 90) clarifies that in defining areas at risk from flooding the council will rely on SEPA's indicative flood risk maps, records of previous floods, other sources and advice from consultees. The council's text already recognised the risk of flooding and the need for assessment but I agree that this slightly revised wording helps to clarify this issue and the likely constraint on the development potential of this site.		
<b>Reporter's recommendations:</b>		
Modify the local plan: replace existing text under Developer Requirements for site I1: Culag Harbour, Inset 10.1: Lochinver as follows:  Flood Risk Assessment will be required; built development to avoid flood risk area. Only water related or harbour uses will be acceptable within flood risk areas.		



<b>Issue 59</b>	<b>POINT OF STOER - West of the school</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	H1 West of the school	
<b>Organisations or persons submitting representations:</b>		
Assynt Crofters Trust (140) Mr I. MacLeod (144) Free Church of Scotland Assynt Congregation (293)		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation	
<b>Summary of representations:</b>		
<p>There is no actual title to the ground, and there is currently a dispute between two branches of the church. Title will not be resolved until the ongoing legal debate is concluded, but it has been accepted by the Board of Assynt Crofters' Trust that the ground was held by the congregational trustees of the Stoer and Drumbeg Free Church. Also concern expressed about the scale of housing proposed next to the existing resident who chose a quiet retirement.</p>		
<b>Modifications sought by those submitting representations:</b>		
Delete the allocation.		
<b>Summary of response by THC:</b>		
<p>There is a continuing ownership dispute between two branches of the Church. This is relatively straight forward for the Local Plan since it is essentially a legal matter. If the owner does not want to develop the site then it will not happen so its inclusion in the Local Plan is not a problem. With regards to the quietness of the area, this is not a planning reason for limiting the capacity of the site. However disruption with the construction phase can be controlled through conditions on the planning consent.</p>		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
<p>1. Land ownership is not relevant to my consideration of the planning issues. I consider that a total allocation of 27 units for Point of Stoer (12 on this site and 15 south of the radio mast) is a large allocation for a community of this scale and nature. The settlement pattern is dispersed and larger groups of housing are not characteristic of the area, which has few services or amenities aside from the school. However, I appreciate that the Assynt Crofters' Trust support this allocation (as stated in the supporting text to Inset 10.2) in order to provide for more substantial levels of housing within North Assynt. In addition, I consider that development would enable some consolidation of housing in proximity to the school. Consequently, as the numbers are indicative and the identification of the site does not preclude lower density housing subject to market conditions, physical and other constraints, I am content that this allocation is retained. I agree with the council that disturbance during the construction phase could be controlled by condition on any planning permission and that</p>		

loss of quietness would not justify deletion of this site.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 60</b>	<b>POINT OF STOER – H2 South of the Radio Mast</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	H2 South of the Radio Mast Text MB32 Map 10.2 MB32	
<b>Organisations or persons submitting representations:</b>		
Assynt Crofters Trust (140)		
<b>Provision of the development plan to which the issue relates:</b>	Housing Allocation	
<b>Summary of representations:</b>		
Assynt Crofters Trust understood that Clashnessie Common Grazing Committee has been in contact with the council regarding the correct boundaries of the shaded area. Otherwise the Trust, as landowner, supports the site being included. However the number of units may be unrealistic, given the number of amenities, services in the area.		
<b>Modifications sought by those submitting representations:</b>		
Correction of the boundary of the allocation and possibly a reduction in number of units (assumed).		
<b>Summary of response by THC:</b>		
<p>No further information has been submitted regarding the boundary from the Clashnessie Grazing Committee and if this is to be pursued it needs submitted for the reporter's consideration. Both parties have been to be advised of this and sent a map to help submit any proposed amendment to the boundary.</p> <p>It was felt that the Highland Small Communities Housing Trust previous suggestion of 20 units was too high and 15 was felt to be appropriate, whilst it is also acknowledged that the site may deliver fewer given the mixed use nature of the site and depending on what proposals come forward.</p>		
<b>Any further plan changes commended by THC:</b>		
Commend that only the boundary should be amended to reflect planning consent issued (as shown on the Local Plan Errata sheet) and if further information is submitted consider further amendment of the boundary.		
<b>Reporter's conclusions:</b>		
<p>1. No further information on the boundaries has been submitted from the Clashnessie Grazing Committee for my consideration. In any event, the ownership or availability of the land is not directly relevant to my consideration of the planning suitability of the site.</p> <p>2. I consider that a total allocation of 27 units for Point of Stoer (15 on this site and 12 West of the School) is a large allocation for a community of this scale and nature. The settlement pattern is dispersed and larger groups of housing are not characteristic of the area, which has few services or amenities aside from the school. However, I appreciate that the Assynt Crofters' Trust support this allocation (as stated in the supporting text to Inset 10.2) in order to provide for more substantial levels of housing within North Assynt. In addition, I consider</p>		

that development would enable some consolidation of housing in proximity to the school.

3. In any event, the council's response indicates that planning permission has already been granted. However, identification of the site through the local plan, even where confirmed by an extant planning permission, does not preclude consideration of a lower density of housing subject to market conditions, physical and other constraints. Consequently, I am content that this allocation is retained. Amendment of the site boundaries in accordance with the recent planning permission, as suggested by the council, is not a matter raised in these representations.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 61</b>	<b>SCOURIE - Settlement Development Area</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	Settlement Development Area Text MB 34 - Map 11.1 MB 35	
<b>Body or persons submitting representations:</b>		
Dr J. Balfour (290)		
<b>Provision of the development plan to which the issue relates:</b>	Settlement Development Area	
<b>Summary of representations:</b>		
Feels that the potential density of houses around Achlochachan requires reduction. This part of the village has an open landscape and should not be urbanised.		
<b>Modifications sought by those submitting representations:</b>		
Exclusion of land within the Settlement Development Area.		
<b>Summary of response by THC:</b>		
The site was previously allocated for 4 houses in the November 2007 Deposit Draft of the Sutherland Local Plan. This was because the site area suggested that an allocation of 4 could be made in line with typical rural density levels and this would allow a contribution to be sought as per the affordable housing policy. However in appreciating why the level proposed was challenged and after considering the form of the land and the current spacing of the surrounding properties it would be better to retain within the Settlement Development Area. There is scope for some development and any specific proposals can be considered on their merits having regard to the plan text for Scourie and the General Policies of the plan.		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
1. As there is only one small site allocated for housing in the village, infill opportunities may have a role in meeting housing needs through smaller scale and single plot development. I am content that the boundary of the SDA, has been drawn to reflect the established pattern of development. The scale and density of any development potential within the settlement is likely to be constrained by the established pattern of settlement, topographical and other constraints. The suitability of such sites would be assessed through any planning application and in the context of local plan policy 1. Achievement of an appropriate density in the context of the established character and setting of the village will be an important consideration in this respect. Consequently, I am not persuaded that any revision to the settlement boundary is justified.		
<b>Reporter's recommendations:</b>		
No change to the local plan.		

<b>Issue 62</b>	<b>SCOURIE – General Comment</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	Scourie Text MB 34 - Map 11.1 MB 35	
<b>Organisation or persons submitting representations:</b>		
Dr. J. Balfour (290)		
<b>Provision of the development plan to which the issue relates:</b>	General Comment	
<b>Summary of representations:</b>		
<p>The number of houses proposed in the 10 year period is excessive at 20. Any house building should include affordable housing, for example, for fish farm employees. Generally speaking the total proposed should be reduced as not justified and will probably end up as holiday houses.</p>		
<b>Modifications sought by those submitting representations:</b>		
Reduction in numbers although it is not clear by how much.		
<b>Summary of response by THC:</b>		
<p>No change. Scourie now only has an estimated capacity of 8 houses on allocated sites and we have anticipated that there is a need for around 20 houses over the period to 2018. However, the role of single house development, both within the SDA where there is ample scope and outwith, means that the allocation of 8 houses should be sufficient. This is based on our strategy with land allocated for 1,304 additional houses across Sutherland in order to keep a stable working age population.</p> <p>Built into this figure is an assumption of similar proportion of future second/holiday home ownership and a 25% flexibility allowance for a choice of landowners, locations and markets. The Council cannot decide planning applications on the basis of whether the proposed development will meet local need but tries to ensure we are realistic and offer sufficient opportunity for both through our Local Plans.</p> <p>With regards to affordable housing provision the allocation of 8 houses falls within our policy and therefore 25% will have to be affordable housing. However the market may determine that more houses built in Scourie are 'affordable'.</p>		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
<p>1. Given the existing size of Scourie and the services and facilities it has to offer, I consider that the local plan includes a relatively modest allocation of housing. Only one housing site is identified - H1 with an indicative capacity of 8 houses. There will undoubtedly be opportunities for this housing land supply to be supplemented through infill development (see Issue 61) and some opportunity in the surrounding wider countryside. Local plan policy 5 on affordable housing requires a contribution towards affordable housing for all sites over 4 houses.</p>		

2. The demand for holiday homes applies to new and existing housing and the planning system has limited control over the occupation of housing. Consequently, I agree in principle with the council's premise that additional housing to provide for holiday home demand is more effective in addressing this issue than a reduction in housing numbers. My conclusions and recommendations regarding the approach to the housing land requirement for Sutherland as a whole are addressed in Issue 103.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 63</b>	<b>SCOURIE - West Of The School</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	H1 West of the School Text MB 34 - Map 11.1 MB 35	
<b>Organisations or persons submitting representations:</b>		
SEPA (311)		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation	
<b>Summary of representations:</b>		
See modification sought.		
<b>Modifications sought by those submitting representations:</b>		
Requirement for connection to public sewer.		
<b>Summary of response by THC:</b>		
It is accepted that because it will be economic to connect to the public sewer it can be added as a developer requirement.		
<b>Any further plan changes commended by THC:</b>		
Commend change and add requirement.		
<b>Reporter's conclusions:</b>		
1. In accordance with my conclusions on Issue 88, I find no reason to differ from this position as agreed by the council and SEPA. The capacity of the main Scourie septic tank is stated in the initial introductory section of inset 11.1 and in the developer requirements for this site. Given the requirement for this site to connect to the public sewer, the reference to capacity of the septic tank should be deleted from the developer requirements.		
<b>Reporter's recommendations:</b>		
Modify the local plan, Inset 11.1: Scourie, H1 West of the School, to delete "There is currently capacity in the septic tank serving this end of the village for five additional houses" and replace this with "Connection to the public sewer is required."		



<b>Issue 64</b>	<b>KINLOCHBERVIE – LT1 North Of Innes Place</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	LT1 North of Innes Place Text MB 36 - Map 12.1 MB 37	
<b>Organisation or persons submitting representations:</b>		
Mrs M. Munro (166) H. MacNeil (194) J. K. E. M. Morrison (223) Crofters Commission (321)		
<b>Provision of the development plan to which the issue relates:</b>	Long term allocation	
<b>Summary of representations:</b>		
<p>Concern over lack of employment prospects and questions whether there is demand for housing. Questions: where the play park would be relocated to, the provision of compensatory parking and why the Health Centre road is not suitable for access. Concern about access through Innes Place for lorries.</p> <p>It is a croft and there are hundreds of acres outwith the village between Kinlochbervie &amp; Oldshoremore which could be developed; promoting development in the village is against the wishes of the residents. Residents of Manse Road could end up viewing a large block of concrete.</p> <p><u>Crofters Commission</u></p> <p>Objection is made to the inclusion of this significant portion of croft land. This forms part of croft 138 Kinlochbervie and the proposal could effectively remove most of the croft. Part of the croft was previously removed to provide land for the Health Centre. Consequently, the zoning as recommended would effectively entail that this croft would cease to exist.</p> <p>It is understood from the current tenant of the land that up until fifteen years ago this croft supported crops of potatoes, oats and hay on a rotational basis. It is clearly an important piece of croft land in the Kinlochbervie context. There is increasing interest in local food production, and areas of land which have supported crops in relatively recent times are valuable assets for communities. Local crofting interest is not supportive of this proposal and has indicated its support for sustaining an objection. This proposal does not appear to accord with Draft Plan statements 3.41 (d) or 4.43 (n) and (o).</p>		
<b>Modifications sought by those submitting representations:</b>		
Delete the allocation although perhaps H MacNeil's objection is subject to the detail of what is proposed in terms of access, parking compensation and relocation of the play park being worked through.		
<b>Summary of response by THC:</b>		
The owner of this croft does not want to see this land developed within the next ten years, therefore this site was made a long term allocation and should not be developed within the time period of this Local Plan.		

Access through the Health centre was not considered suitable by TECs colleagues who give us advice on road issues. There is a developer requirement to cover the relocation of the playpark and potentially provision of compensatory parking and this is something that will need to be considered in more detail if and when proposals are drafted. A draft layout could be used to support its inclusion as an allocation when the plan is under review again in the future. The construction traffic arrangements will be dealt with if/when any detailed planning application comes forward.

Whilst this land is inbye croft land it was considered on the basis of feedback from our site options consultation 'Sutherland Futures' that other land, which was then being considered at Manse Road, was of a higher value as it is of better arable quality. The viable and suitable options for development in Kinlochbervie are severely limited already by crofting, ground conditions, ownership and topography. It is recognised that it is not an ideal site because it is inbye croft land. It is considered however that in the context of having thoroughly explored the opportunities, which are within the settlement and readily accessible to services, it should have our support because of its wider community benefit of allowing for growth.

This meets with the sentiment of the Scottish Government's report on the possible use of occupancy conditions in crofting which suggests that, "it is important to ensure land is available for housing developments..." and it goes on to suggest that, "repealing provisions that allow for decrofting will severely limit housing development that are vital for sustaining crofting communities."

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. The council propose access to the site through the existing play park and the developer requirements recognise that this loss would have to be addressed through alternative provision. I have no reason to believe that this could not be achieved and I am satisfied that detailed matters of parking, access and compensatory play provision could be addressed through the development management process. I consider that this field, behind the health centre, is well placed to access the facilities and services of the village and could accommodate development without an unacceptable impact on the landscape, character or setting of the village.

2. I appreciate concerns regarding the loss of croft land. Locally important croft land is defined in Appendix 1 of the local plan as land identified by the council on advice from crofting interests where the continued use of the land for agriculture is locally important to the viability of crofting. The council accept that no work has been undertaken to identify this land consistently across the area but specific representations in this regard have been taken into account in preparing this local plan. Policy 3 specifically refers to the protection of locally important croft land and this is reflected in the objectives of the local plan. Structure Plan Policy G2 states that all developments will be assessed on the extent to which they impact on locally important agricultural land and policy A1 includes a similar requirement unless the development is essential to the interests of the local community and no reasonable alternative location is feasible. This site is currently grazing land, the response of the Crofters Commission states that it is considered to be of local importance and I am not persuaded that its development is essential to the interests of the local community.

3. The site is identified to meet the long-term requirements of the village and the council accept that this allocation should not come forward in the timescale of this plan. Other housing sites with a total indicative capacity of 18 houses have been identified, there is no

overall shortfall in the structure plan housing land requirement (see Issue 103) and I have no specific evidence on local housing demand. Consequently, I am not persuaded that release of this locally important croft land is justified at this time. Further consideration of this site may be appropriate, through future development plan review, if circumstances change and if a requirement for further land is identified.

**Reporter's recommendations:**

Modify the local plan, Inset 12.1 Kinlochbervie to delete LT1 North of Innes Place from the site allocation table and from the map with consequent amendment to the SDA boundary.

<b>Issue 65</b>	<b>KINLOCHBERVIE - South Of Mackenzie Square</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan Reference:</b>	H1 South of Mackenzie Square Text MB 36 - Map 12.1 MB 37	
<b>Organisations or persons submitting a representation (reference no.):</b>		
Mrs M. Campbell (63) Trust Housing Association (159) D. & M. O'Driscoll (520)		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation	
<b>Summary of representations:</b>		
<p>Disruption of environment, wildlife habitat, and view from MacKenzie Square to Loch Inchard. Destruction of peace and security of the tenants of MacKenzie Square which is amenity housing aimed at those over 60 years of age. The security of back gardens would be compromised. The land appears to be unsuitable for development, being a croft but being composed largely of rock and marsh. Feel H3 would be more suitable site, breaking up developments. Concern over the access arrangements.</p> <p>Questions raised: Demand for more housing? Why not specifically allocate for affordable housing? The site H2 is on a steep slope which has been levelled with infill, would this be stable? How servicing difficulties affect proposed development East of Bervie Road?</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>Delete the allocation.</p> <p>Or in the case of the Trust Housing Association ensure that resident's issues are considered when proposals are developed for this site.</p>		
<b>Summary of response by THC:</b>		
<p>Based on our strategy land is required for 1,304 additional houses across Sutherland in order to try to keep a stable working age population. As a proportion this Kinlochbervie area requires around about 40 additional houses. The links between housing and economic development are well founded and the planning system supports economic prosperity by identifying land of a suitable quantity and quality in the right locations to meet the need for economic development and new housing.</p> <p>The Local Plan identifies the most appropriate land for development and then sets out the necessary requirements. The principle of development will be established on allocated sites but detailed proposals will be assessed by the Council as part of any planning application that comes forward and anyone will have the opportunity to comment on this.</p> <p>In planning terms the views of private residents are not a material planning consideration. We have however tried to encourage mitigation through the following requirement, "Consideration should also be given to existing residents' amenity and how development might be accommodated whilst mitigating the impact." Through careful use of the site's topography along with careful design the impact on existing residents can be reduced and this is encouraged.</p> <p>The options in Kinlochbervie are actually limited considerably by the topography, the ground</p>		

conditions, availability and the need to protect locally important croft land. In addition to its crofting value access difficulties made the land to the north of Manse Road and further development extending Bervie road unfeasible.

These factors limited the available options and we also had to carefully consider where the landscape had the ability to accommodate development. H2 was identified as it appears to be a suitable and feasible site to develop. There is some doubt over the ground conditions so investigation of this will be necessary. One of the developer requirements for this allocation acknowledges that traffic calming may be required on H2 and therefore when any planning applications come forward this will need to be addressed. It is not allocated for purely affordable as this is within the landowner's discretion, however the affordable housing policy which seeks a contribution will be applied.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. The environmental impact of the local plan proposals have been assessed and this process is documented in the council's accompanying Environmental Report. I am content that this does not highlight any significant impacts on the environment or wildlife habitat for this site. There is scope for any housing on the site to be set back from the existing rear gardens in order to protect privacy and residential amenity. I am satisfied that the issue of achieving an appropriate access could be addressed through the planning application process. Loss of an individual's view is not a relevant planning consideration and I find no reason to suggest that new housing would raise security concerns. I have no evidence to suggest that this is locally important croft land. Local Plan Policy 5 requires a contribution towards affordable housing for all sites of 4 or more houses so this does not imply that the whole site would be developed for this use.

2. There is a relatively level portion of the site to the rear of the existing properties although I agree that the remainder of the site as it slopes down to Loch Inchard is exposed and rocky. Ground conditions will be a matter for any developer to address. My conclusions on the overall extent of the housing land supply for Sutherland are addressed through Issue 103. Whilst I have no information on housing demand in Kinlochbervie, I consider that a total site allocation of 18 units (sites H1, H2 and H3), over a 10 year period, is not excessive for a community of this scale and nature.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 66</b>	<b>KINLOCHBERVIE - Land at Cnoc Ruadh</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	H2 Land at Cnoc Ruadh Text MB 36 - Map 12.1 MB 37	
<b>Organisation or persons submitting a representation (reference no.):</b>		
SEPA (311) Miss K. Holland (588)		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation	
<b>Summary of representations:</b>		
<p>SEPA - Category 2 and therefore developer requirements needs to be amended.</p> <p>The area is open croft land. Feels that sites H1 and H2 are at least in keeping with existing residential housing. Questions demand for housing.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>Miss K. Holland: delete site.</p> <p>SEPA would withdraw its objection provided the allocation boundaries are modified to exclude the medium to high flood risk areas and the wording "Flood Risk Assessment will be required, built development to avoid flood risk area" is inserted into the Developer Requirements.</p>		
<b>Summary of response by THC:</b>		
<p>Based on our strategy land is required for 1,304 additional houses across Sutherland in order to try to keep a stable working age population. As a proportion of this the Kinlochbervie area requires around about 40 additional houses. The role of single house development both within the SDA where there is ample scope and outwith within the wider countryside means that not all of the housing need needs to be met within allocations. Built into this figure is an assumption of similar proportion of future second/holiday home ownership and a 25% flexibility allowance for a choice of landowners, locations and markets.</p> <p>To meet the housing land requirements it is not an 'either, or' choice. The land north of Innes Place is now only available in the longer term beyond the 5 year lifespan of this Local Plan. H2 came through our Strategic Environmental Assessment as a good site in environmental terms. Importantly it is considered that housing will fit well into the landform here and that it is well located close to services. Also it is common grazings and not considered to be locally important croft land.</p>		
<b>Any further plan changes commended by THC:</b>		
Commend change to reflect revised SEPA wording and amendment of allocation boundary to exclude 1 in 200 year flood risk area.		

**Reporter's conclusions:**

1. This site along an existing access road slopes down towards Loch Inchar and is well placed within the village to access local services. It sits into the hillside facing onto the harbour. The topography of the site would offer a backdrop to any housing. Subject to appropriate design and location within the site, I consider that development could be accommodated without detriment to the setting of the village or the established pattern of development. Discounting the area identified for long term growth (see Issue 64), the plan identifies sites with capacity for 18 units in the village. Given that these sites all have some form of physical constraint, realisation of this capacity may prove challenging. I have no specific information on the demand for housing in the village other than that 9 houses have been built in the period 2007-2010. In this context, my conclusions on the overall extent of the housing land supply for Sutherland are addressed through Issue 103. I am not persuaded that the extent of the housing supply for Kinlochbervie is excessive over the timeframe of this plan.

2. My conclusions on Issue 90 are relevant in respect of SEPA's representation. On this basis, I agree that SEPA's revised wording should be included in the developer requirements but I am not persuaded that the site boundary should be amended.

**Reporter's recommendations**

Modify the local plan to replace the second sentence of the developer requirements, Inset 12.1: Kinlochbervie, H2 Land at Cnoc Ruadh, as follows:

Flood Risk Assessment will be required, built development to avoid flood risk area.

<b>Issue 67</b>	<b>KINLOCHBERVIE - Land South East of Kinlochbervie Hotel</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	H3 Land South East of Kinlochbervie Hotel Text MB 36 - Map 12.1 MB 37	
<b>Organisation or persons submitting a representations:</b>		
J. K. E. M. Morrison (223)		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation	
<b>Summary of representations:</b>		
It is a croft; there are hundreds of acres outwith the village between Kinlochbervie & Oldshoremore which could be developed; promoting development in the village is against the wishes of the residents. Residents of Manse Road could end up viewing a large block of concrete. Also concerns about traffic and road safety.		
<b>Modifications sought by those submitting representations:</b>		
Delete allocation.		
<b>Summary of response by THC:</b>		
<p>This site is well positioned within Kinlochbervie despite being slightly further away from some of the services within the village than the other housing sites. It relates well to the settlement pattern and landform and SNH have not made any recommendation or objection to its allocation.</p> <p>Whilst this land is croft land it was considered on the basis of feedback from our site options consultation 'Sutherland Futures' that other land which was then being considered at Manse Road was of a higher value as it is of better arable quality. The viable and suitable options in Kinlochbervie are severely limited already by ground conditions, ownership and topography. Whilst it is recognised that it is not an ideal site because it is inbye croft land it is considered that in the context of having thoroughly explored the opportunities it should have our support because of its wider community benefit allowing for growth.</p> <p>This meets with the sentiment of the Scottish Governments report on the possible use of occupancy conditions in crofting which suggests that, "it is important to ensure land is available for housing developments..." and it goes on to suggest that, "repealing provisions that allow for decrofting will severely limit housing development that are vital for sustaining crofting communities."</p>		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
1. The local plan reflects the aim of the structure plan to steer demand for housing to appropriate locations within existing settlements. This area of steep land with gorse scrub and rocky outcrops will undoubtedly be challenging to develop. However, relatively recent low density housing on the land on the opposite side of the hotel access track indicates how		



such development might be accommodated. The developer requirements for this site, with an identified capacity of only 5 units, recognise the need for appropriate location within the site and for sensitive design. The site boundaries confine development to the rocky and steeper section of the field avoiding the more level grazing area. There are no representations from the local grazing committee, community council or Crofters Commission to support the view that this is locally valuable croft land. I accept the council's view that some degree of priority should be given to local housing provision and there are limited alternative options for development in this community. I have no detail of particular traffic or road safety issues and these are matters that would be assessed in the context of any planning application. Consequently, I am not persuaded that this site, which is otherwise well located within the village, should be deleted.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 68</b>	<b>KINLOCHBERVIE - I1 Reclaimed Land At Loch Bervie Harbour</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	I1 Reclaimed land at Loch Bervie Harbour Text MB 36 - Map 12.1 MB37	
<b>Organisation or persons submitting representations:</b>		
Scottish Environment Protection Agency (SEPA) (311)		
<b>Provision of the development plan to which the issue relates:</b>	Business and Industry allocation	
<b>Summary of representations:</b>		
See proposed modification below.		
<b>Modifications sought by those submitting representations:</b>		
Change of wording of developer requirement  To state that Flood Risk Assessment will be required, built development to avoid flood risk area. Only water related or harbour uses would be acceptable within the flood risk areas.		
<b>Summary of response by THC:</b>		
In recognition that this better clarifies the position and reflects national policy guidance.		
<b>Any further plan changes commended by THC:</b>		
Commend change to reflect Scottish Environment Protection Agency (SEPA) wording.		
<b>Reporter's conclusions:</b>		
1. The site is low lying adjacent to the harbour and my recommendation in relation to Policy 9 on flood risk (see Issue 90) clarifies that in defining areas at risk from flooding the council will rely on SEPA's indicative flood risk maps, records of previous floods, other sources and advice from consultees. The text already recognises the risk of flooding and the need for assessment but I agree that this slightly revised wording would help to clarify this issue and the likely constraint on the development potential of this site.		
<b>Reporter's recommendations:</b>		
Modify the local plan to replace the first two sentences under Developer Requirements for site I1, reclaimed land at Loch Bervie Harbour, Inset 12.1, Kinlochbervie as follows:  Flood Risk Assessment will be required; built development to avoid flood risk area. Only water related or harbour uses will be acceptable within flood risk areas.		

<b>Issue 69</b>	<b>DURNESS SETTLEMENT DEVELOPMENT AREA</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	Settlement Development Area Text MB 42 - Map 13.1 MB 43	
<b>Organisations or persons submitting representations:</b>		
Mrs M. Mackay (529) Durness Community Council (639)		
<b>Provision of the development plan to which the issue relates:</b>	Settlement Development Area	
<b>Summary of representations:</b>		
Consider the envelopes on Durine and Sangomore to be unnecessarily staggered and restrictive. There are extremely attractive potential house sites on some of the crofts but they are well outside the envelope. Durness is a scattered village anyway and plan is too restrictive.		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Mrs M. Mackay</u></p> <p>A wider SDA or perhaps no SDA and just deal with all single house/small scale applications against the wider countryside policy (assumed).</p> <p><u>Durness Community Council</u></p> <p>Amend SDA for a wider envelope and more uniform width.</p>		
<b>Summary of response by THC:</b>		
<p>Defend the current SDA for Durness. The wider countryside policy provides opportunity for development whilst assessing against the natural and cultural heritage features, considering settlement pattern, loss of locally important croft land, and any infrastructure constraints. The SDA has been defined considering these matters so we would generally resist development immediately outwith the boundary. However, there will be appropriate sites for development outwith the settlement where proposals will be assessed against the wider countryside policy.</p> <p>It is considered that the local plan cannot seek to identify all the specific sites that are suitable in the wider countryside as this would be a very time consuming and difficult exercise which would be unlikely to be comprehensive enough. The site by site approach against the wider countryside policy is the most suitable especially when you consider the traditionally low build rate.</p>		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
1. To the west, the SDA is drawn around the main concentration of development which clusters around the war memorial and follows the line of the road. There is a more a linear		

pattern of development within the SDA along the A838 as it loops around Sangomore. I conclude that the SDA is appropriately drawn to define the boundaries of the village when considered in the context of factors such as the established pattern of settlement, the availability of infrastructure and the protection of locally important croft land.

2. In the wider countryside opportunities are likely to be restricted to small scale developments and single house plots. Given the extent of the land area, I agree with the council that such opportunities are more appropriately assessed on their own merits. I am content that the plan contains sufficient provision for this through policies 3 and 4. The alternative of extending the SDA boundary around a much wider area would conflict with the sustainability objectives of the plan. My response to Issue 85 is relevant in this respect.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 70</b>	<b>DURNESS - MU1 Adjacent to the shop and across road adjacent to the war memorial</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	MU1 Adjacent to the shop and across road adjacent to the war memorial Text MB 42 - Map 13.1 MB 43	
<b>Organisations or persons submitting representations:</b>		
F. Mackay (640) Mr and Mrs Mackay (115) N. Powell (252)		
<b>Provision of the development plan to which the issue relates:</b>	Mixed use allocation	
<b>Summary of representations:</b>		
<u>Southern portion of MU1</u>		
<p>Needs to be protected against private development and retained for community benefit only. This is strongly supported locally. This area is very visually and historically significant. Any development should be community related not housing- Library, link to University of The Highlands.</p> <p>Used by both visitors and local people, visitors can park here to use the nearby public toilets and public telephone box. It is used as a local focal point for the following services - RBS travelling bank, mobile library, mobile cinema, mobile sales outlets, and festival events. Suggests the site is the most convenient place for the various recycling bins used by the community. Housing built would not enjoy either outlook or open space (gardens), access being directly onto a road junction.</p> <p>Building would radically alter the nature of what is an essentially rural community by creating an urban environment at its centre. Land available for development at school row and adjacent to the village hall which could provide an opportunity to enhance the environment at Drumlhair.</p>		
<u>Northern portion of MU1</u>		
<p>The area behind the village shop should be protected from housing development. This ground offers significant community value/use.</p> <p>Drainage is a problem. The particular area already has a small mass of 'affordable' housing and further development would congest the small centre of the village. These fields are important holding grounds for crofter stock. The location next to an extremely busy campsite makes it less than ideal for housing. Suggests that land has been tested on its east side and found, without the use of concrete floats with all their disadvantages, to have no suitable bedrock for building</p> <p>As a cul-de-sac Holmes Place is a quiet road where local children can play safely with little interference from traffic. The introduction of a loop road would destroy the peaceful outlook. A junction together with parking at the shop, and with traffic using the filling station opposite would make what is already the busiest spot in the village for traffic movement more confusing and congested, particularly for business traffic which may not be familiar with the local layout.</p> <p>Land available elsewhere is more suitable for development offering more potential benefits. It is suggested that if compensatory car parking was located at the fank area then this would</p>		

make a loop road busier. There are also concerns about loss of open outlook/view together with its associated privacy.

**Modifications sought by those submitting representations:**

F. Mackay and Mr and Mrs Mackay

Allocate southern portion of MU1 for community use.

Mr and Mrs Mackay

Delete the Northern portion of MU1.

N. Powell

Delete all of MU1.

**Summary of response by THC:**

In a previous draft of the plan the mixed use allocations north and south of the road were separate allocations. However there would have been limited potential within the southern portion of MU1 due to the impact of loss of public car parking which covers much of this site. If compensatory parking can be accommodated within the extended MU1 then the opportunity for development here increases. Parts of the northern portion due to ground conditions/drainage concerns may not be suitable for development but may be suitable to accommodate displaced public parking. The idea of the enlarged site encourages the landowners to work together but safeguards are established to ensure essential public parking is retained.

There is a developer requirement to respect the setting of the war memorial and to try and improve the amenity of the surrounding area - enhancing it as an attractive focal point within the community.

It is recognised that this area is used as a holding ground for sheep before they go to market. Hence the developer requirement for relocation at the developers expense is necessary in order to protect crofting interests - which would necessitate the creation of a layby to serve another suitable piece of holding ground.

The land adjacent to the caravan and camping site may be proposed through planning applications for non residential development because the site is identified for a mix of uses including community and business. Indeed this land benefits from road frontage which could benefit such uses. However it is not considered inappropriate to have houses adjacent a caravan and camping site so it remains allocated as suitable for a mix of uses.

The detail of the road layout and junction/s will be considered if and when any planning application comes forward. We have consulted roads colleagues in TEC's and an acceptable junction arrangement can be achieved here.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. The revised site allocation MU1 indicates a housing capacity of 17 units for the area including the car park and recycling area adjacent to the war memorial along with the land around the shop. Any development is required to protect the setting of the war memorial

and enhance the adjacent area to improve the focal point of the village. Public parking provision must be retained although it may be relocated within the site and there is a requirement to relocate the sheep fanks at the developer's expense. I consider that these requirements address a number of the concerns raised in these representations.

2. I have sympathy for the view that the parking/recycling facilities area adjacent to the war memorial should continue to serve a community/civic function. This could facilitate the council's objective to "improve the focal point to the village." However, the mixed-use allocation does not preclude this option. Consideration of any housing development in combination with the remainder of the site, to the north, provides flexibility to consider other uses including relocation of the car parking and recycling facilities.

3. In order to secure an appropriate mix and quality of development in this sensitive village centre location, I consider that it is important to assess the potential of the whole site and to avoid a piecemeal approach. Consequently, I have included preparation of a masterplan as a developer requirement. Loss of the view from a property is not a material consideration. I am content that the avoidance of an unacceptable loss of amenity for existing and new residents, potential disturbance from the campsite, drainage and road safety are matters that can be addressed through the development management process. The suitability of the ground for building would be a matter for any developer to address. As there is no identified shortfall in the land supply and as I am not persuaded that MU1 is unsuitable I have not assessed any alternative sites.

#### **Reporter's recommendations:**

Modify the local plan, Inset 13.1: Durness, to include an additional developer requirement for site MU1-Adjacent to the shop and across road adjacent to the war memorial:

A masterplan will be required to secure these requirements and an integrated approach to development.

<b>Issue 71</b>	<b>TONGUE – Settlement Development Area</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	Settlement Development Area Text MB 40 - Map 14.1 MB 41	
<b>Organisation or persons submitting representations:</b>		
Scottish Natural Heritage (326), Tongue Community Council (242)		
<b>Provision of the development plan to which the issue relates:</b>	Settlement Development Area	
<b>Summary of representations:</b>		
<p>Whilst the LT allocation has been removed the area has now been included in the SDA. Reference to low density development is mentioned in the development factors here, which is welcomed, but SNH maintains its strong recommendation that reference is also included here to the requirement for linear development reflecting the landform, and the avoidance of clustering. A single access from the track to Hysbackie is also preferred.</p> <p>See modification sought – Tongue Community Council</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>Developer requirement for linear development reflecting the landform and the avoidance of clustering. A single access from the track to Hysbackie is also preferred - SNH</p> <p>Remove prime croft land from north eastern area of SDA – Tongue Community Council</p>		
<b>Summary of response by THC:</b>		
<p>This site was allocated in an earlier draft of the plan with an indicative capacity of 10 to reflect both the edge of settlement location and to mitigate the effect on the water environment. Although no longer an allocation the developer requirements will remain for low density development suitable for its edge of settlement location.</p> <p>The site area has been reduced reflecting advice from SNH regarding the higher ground previously allocated so that it fits comfortably with the landform. The developer factor for dispersed housing is appropriate and ensures acceptable landscape impact. However it is considered that the specific requirements suggested should not be added as it may not enable best use of the sites capacity.</p> <p>With regard to Tongue Community Council's objection it is considered that the loss of croft land is a comparatively small area of the overall croft and potentially does not represent an unacceptable impact on the resource. The Crofters Commission have not raised any objection.</p> <p>It is therefore considered appropriate to give some policy support by including it within the Settlement Development Area. However formal consultation with the Crofters Commission at application stage would be appropriate to ensure these interests are given some expert consideration.</p>		
<b>Any further plan changes commended by THC:</b>		
None.		



**Reporter's conclusions:**

1. Whilst the site is not specifically allocated it is included in the settlement boundary. As the long term allocation has been removed future development would be subject to consideration through local plan policy 1 which includes consideration of compatibility with the existing pattern of development. On the available evidence and in the absence of a response from the Crofters Commission, I am not persuaded that the community council's concerns regarding the loss of croft land would alone justify deletion of this area from inclusion within the SDA.

2. However, the area is detached from the rest of the settlement on a steeply sloping site with rocky outcrops. To the south of this, along the road linking to the Hysbackie access, Tigh na Rhian and the few properties beyond there is a distinctively more dispersed, linear and rural pattern of development. I consider that the boundary around the H2 housing allocation and the group of buildings to the south west of this would represent a more appropriate and logical southerly limit to the SDA. Consequently, in recognising the concerns of SNH, the importance of protecting the qualities of the National Scenic Area and, the detached nature and difficult topography of this site, I am not convinced that it is appropriately included within the settlement boundary. There would remain some scope for consideration of development reflecting the landform and the avoidance of clustering in the context of Local Plan Policies 3 and 4.

**Reporter's recommendations:**

Modify the local plan to terminate the southerly boundary of the SDA around site H2 (South of Loyal Terrace) and the group of buildings to its south-west.

<b>Issue 72</b>	<b>TONGUE - West Of Varich Place</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	H1 West of Varrich Place Text MB 40 - Map 14.1 MB 41	
<b>Organisations or persons submitting representations:</b>		
<p>Mr and Mrs Stewart (610)  J. and Revd K. Ferguson (645)  S. Plass (25)  Mr S. Coghill (40)  Mr and Mrs Nicholson (94)  Mr I. Keith (129)  J. Taylor (192)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation	
<b>Summary of representations:</b>		
<p>Consider that there is viable ground to develop inside a community and there should not be an exploitation of farmland or any other nature areas outside the existing village envelope. Concern regarding loss of amenity and fit with settlement pattern (two aerial photos submitted) and the resultant impact on the NSA - in an area dependent on tourism.</p> <p>Reference to Highland Council Planning Policy Guidance 'Designing for Sustainable Development' (November 2006), concern about a 'suburban style development in a rural context'.</p> <p>There is a feeling that there is no clear demand for additional housing given available employment. Considers it worth taking the experience in Bettyhill into account before designating a substantial provision for additional housing in Tongue.</p> <p>Positive opportunity for partial reallocation of H1. An amenity area would provide viewpoint seating for both tourists and village residents with excellent views over the Kyle and the Castle area. Desire for this amenity area which would provide easy access to the path up to Castle Varich and to the village facilities without involving additional car parking in the village. Suggested that this would be a valuable addition to the National Scenic Area and improve visitor and parking facilities for the village as whole. Suggested that the existing play area could be relocated to this site below the houses freeing the existing play area site for additional housing.</p> <p>The landowner Lord Strathnaver came to meet with the residents. It is alleged that the landowner conceded that southern area was inappropriate and proposed the top of the field next to Varrich Place as a more suitable site.</p> <p>Other concerns are over the sewer at Loyal Terrace being inadequate and traffic congestion. Considers that a tree belt is a good idea not in front of Varrich Place but continuing along the main road between the row of new single storey houses and the road.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>J. and Revd K. Ferguson</u></p> <p>Allocate the part of H1 west of Varrich Place for community/tourism uses instead of housing.</p>		

Mr I. Keith, Mr and Mrs Nicholson, Mr S. Coghill

Delete part of H1 West of Varrich Place.

J.Taylor

Exclude affordable housing from part of H1 West of Varrich Place. If the modified plans are now that the area below Varrich place not be used for affordable housing, but the alternative area offered by Sutherland Estates accepted then I would withdraw my objection.

S Plass and Mr and Mrs Stewart

Delete allocation (assumed).

#### **Summary of response by planning authority:**

It is important that Tongue has the opportunity for growth in its own housing stock. If the Local Plan does not identify land for housing then it will be poorly placed to attract businesses or to retain its younger people. An effective housing land supply is necessary in both Tongue and Bettyhill.

There has been no indication that plans for an amenity area and additional car parking are in the pipeline however it is considered that other sites would be at least equally or better suited for this purpose. The criteria for finding land suitable for housing which needs to be close to services and facilities, with an acceptable impact on the landscape and views, and of suitable topography etc means land suitable for housing is a scarcer commodity.

The southern part of H1 which is west of existing housing, was identified in the Landscape Capacity Study (LCS) to reinforce the existing cluster of houses at Varich Place. The LCS identifies the most suitable sites in terms of impact on the landscape, fitting with the settlement pattern, and protecting important public views. H1 is a site identified as suitable for development on this basis and the council supports these findings. The allocations for Tongue aim to protect and consolidate the settlement form of the village.

Although H1 occupies agricultural land the Crofters Commission have not objected to its inclusion. It is not in crofting tenure, and to the best of our knowledge the loss of this area is not an unacceptable impact on the local agricultural resource.

After considering the adjacent land carefully particularly in terms of its landscape impact and affect on public views, the council decided to support its inclusion. It is important that suitable and effective land is identified for the provision of affordable housing in Tongue. The original H1 (southern part which is west of existing housing) is a suitable site but it is not considered viable for affordable housing development. Therefore the Council supported its extension.

Sutherland Estates have not asked for the southern part of H1 to be excluded from the Local Plan. They did however offer adjacent land to affordable housing providers. They consider that the southern part of H1 will not be economic to develop for affordable purposes. There is a supporting representation from Sutherland Estates for the current H1 allocation.

With regards to tree belt on the original H1 this might be a possible mitigation measure should odour nuisance be raised as an issue here. However Scottish Water had not received complaints so had not been investigating this matter. If this is a significant problem then it needs to be followed up by contacting Scottish Water who can produce an Odour Management Plan if there is a complaints history.

The Local Plan will not seek to determine where the affordable housing should be located as anywhere within the allocation is considered appropriate in principle. It is considered it should be a matter for the applicant to discuss with the Council in respect of a specific site layout proposal at planning application stage.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. I consider that the portion of the site to the west of Varrich Place would extend the existing cluster of housing without an unacceptable impact on the character of the village and its landscape setting. Whilst the existing houses do enjoy views towards the Kyle and the Castle, protection of view is not a relevant planning consideration. However, I appreciate the concerns of residents in this respect and it may be possible for the development to be designed with regard to this. I have no evidence of any proposals for a seating area and car parking. Consequently, I do not consider that it would be appropriate for me to safeguard this part of the site for amenity use.

2. I consider that the area to the north is relatively more sensitive given that it is a visible extension to the village extending its boundary beyond the established tree line. My conclusions on the extent of the housing land supply as a whole are set out in response to Issue 103. However, given my conclusions in relation to the site to the west of the Manse (MU1) and the fact that development of the fire station on the site to the North of St Andrews Church (MU2) may have reduced its capacity below 12, I recognise that there are limited alternative opportunities within the village. In this context, I am satisfied that with appropriate design and landscaping (including boundary treatment) this site could be successfully integrated within the village without significant detriment to its established character or landscape setting. A design brief is required in this respect. I am content that the developer requirements highlight the issue of proximity to the treatment works (although I note that the representations do not raise this issue) and that this and any other residential amenity concerns can be assessed through the development management process. Although the site is on agricultural land, I have insufficient evidence to suggest that its loss would have an unacceptable local impact. I consider that the proportion of the site to be dedicated to affordable housing, and its relative location, is appropriately addressed at the planning application stage in the context of Local Plan Policy 5.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 73</b>	<b>TONGUE - South of Loyal Terrace</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	H2 South of Loyal Terrace Text MB 40 - Map 14.1 MB 41	
<b>Organisation or persons submitting representations:</b>		
Tongue Community Council (242) Mr A. & Mrs F. Gunn (262)		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation	
<b>Summary of representations:</b>		
<p><u>Tongue Community Council</u></p> <p>Objection to loss of croft land (asking us to see submitted letters from Community Council and Grazing Committee).</p> <p>No letters were submitted with this representation. However, the Grazing Committee and Community Council did submit representations in response to the 4 outline planning applications being considered, 3 for erection of a house and 1 for a conversion of an outbuilding to residential unit (2 sites partly within the SDA and two within the H2 allocation). These applications were refused at the 3 March 2009 committee contrary to the recommendation of planning officer to grant subject to conditions.</p> <p>Below is a summary of the Local Grazing clerk's representation to these applications.</p> <ul style="list-style-type: none"> <li>• Object strongly to proposed housing development on any valuable crofting land; such developments are not conducive to the future of crofting.</li> <li>• There are few opportunities for young people to build a home and stay in the area and crofting remains one of them. A housing development of this nature takes away valuable land and prospects for crofting in the future.</li> <li>• The Grazings Committee made representation through our community Council to planners that this area was croft land and as such we would not support its inclusion as an area for development in the Local Plan.</li> </ul> <p>Below is a summary of Tongue Community Council's objections.</p> <ul style="list-style-type: none"> <li>• The proposed developments are not in the community interest.</li> <li>• Concern that it is still allocated for housing.</li> <li>• Concern over roads and drainage, road widening was planned years ago and has been sidelined, and lack of footway.</li> <li>• Do not support using croft land when alternatives exist within community.</li> </ul> <p><u>Mr A. &amp; Mrs F. Gunn (262)</u></p> <p>Object to this area, loss of croft land when there is other common grazings land available for housing. Also the access to this site and the area to the north is dangerous and difficult. Poor drainage and flooding have affected the houses on the west side of the road (own included) and springs continue to pour water into poor drainage systems. Object strongly to houses built where mentioned but would welcome houses built in the area to the east of (marked area) and support in particular low cost developments.</p>		

**Modifications sought by those submitting representations:**

Unclear – remove southern corner of H2 and extend allocation to south east into common grazings – Tongue Community Council’s objection to the November 07 Deposit Draft. The map submitted with their objection to the November 08 Deposit Draft also suggests they might only want part of the site removed but the text at the bottom seeks removal of all of H2.

Remove southern corner of H2 - Mr & Mrs F.& A. Gunn

**Summary of response by THC:**

There has been support from the owner for its inclusion, and the Crofters Commission have not objected. Whilst other common grazings land has been identified, it is considered that this site offers choice, is otherwise suitable, and would not result in an unacceptable impact on locally important croft land.

Although we are aware of access issues we are sure that the western area is effective whilst the eastern area is challenging and therefore there is a measure of doubt over whether the whole of the site is effective for housing development.

However development at the southern corner would help open up a larger site by establishing the initial part of the access road which must run through this land. This is the only suitable access through to service the common grazings land. The marginal nature of making developments feasible here means that the length of access required before housing (if not accepting development on this land) will most likely predicate against its development.

It is considered that the housing land identified is sufficient at this stage but the access arrow indicates that future Local Plan revision will consider extension here. The surface water drainage arrangements can be secured through the relevant policy and the detail will be considered through the planning application process.

**Any further plan changes commended by THC:**

None.

**Reporter’s conclusions:**

1. Part of the site is occupied by a derelict cottage and there is a steep overgrown area in the northern portion of the site adjacent to Loyal Terrace. Only the western lower lying portion of the site, through which access is proposed, appears to be used for grazing at the moment.

2. I appreciate concerns regarding the loss of croft land. Locally important croft land is defined in Appendix 1 of the local plan as land identified by the council on advice from crofting interests where the continued use of the land for agriculture is locally important to the viability of crofting. The council accept that no work has been undertaken to identify this land consistently across the area but specific representations in this regard have been taken into account in preparing this local plan. Policy 3 specifically refers to the protection of locally important croft land and this is reflected in the objectives of the local plan. Structure plan policy G2 states that all developments will be assessed on the extent to which they impact on locally important agricultural land and policy A1 includes a similar requirement unless the development is essential to the interests of the local community and no reasonable alternative location is feasible.

3. In this instance, the Crofters Commission have not raised concern and the council state that the allocation would not result in an unacceptable impact on locally important croft land.

I find insufficient reason to doubt this assertion.

4. The council have indicated that the southern corner of the site is necessary to achieve suitable access and I would share its concerns that deletion of this area would negate the potential to access the remainder of the site including any future potential for extension into the common grazings. From my site visit, I agree with the council that the access from the existing road serving Loyal Terrace would raise road safety concerns. I also agree that there are questions around the feasibility of development in the eastern portion of the site but consider that its retention enables an integrated approach, recognising the potential for further future expansion. Consequently, I consider that this site should be retained without modification to its existing boundaries. Detailed matters relating to drainage, road safety and access would remain to be considered through any planning application.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 74</b>	<b>TONGUE - West of the Manse</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	MU1 West of the Manse Text MB 40 - Map 14.1 MB 41	
<b>Organisation or persons submitting representations:</b>		
Mr J. Barlow (309)		
<b>Provision of the development plan to which the issue relates:</b>	Mixed use allocation	
<b>Summary of representations:</b>		
<p>Considers that only no development will protect the integrity of the older buildings – the manse, church, hotel which are essential to the history of the village. Feels that their setting should be enhanced not threatened. This was designated an open space area and this should not change, with landscaping and hedging all possible. The steadings of the Old Manse are listed (B) and in any development have to be conserved and subject to listed building regulation. This should predicate against any development.</p>		
<b>Modifications sought by those submitting representations:</b>		
Delete allocation (assumed).		
<b>Summary of response by THC:</b>		
<p>It is considered that the integrity of these buildings and their settings can be protected whilst allowing development on the allocation. It is considered that these issues can be dealt with and mitigated through the detail of proposals however the sensitivity of maintaining the setting and a visual link between the Church and the Manse is acknowledged in the developer requirements and a design statement will required with any planning application.</p>		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
<p>1. The council have confirmed the listed status of the manse, steading and gate piers (Category B listed) along with the church, burial ground and gate piers (Category A listed). In this context, I consider that this field between the front of the manse, the adjacent steading, the boundary of the church grounds and the main road makes an important contribution to the setting of these historic buildings and to the character and amenity of the village. The setting of the hotel is already influenced by more recent adjacent development.</p> <p>2. Other than some smaller scale development in proximity to the health centre, I find it difficult to envisage how a mixed use development or the indicated 8 housing units might be accommodated without detriment to the attractive open setting of these listed buildings. In the absence of a design brief or other information to address these concerns, I am not convinced that this allocation should be retained.</p>		
<b>Reporter's recommendations:</b>		
Modify the local plan to delete MU1 West of the Manse from Inset 14.1 Tongue and from the site allocations table. Retain within the settlement development area.		



<b>Issue 75</b>	<b>TONGUE – North Of St Andrews Church</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	MU2 North of St Andrew's Church Text MB 40 - Map 14.1 MB 41	
<b>Organisations or persons submitting representations:</b>		
Mr J. Barlow (309) Scottish Environment Protection Agency (SEPA) (311)		
<b>Provision of the development plan to which the issue relates:</b>	Mixed use allocation	
<b>Summary of representations:</b>		
<p>Mr J. Barlow - Development has to be sympathetic to the setting of the church and its attached burial ground. Any development, including the proposed fire station, should have planning exterior controls rigidly enforced to comply with this.</p> <p>SEPA – see modification sought.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>Mr J. Barlow - Delete allocation (assumed).</p> <p>SEPA - Requirement for connection to the public sewer.</p>		
<b>Summary of response by THC:</b>		
<p>There is detailed planning permission granted on this site for the Fire Station. The local plan seeks to establish the principle of development here however detailed proposals would become available with any full or detailed planning application. At which point there is an opportunity for representations if anyone wishes to make comments on the proposals. There are developer requirements to safeguard the setting of the church and address any impact on the setting of Tongue House designed landscape, and to ensure a design statement accompanies any application here.</p> <p>It is considered that the application of Policy 7 is appropriate rather than a requirement for connection to public sewer. It may be that the applicant can demonstrate points 1 and 2 which relate to the feasibility and not being likely to cause significant environmental health problems. In this case connection to the public sewer would go beyond these requirements and may stymie development.</p>		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
<p>1. On my site visit, I noted that construction of the fire station directly to the west of the church and cemetery is now complete. Any development on the remaining part of the site would be further to the west of the fire station and would be viewed in its context. Consequently, I am not persuaded that further development would impact directly on the setting of the church and cemetery. However, this remains a prominent site at the entrance to the village. In this respect, I am content that the developer requirements refer to</p>		

preparation of a design statement.

2. I presume that the issue of drainage was satisfactorily resolved in relation to the fire station development. I consider that policy 7 (as modified - see Issue 88) provides an appropriate policy framework for consideration of any drainage issues which may arise on the remainder of the site without the need for further reference in the developer requirements.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 76</b>	<b>MELNESS – Melness General Comment, Settlement Development Area And Policy 17 Commerce</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	General Comment, Settlement Development Area and Policy 17 Commerce Text MB 42 - Map 14.2 MB 43	
<b>Organisations or persons submitting representations:</b>		
Melness Crofters Estate (528) Tongue Community Council (242)		
<b>Provision of the development plan to which the issue relates:</b>	Settlement Development Area and General Policy	
<b>Summary of representations:</b>		
<p><u>Tongue Community Council</u></p> <p>What agreement is there for building development outwith the plan map because in Midtown and Skinnet no development is allowed by the landowner except for crofts in order to allow for stock movement from crofts to common grazing. Therefore, concern regarding overcrowding of development.</p> <p><u>Melness Crofters Estate</u></p> <p>Regarding the "Small Village" categorisation of Melness and the criteria within Policy 17 (Commerce), the Board notes that the Council does not feel that this disadvantages Melness. The Board, however, still considers that, because Melness lies some 5 miles from Tongue across the Kyle of Tongue, and there is no public transport between the two communities, it is only fair that jobs, services and amenities should be encouraged to locate in Melness as well as in Tongue.</p> <p>Would help to retain younger people in Melness, particular difficulty at present due to the lack of such provision in Melness. The Board suggests that Melness and Tongue (or the Kyle of Tongue) should be considered together as one "Sub-area Centre" in the settlement hierarchy.</p> <p>Regarding the community's desired extension of the SDA to the south, the Board considers that, in particular, a large site to the north of Midtown has long been identified by the community as the most practical site (the only suitably flat site on which to play football) for a sports pitch and building (ref: outline planning permission, 00/00112/OUTSU, approved 25/08/00). The Board therefore requests that this site be allocated in the plan. Suggest that the SDA should be extended at Eilean Creagach as it is included in the proposed pier redevelopment.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>Additional SDA's for other townships and wider expansion of Melness SDA (assumed) – Tongue Community Council</p> <p>Categorise Melness as a small village, allocate land granted outline planning permission at 00/00112/OUTSU for erection of a sports/leisure building, and extend the SDA at Talmine Pier to include Eilean Creagach - Melness Crofters Estate.</p>		

**Summary of response by THC:**

The wider countryside policy provides opportunity for development whilst assessing against the natural and cultural heritage features, considering settlement pattern, loss of locally important croft land, and any infrastructure constraints. The SDA and allocations in Melness serve to identify where the larger developments should occur. There remains scope for single house proposals or other small scale developments subject to the Policy 3 (Wider Countryside) and Policy 4 (Natural, Built and Cultural Heritage).

The act of defining SDA's for all the crofting townships requires significant resources not just from the council but also from the statutory consultees. For these areas it is considered that the most appropriate way forward given the historic low build rate, is through site by site assessment as proposals come forward.

Part of the judgement of proposals within the SDA will be in terms of how compatible they are with the existing pattern of development which will prevent overcrowding. There will be scope for developments outwith the SDA subject to the provisions of wider countryside policy and any natural and cultural heritage features.

There is no general presumption against the allocation of land for a sports pitch or sports building. The site has not been included in the SDA due to its relative sensitivity. The detail of any proposal will be important in determining its suitability or otherwise as the site lies outwith the established linear pattern of development at Midtown. With regards to proposed extension of SDA onto Eilean Creagach, given the prominence of the location within the NSA and the potential landscape impact, it should not be included within the Settlement Development Area. This also reflects the sites relative sensitivity. Proposals should be considered on their merits and the detail will determine its suitability or otherwise. It should be noted that the majority of this land is within a 1 in 200 year flood risk area and will therefore only be suitable for water related and harbour uses.

Acknowledge the points made by the Melness Crofters Estate in this representation. It is considered that a change should be made to reflect the complementary services provided in the communities of Tongue and Melness, so that applications are considered on the same terms for Policy 17.

**Any further plan changes commended by THC:**

Commend change to Policy 17 to include Melness/Tongue as a sub area centre and to carry that change into the vision of the plan mentioning Melness in 4.21 of the plan as a key village. Also acknowledge that Scourie, having been mentioned as a key village in 4.21, should have been included as a sub area centre in Policy 17.

**Reporter's conclusions:**

1. The area around the pier is already included within the settlement development area. However, ground conditions, topography, and the sensitivity of this open and prominent area of the shoreline, which is detached from the linear pattern of settlement, indicate a very limited capacity for development. For these reasons, I am not persuaded that extension of the SDA in this area would be appropriate. The potential risk of flooding accentuates the constraint on development in this area.

2. I visited the area referred to in relation to a potential sports use having received details of the lapsed outline planning application (reference 00/00112/OUTSU) from the council. This level area of ground may be suitable for sports use. However, in the absence of a current proposal I have concerns that the sites inclusion within the settlement would extend the boundary beyond that established in accordance with the existing pattern of settlement in Midtown. This could create pressure for other forms of less appropriate development in this

sensitive location. Consequently, I consider that it would be more appropriate to consider any proposal on its merits in the context of Policies 3 and 4.

3. I consider that, given the scale and nature of this community, there are sufficient identified development sites within the SDA. These opportunities are supplemented by limited opportunities for infill development, although I accept that these should respect the spacious pattern of development and will rely on a willing landowner. The landscape in this area is sensitive and I consider that the qualities of the NSA are best protected by concentrating development within the SDA. Any proposals for development in the wider countryside would be assessed in the context of Policies 3 and 4.

4. I agree with the council and the Melness Crofters Estate that there are some benefits in considering the communities of Tongue and Melness together as a sub area centre in the context of Policy 17. The role of Melness as a key village should also be confirmed. In the interests of consistency, I have also included the consequent change in relation to Scourie as requested by the council.

**Reporter's recommendations:**

Modify the local plan as follows:

- amend the table accompanying Policy 17 to include Melness/Tongue and Scourie as sub-area centres and;
- amend paragraph 4.21 to include reference to Melness as a key village.

<b>Issue 77:</b>	<b>MELNESS - H1 West of Joseph Mackay Court</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	H1 West of Joseph Mackay Court Text MB 42 - Map 14.2 MB 43	
<b>Organisations or persons submitting representations:</b>		
Scottish Natural Heritage (326) Tongue Community Council (242)		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation	
<b>Summary of representations:</b>		
<p><u>Scottish Natural Heritage</u></p> <p>SNH recommends that the extent of this site is reduced and that development is restricted to a linear pattern of housing following the road line rather than the formation of a cluster around Joseph Mackay Court.</p> <p><u>Tongue Community Council</u></p> <p>The area west of H1 above the settlement area is deemed suitable for development by the land owner.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Scottish Natural Heritage</u></p> <p>SNH maintains its strong recommendation, given the sites location within a National Scenic Area (NSA), that a design statement is required to take account of landform and views. This should be agreed by THC in consultation with SNH. It is SNH's view that there is scope only for one more unit behind those at Joseph Mackay Court and that it should be limited in height to 1½ storey. Further development of this allocation should be from the access point indicated at the west and should follow a linear pattern along the road, enhancing the appearance of the existing development.</p> <p><u>Tongue Community Council</u></p> <p>Extend H1 to west (assumed).</p>		
<b>Summary of response by THC:</b>		
<p>A design statement is a necessary safeguard within the NSA. It is felt that there may be scope for more than one additional unit in the area behind the JMC development (at the eastern end of the H1 allocation) however the advice of SNH will be taken into consideration when dealing with any planning application. Land directly adjacent H1 on its western edge lies within the Settlement Development Area which offers adequate support for any proposals that come forward.</p>		
<b>Any further plan changes commended by THC:</b>		
Commend SNH requirement regarding need for design statement in consultation with SNH.		

**Reporter's conclusions:**

1. The boundaries of the site as shown in the map booklet indicate the limits of development and should not imply that the entire area is suitable for development. This is a sloping site prominent on the approach from the north and in more distant views across Talmine Bay from the pier. However, the landform behind Joseph Mackay Court provides some degree of setting and I am reluctant to preclude the consideration of alternative design/layout options by significantly reducing the site area or restricting the potential to consider alternative access points. It is difficult to determine an appropriate scale or pattern of development in the absence of detailed level and ground condition information. I find that the current size of the site provides some flexibility in this respect. Whilst the settlement generally follows the road there is already some clustering of development at Joseph Mackay Court, to the east of the school house and as proposed around the hotel (see Issue 78).

2. Consequently, whilst I fully recognise the sensitivity of this site I am content that it should be included in the local plan subject to a design statement. This should address the established pattern of settlement and the quality of this National Scenic Area and I propose that additional wording should be added to the developer requirements to reflect this. The area of land to the west of the site, as referred to by the community council, is included within the settlement development area. As such, any development proposal would be assessed in terms of Policy 1.

**Reporter's recommendations:**

Modify the local plan, Inset 14.2: Melness to add the following to the developer requirements for H1 West of Joseph Mackay Court:

A design statement should be prepared, with particular regard to the pattern of settlement and the quality of the National Scenic Area, in consultation with SNH.

<b>Issue 78</b>	<b>MELNESS – West of Craggan Hotel</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	MU1 West of Craggan Hotel Text MB 42 - Map 14.2 MB 43	
<b>Organisation or persons submitting representations:</b>		
Mr J. P. Mackay (367) Tongue Community Council (242) Mr D. MacLennan (552) J. Mackay (316)		
<b>Provision of the development plan to which the issue relates:</b>	Mixed use allocation	
<b>Summary of representations:</b>		
<p><u>Mr J. P. Mackay</u></p> <p>A crofter has already applied to acquire this land for development. He is concerned that the Highland Council is proposing to develop his croft land and the impact this allocations development would have. He is concerned that it would encroach on his privacy and that of hotel guests. As the land in question is much higher he feels that the residents of the houses would be looking directly into his bedrooms, lounge and bar. It would interfere with any future development of the hotel. He has various concerns over the access, potential to interfere with deliveries, along with surface water drainage concerns.</p> <p>Suggestion that land to the south-west of MU2 suitable for housing and development.</p> <p>Concern regarding overcrowding of development. Township and beyond lies within a National Scenic Area - development would have a detrimental effect on the landscape, sits prominently on the skyline and will be visible from a considerable distance. The settlement pattern is linear and therefore the proposal does not accord with the existing pattern which should be maintained in the Kyle of Tongue designated 'scenic area'. Any development should be infill as only infill fits with the strong existing settlement pattern.</p> <p>The proposed area is of some archaeological significance having foundations dating to either pre or just past clearance i.e. about 1800 or before. There have neither been recorded or excavated. There is also a 19th century artefact in the area.</p> <p>The predominant ground conditions are rock and as such development extremely difficult. There are extensive drainage problems with the site and at the rear of his property resulting from numerous springs occurring over the total site area. Access to the site will be difficult to achieve.</p> <p>Any connection to the foul drainage network would result in a requirement to track a considerable distance to secure a suitable connection point and concern that there are capacity issues within the existing network. Any connections to existing utilities would require significant upgrading works which could have a detrimental effect on the landscape.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Tongue Community Council</u></p> <p>Extend the then MU2 (now MU1) to South West.</p>		



Mr J. P. Mackay

Unclear.

J. Mackay

Delete allocation (assumed).

David MacLennan

Unclear - Appropriate development of the Craggan Hotel might not be objected however housing or light commercial development would be totally objectionable.

#### **Summary of response by THC:**

(Background: The site came forward for consideration as one of the community's suggestions which were collated by the community council and submitted during the early stages of the Local Plan review. A letter was sent in March 2008 after several attempts to phone him were unsuccessful. An explanation of how the site was identified and the purpose of the Local Plan was clarified along with the fact that the Highland Council had no intentions to develop this land. It was explained that its allocation would establish the principle of development on this land when considering any future planning application. The land is currently community owned by the Melness Crofters Trust.)

Any developer is required to take ground conditions of the site into consideration. The foundations for any houses or other buildings should be designed to suit the loadings on the site. Where problems may be flagged up as to ground bearing etc any developer would have to design foundations specific to the site and this may require certification from a structural engineer.

The site is sufficiently close to the sewerage network to connect and we have been advised that there is sufficient capacity in the waste water treatment works.

With regards to comments about settlement pattern the council recognises that any proposal here will need to exhibit careful siting and design because this is a sensitive site within a National Scenic Area (NSA). We have added this as a developer requirement to make developers aware this a key factor for consideration of any planning application that may come forward. However there is no strict linear pattern here at the moment to disrupt. If sensitively approached development can be accommodated here without having a negative impact on the NSA. If/when a planning application comes forward anyone has the opportunity to make representation on the detail of what is proposed. Proposed extension to south and west could be considered with the detail of any planning application but the landscape impact within the NSA may predicate against this.

There is no scheduled status and the Highland Council archaeology unit does not have any records relating to this land. The potential presence of archaeological remains can be dealt with if/ when a planning application gets submitted.

#### **Any further plan changes commended by THC:**

None.

#### **Reporter's conclusions:**

1. The settlement is predominantly linear in nature with development following the line of the road. However, there is some clustering of development in this area around the hotel. The

allocation would extend this cluster whilst maintaining a rear boundary which corresponds with that of other properties to the north, which are also within the settlement. The change in levels behind the hotel indicates the need for any housing to be set back into the site in order to maintain window privacy and avoid obtrusive ridgeline development. However, I am satisfied that this could be addressed through the development management process in accordance with the developer requirements for this site - "careful siting and design to ensure it fits with the strong settlement pattern". With this requirement, I consider that the site has potential to accommodate development without an unacceptable impact on the landscape qualities of the NSA or the character of the settlement.

2. Whilst I have no evidence of any archaeological interest, I am satisfied that local plan policy 4 contains sufficient safeguards in this respect. There is existing access to the site, although I accept that this would require to be upgraded. This matter would also be subject to consideration through the development management process. Like many sites in Sutherland ground conditions are a potential constraint which would have to be addressed by any developer. I have no evidence to suggest that these issues are insurmountable or that the site is otherwise unsuitable for inclusion in the local plan. I have not supported further extension of the site to the south-west as this would extend the site beyond the group of buildings around the hotel into an area with a distinctly narrower and more linear settlement form.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 79:</b>	<b>BETTYHILL – Settlement Development Area</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	Settlement Development Area Text MB 44 – Map 15.1 MB 45	
<b>Organisations or persons submitting representations:</b>		
Bettyhill Community Council (328)		
<b>Provision of the development plan to which the issue relates:</b>	Settlement Development Area	
<b>Summary of representations:</b>		
<p>Newlands Junction. This has been an ongoing issue, probably over twenty five years. It has involved much discussion but lacked any action. Consideration must be given to the fact that more families now live in the Newlands Area, therefore creating more traffic at the junction. There can be no further development to the south of this junction due to the standard of the road and extremely poor visibility where it joins the A836. This issue must be resolved, as sooner or later, a terrible accident is inevitable. It was considered that the Local Plan would give the opportunity for some action to be taken regarding the road network.</p> <p>There is a need for further footpath provision i.e. pavements in certain areas of Bettyhill and should be included in the Draft Plan. Endorses Jayne Gordon's concerns about the pavement situation. The back road used by the buses which pass Seacrest are also used by an increased number of young children as a direct route to school - this number will no doubt increase in the future. The back road is very narrow and the grass verges, where they exist are very poor substitutes for a proper pavement.</p> <p>They feel it is disappointing that issues raised have not been considered for change in the local plan and that the footpath issue has not been addressed. Building work is planned to take place on forestry ground and will increase the amount of traffic using this road and others without pavements. Therefore, they contend that there is definitely a need for the construction of pavements for the safety of everyone.</p>		
<b>Modifications sought by those submitting representations:</b>		
Unclear - They are dissatisfied with the council's lack of action with regard to the Newlands junction, and the footpath issue, but no local plan alteration is proposed.		
<b>Summary of response by THC:</b>		
<p>The local plan states, 'Currently the Newland's area to the south does not have spare capacity for further development due to the standard of the road and visibility at its junction with the A836. However, if the road network issues can be resolved the area is otherwise suitable for a small amount of housing which reinforces the existing dispersed pattern of development.' This offers potential and is as far as the local plan can go before the necessary improvements are committed to. This supports appropriate development here if the access issue is overcome and the wider countryside policy will employ a site by site approach to assessing suitability.</p> <p>The Education Service are aware that the footpath provision issue will not be resolved through developer contributions. We can only seek these when the impact is directly related to the proposed development and none of the local plan allocations would result in additional</p>		

development which would use these. However, this is only to say that this issue cannot be dealt with through the local plan not that the council will not address it through other means such as the safer routes to school.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. My observations on site confirm concerns relating to the nature of the road network and the standard of this junction onto the A836 as recognised in the local plan. I appreciate that achieving appropriate footpath links and safe routes to school are important issues. However, as the local plan is concerned with the development and use of land it has a limited remit in relation to existing road and footpath improvements. Consequently, these matters fall to be addressed through other means.

2. Given the nature of the road network and the standard of the junction, I consider that the local plan approach to exclude Newlands from the SDA is appropriate. Any potential for new development is therefore limited to small-scale infill development. In this context, individual applications would be assessed against Policy 3: Wider Countryside, which includes a requirement for sites to be adequately serviced.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 80</b>	<b>BETTYHILL -West of the School, H2 West of Munro Place</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	H1 West of the school, H2 West of Munro Place Text MB 44 – Map 15.1 MB 45	
<b>Organisations or persons submitting representations:</b>		
Mr A. N. Carr (on behalf of the Bettyhill Hotel) (126) Mrs J. Grant (360)		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocations	
<b>Summary of representations:</b>		
<p>Mr A. N. Carr, BA, FRICS</p> <p>He feels this impacts an important view for tourism and visitor experience and therefore the local economy which increasingly relies on tourism and has suffered job losses from other employment providers such as Dounreay. Believes the argument that young people are leaving the area because of lack of affordable housing is over stressed and more important is the lack of employment.</p> <p>Refers to the guidance in NPPG13 for development on the undeveloped coast. 'Ill considered development however can have a detrimental effect on ecology and scenery as well as on cultural heritage interests; a key objective for the planning system is to provide a framework for investment in development while protecting the undeveloped coast from unjustified and inappropriate development.'</p> <p>He suggests that the view from the Bettyhill Hotel is an important view and its loss would be detrimental to the turnover of the hotel perhaps even making the business unviable. Notes that on the "Undiscovered Scotland" (the most comprehensive on-line guide to Scotland) the entry for Bettyhill commences with a photo taken across the field in question and comments: "Bettyhill Hotel started life in 1819, though it has grown steadily since. Its location is superb, giving magnificent views to the north-west over Torrisdale Bay" which have featured on local postcards since these were first introduced.</p> <p>In an area with a declining population questions why 'additional speculative housing' is necessary. Infill/allocation unsuitable designation for land outside the village envelope. Suggests having regard to the rigorous planning policies enacted to prevent the sprawl of development beyond established limits seen in less attractive environments elsewhere in Britain. Finds it hard to justify this occurring in such a scenic and sensitive location.</p> <p>Continued designation of H2 for housing purposes opens the way for future development to the west of the site, between this area and the River Naver; while the land to the west of H2 might not be designated for housing, it is difficult to see why it would be any less suitable than H1 and H2. Just because land is currently designated for housing, there is no reason why it should not be redesigned for some other purpose in future.</p> <p>He refers to Pan72 on siting housing within landscape, reinforcing settlement pattern, and ensuring local appropriateness of development in layout, design and materials taking account of orientation, topography and scale. Also refers to the evaluation of NPPG15 which noted a growing concern on the impact of second home ownership since its publication. He is aware of interest from visitors on holiday. The proposed designation for this site is for housing, not affordable housing.</p>		

As consent has already been given it would be futile to object to development taking place, but it is important that this is done in such a way as to minimise impact. Suggest that any detailed consents be carefully controlled with particular consideration to the following points:

- A. Low rise development only.
- B. Development in materials reflecting the local building heritage.
- C. Proper co-ordination of design specifications for the development as a whole.
- D. Control to prevent a profusion of untidy outbuildings and extensions by removal of permitted development rights.
- E. Steps to minimize light pollution, particularly from street lamps.

Mrs J. Grant

H1 and H2: Hope that as H2 site is seeking planning permission that the road into both these sites is from the main road directly and not through Munro Place. She raises concerns regarding the construction phase of development and the impact this has on herself and other residents in terms of parking places, noise etc. Does not believe the road is suitable for this or for the extra traffic more housing will bring. Also the beautiful view which the residents enjoy - so much will be lost.

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

Access should be from the main road rather than Murno Place - J. Grant

Delete allocation or more specific controls through additional developer requirements (assumed) - Mr A. N. Carr, BA, FRICS.

#### **Summary of response by THC:**

It is considered that the allocations H1 and H2 represent a logical extension to the village and will fit comfortably within the landscape. It is not considered that the development of H1 and H2 will entirely block the views either from the hotel or the public road. There is a level difference here which means the foreground of views will be affected but views from the hotel across Torrisdale Bay should not be blocked by their development. All of H1 and H2 now have outline planning consents thus establishing the principle of development here. H1 also has detailed consent for three houses. If/when further detailed applications are submitted there will be the opportunity for representations on the detail proposed. A design brief covers the H1 site and a developer requirement covers its extension for H2. With regards to access arrangements we have been advised from our roads colleagues that either an access through Munro Place or from the main road is acceptable.

#### **Any further plan changes commended by THC:**

None.

#### **Reporter's conclusions:**

1. On my site visit, I noted that works on an access road from Munro Place had been commenced. Further information requested from the council has confirmed detailed planning permission has been granted for an access road (application references 05/00021/FULSU, 06/00158/FULSU and 06/00407/FULSU) and for formation of 7 serviced building plots and land for affordable housing units (application reference 07/00429/FULSU). Proposals have evidently progressed and are commencing on these sites. It is not appropriate for me to comment on the detail of particular planning applications but events have obviously overtaken adoption of this local plan.

2. In any event, the site is at a lower level than the road and the hotel. Subject to development being appropriately located within the site and to sensitive design (particularly in relation to height), I am not persuaded that development would have an unacceptable impact on the setting of Bettyhill or the undeveloped coast. Whilst I understand the hotel proprietors concerns regarding any loss of view, this is not a material planning consideration. However, the requirement to adhere to an approved design brief applies to both sites and any future planning applications would be assessed in this context.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 81</b>	<b>BETTYHILL - North of Gordon Terrace</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	H3 North of Gordon Terrace Text MB 44 – Map 15.1 MB 45	
<b>Organisation or persons submitting representations:</b>		
R. Mackay (263) Albyn Housing Society (499)		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation	
<b>Summary of representations:</b>		
<p><u>R. Mackay</u></p> <p>Realises houses are urgently needed and supports this but concern about parking or rather the lack of this. Cars are regularly parked outside her entrance, there is little parking for the school traffic, and unless there are parking places produced with new housing, chaos will prevail.</p> <p><u>Albyn Housing Society</u></p> <p>Site has obvious topographical challenges. The council might consider whether there should be some flexibility in the Plan around boundaries (particularly the western boundary) to assist some future developer to work around the rocky outcrops and level changes.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>Car parking requirements (assumed) – R. Mackay</p> <p>Extend allocation to the west (assumed) - Albyn Housing Society</p>		
<b>Summary of response by THC:</b>		
<p>This allocation was reduced to reflect the council's work to establish a parking and drop off area for the school. The land excluded was the only practical option available for this purpose. There are substantial housing allocations within Bettyhill already being progressed providing a healthy and effective housing land supply. Therefore it was felt that the long standing need for additional parking and a drop off area for the school should not be prejudiced.</p> <p>The parking requirement for new housing development would be considered at planning application stage in consultation with our roads colleagues and with regard to the Council's roads guidelines.</p> <p>As mentioned this is a more challenging site to develop for housing and its feasibility has never been established. The road network is such that our roads colleagues suggest that only 6 houses could be accommodated before improvement would be required. It is considered that the remaining allocated land will probably be able to accommodate this level of development. As the adjacent area is within the Settlement Development Area the potential for housing here, if plans for parking and drop off area should change, is not precluded.</p>		



**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. When I visited the site, it was evident that there is some pressure for parking associated with the adjacent primary school. Consequently, I agree with the council that it is sensible to safeguard an area of land to the west to accommodate this. I accept that the restricted scale of the remaining allocated housing site, the varying levels and rocky ground conditions will restrict the capacity of this site. The site is also constrained by the nature of the existing access. Some flexibility around the boundaries of this site may be necessary for its development potential to be realised. However, I am satisfied that there is scope for this to be considered in the context of any planning application with regard to the council's intentions for the parking/drop-off area.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 82</b>	<b>STRATHY - Strathy West</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	H1 Strathy West Text MB 33 – Map 16.1 MB 33	
<b>Organisations or persons submitting representations:</b>		
Mr D. Khalil (92)		
<b>Provision of the development plan to which the issue relates:</b>	Housing allocation	
<b>Summary of representations:</b>		
<p>Feels a crash guard should be installed above the house at Strathy West because of the risk. Dangerous junction with partly hidden access is dangerous for increased traffic and pedestrian usage without pavements. Suggests that a better road access to Strathy West needs be designed for this poor visibility bend. He finds the proposed "Strathy West Housing" good but would like to see a public footpath from there to the village along the river as part of the plan to offer safe Strathy pedestrian areas.</p>		
<b>Modifications sought by those submitting representations:</b>		
Support footpath from allocation along the river and into the village and better road access to Strathy West.		
<b>Summary of response by THC:</b>		
<p>The junction and road serving Strathy West is considered to be acceptable by our roads colleagues for a small amount of development; beyond that, stopping further development or access improvements will need to be considered. There is therefore a developer requirement for possible access improvements.</p> <p>The connection to the existing pavement network will be dealt with through any planning application. However wider aspirations in relation to footpath provision should be considered through the Council's work on Core Paths Plan for Sutherland. This route/path does not appear to be currently identified.</p>		
<b>Any further plan changes commended by THC:</b>		
None.		
<b>Reporter's conclusions:</b>		
<p>1. From my observations on site, I agree that visibility at the junction of the access road serving Strathy West and the A836 is restricted due to its configuration in proximity to a bend in the main road. The allocated site provides capacity for a small scale of development up to 10 houses. The developer requirements refer to the possibility of access improvements and I am satisfied that the local plan signals this as a potential constraint on the scale of any proposed development. Detailed issues of road safety at the junction onto the A836 and the need for specific improvements would remain to be considered through any planning application. Details of any footpath provision would also be considered in this context. The existing safety of the junction and the provision of a crash barrier are not land use planning matters that can be addressed through this local plan.</p>		

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 83</b>	<b>GENERAL POLICIES: Introductory paragraphs</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	<b>Chapter 5 General Policies, paragraph 5.02, WS 31</b>	
<b>Organisations or persons submitting representations:</b>		
Airtricity (646)		
<b>Provisions of the development plan to which the issue relates:</b>	Advice in the plan's text about how each planning application will be assessed.	
<b>Summary of representations:</b>		
<p>In the second introductory paragraph to the General Policies chapter, the plan confirms that compliance with 'a single local plan policy will not necessarily indicate that a proposed development is acceptable'. It could also be argued that non-compliance with a single local plan policy will not necessarily indicate that a proposed development is unacceptable. Each development proposal will be assessed on its individual planning merits, as acknowledged in the Planning Act.</p>		
<b>Modifications sought by those submitting representations:</b>		
This paragraph should be reworded to clarify that each development proposal will be assessed on its individual planning merits.		
<b>Summary of response by THC:</b>		
<p>Text should be added as requested but also the existing message to the plan user should be retained: that applications will be assessed against all policies and legislation relevant and that conformity with a single policy will not necessarily indicate that a proposed development is acceptable.</p> <p>The council agrees that the suggested modification would provide clarity and reflect the legal position. However, the council also considers that the original message should remain as a precautionary note to the plan user to guard against the possibility of assuming, without full consideration of the issues, that their proposed development would be supported.</p> <p>[For information, Airtricity also raised essentially the same issue in respect of the West Highland &amp; Islands Local Plan and the council's response on that issue in respect of both plans is the same.</p> <p><u>NB.</u> All of the General Policies are wholly or largely identical between the two local plans and, in the interests of streamlining its development plans, the council wishes to maintain consistency between the policy frameworks where possible and appropriate.]</p>		
<b>Any further plan changes commended by THC:</b>		
<p>Revise the second introductory paragraph to the General Policies chapter to read as follows:</p> <p>"It is very important that users of the plan note that, in accordance with the Planning Act, each development proposal will be assessed on its individual planning merits. This will include each planning application being assessed against all policies and legislation relevant to the particular proposal and location. Conformity with a single policy will not necessarily indicate that a proposed development is acceptable."</p>		

**Reporter's conclusions:**

1. I agree that some change to this text is justified in order to reflect section 37 of the Town and Country Planning (Scotland) Act 1997. Minor rewording of the council's proposed change is required, to clarify the relevant considerations.

**Reporter's recommendations:**

Modify the local plan: revise the second introductory paragraph to Chapter 5 General Policies, to read:

Users of the plan should note that each proposal will be assessed on its individual planning merits having regard to the relevant development plan policies and other material considerations. Compliance with a single policy will not necessarily indicate that a proposed development is acceptable.

<b>Issue 84</b>	<b>SETTLEMENT DEVELOPMENT AREAS</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	<b>General Policy 1 Settlement Development Areas and supporting text 5.1.1-5.1.3, WS 32, and MB various</b>	
<b>Organisations or persons submitting representations:</b>		
Scottish Natural Heritage (326)		
<b>Provision of the development plan to which the issue relates:</b>	Policy framework relating to Settlement Development Areas identified in the plan, and consequential references in Map Booklet.	
<b>Summary of representations:</b>		
<p>The third bullet point in the supporting text states that Settlement Development Areas (SDAs) have been defined taking into account the ability of the landscape to allow for development. Specific reference elsewhere in the supporting text for this policy to regard having been had to landscape character assessment documents is welcomed. However, a cross-reference to landscape character should be within this policy itself. This would bring it into line with the Policy 3 (second bullet point) and ensure landscape character is a consideration for proposals within SDAs as well as in the definition of the SDA boundaries.</p> <p>Features of natural and cultural heritage importance occur within the SDAs but do not appear on the inset maps. This fact is recognised in the text of Policy 1 with its cross-reference there to Policy 4. However, Scottish Natural Heritage (SNH) considers that more specific reference should be made in the plan to features present in respect of each individual SDA.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>Within policy 1, after the words “how compatible they are with the existing pattern of development” insert “and landscape character”.</p> <p>Check each SDA for any international and national features of natural or cultural heritage that are present within the SDA, mention those features within the Development Factors list for that Settlement in the Map Booklet.</p>		
<b>Summary of response by THC:</b>		
<p>The council agrees with SNH that inclusion in the policy of reference to landscape character would be appropriate. As suggested, it will bring it in to line with Policy 3 (second bullet point) (or third bullet point in the council's commended changed version of Policy 3). The council further suggests addition to Policy 1's supporting text of a further reference to landscape character assessments, which will make it more consistent with the supporting text of Policy 3.</p> <p>The council understands the concern raised by SNH and is happy in principle with the suggestion. The concern could equally apply to built features. It would be onerous to attempt to list all local features. The exercise should be limited to international and national features. Features that are large in area and few in number at individual settlement level such as National Scenic Areas may be referred to specifically by individual name, whilst the presence of those that may be more numerous such as Tree Preservation Orders may more appropriately be highlighted in more general terms.</p>		

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

**Any further plan changes commended by THC:**

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

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

**Reporter's conclusions:**

1. Given the scale, nature and location of the settlement development areas, I agree that it is particularly important that the policy should have appropriate regard to the landscape character of the area. In this context, I find that the council's suggested changes to policy 1 should be included.

2. The designations referred to are not shown on the relevant map insets within the Settlement Development Areas and I agree that this could appear confusing. However, the background maps (from page 50 of the map booklet) provide a useful guide to the areas where these designations apply. Some reference is made to particular designations within the development factors list. However, I agree with the council and SNH that these references should be expanded to include any international and national features of natural, built or cultural heritage within or adjacent to the relevant Settlement Development Areas. Given that this matter relates to the plan in general and is also relevant in the context of SNH representations on the Appropriate Assessment it is addressed through Issue 102.

**Reporter's recommendations:**

Modify the local plan as follows:

- within policy 1, after the words "how compatible they are with the existing pattern of development" insert "and landscape character"; and
- in paragraph 5.1.2 of the supporting text, after the final sentence, add "Where necessary the landscape character assessment for the area will also be referred to as a material consideration when examining individual development proposals."

Note: See also recommendation under Issue 102.

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



development sites are more suited to sites outwith settlement areas (as directed through Scottish Planning Policy 6) i.e. wider countryside locations but the policy does not appear to accommodate onshore wind farm development as it is considered unlikely that this type of development will 'repopulate communities and strengthen services'. The policy also does not appear to consider the impact of development outwith settlement development areas on rural communities that are not of a fragile nature. The policy continues: 'suitably designed proposals will be supported if they: do not involve infrastructure out of keeping with the rural character of the area'. Onshore wind farm development infrastructure is not indigenous to the countryside. However, this does not mean that is inappropriate in a rural location. The policy should reflect wind farm development in a rural location.

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

##### P Polson and A Ogilvie

Identification of areas where development constraints clearly exist.

##### Laid Grazings Committee

More attention in the Plan to the development opportunities of small settlements.

##### W G Murray

Take a less restrictive approach to development in small communities in the countryside.

##### Airtricity

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

#### **Summary of responses by THC:**

##### P Polson and A Ogilvie

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

##### Laid Grazings Committee

No change is required to the Plan. The larger settlements have allocations because this is where most of the future growth and larger developments will occur, where the main services are and greater development pressure exists. These therefore have land allocated for larger development and a Settlement Development Area (SDA), which promotes development which makes best use of infrastructure and services whilst protecting the character of the surrounding countryside. However, within the wider countryside there is opportunity for development, generally of a smaller scale or where the type of use proposed is such that it is better located, or needs to be located, outwith an SDA. Assessment of each planning application in the context of General Policies 3 and 4 is considered the most appropriate approach in support of these communities, particularly given the comparatively

low build rate in such areas. The SDA and development site identified in Laid in the earlier Local Plan issues consultation document “Sutherland Futures” was identified before the Council had fully developed the general policy framework. Once that had been done, the Council considered it was more appropriate to maintain the flexibility for these very small settlements and deal with proposals for them on a case by case basis, in the context of General Policies 3 and 4 in particular.

#### W G Murray

No change is required to the Plan. In terms of non-housing development in the countryside (outside Settlement Development Areas) and housing development in that part of the countryside lying outwith the defined hinterland of towns, the Council is satisfied that assessment of each planning application in the context of General Policies 3 and 4 is an appropriate approach in support of these communities. In terms of housing development in that part of the countryside lying within the defined hinterland of towns, such proposals are dealt with by General Policy 16 (rather than Policy 3) which complies with the structure plan policy and fits with the council’s Housing in the Countryside Development Plan Policy Guideline (DPPG). The DPPG has recently been under review. The review examined whether the existing housing in the countryside policy as set out in the Structure Plan, Local Plans and associated Development Plan Policy Guidance, were effective and fit for purpose. An outcome of the review has been the preparation of Interim Supplementary Planning Guidance which has recently been consulted upon. The results of consultation will soon be considered by Committee. It is intended that the interim guidance will provide the council’s policy approach to Housing in the Countryside in advance of the Highland-wide Local Development Plan.

#### Airtricity

The council acknowledges that the policy would benefit from some rewording to clarify the intended criteria for consideration. This would emphasise the importance of design; refer to ‘patterns of development in the area’ rather than ‘settlement pattern’; include reference to landscape capacity and; remove unnecessary reference to other policies of the Development Plan (which is a point covered in the introductory paragraphs to the General Policies chapter and in Introduction & Context chapter).

In addition, the policy could more clearly provide for the consideration of the extent to which proposals would help, if at all, to support communities in fragile areas. It is not intended that development in the wider countryside will only be permitted where it supports fragile communities, but development that does may gain particular support. However, mapping of fragile areas should not be included in this local plan. The council has previously undertaken some mapping of ‘fragility’. Highlands & Islands Enterprise (HIE) has also previously worked on mapping of fragile areas and the council continues to work with HIE to develop fragile areas information. A definition of ‘fragile areas’ is given in the plan’s glossary to assist with implementation of Policy 3. The council is examining fragile areas as a planning policy consideration further as part of preparation of the forthcoming Highland-wide Local Development Plan (HLDP). In that regard, the Council notes that National Planning Framework 2 includes mapping of fragile areas which fits with the HIE mapping. The HLDP and associated Guidance currently being prepared by the Council will provide a more specific spatial planning framework to guide and assist the consideration of windfarm developments in accordance with SPP6: Annex A. In the interim, the structure plan and the Highland Renewable Energy Strategy are important to the consideration of proposals. Information on the HLDP and associated Guidance being prepared is provided in the Council’s Development Plan Scheme.

The Development Plan Scheme is available at:

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

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

#### **Any further plan changes commended by THC:**

Rewording of Policy 3 as follows:

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

- are considered acceptable in terms of design;
- are sympathetic to existing patterns of development in the area;
- are compatible with landscape character and capacity;
- avoid, where possible, the loss of locally important croft land; and
- account for drainage constraints or can otherwise be adequately serviced and do not involve undue public expenditure or infrastructure out of keeping with the rural character of the area.

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

#### **Reporter's conclusions:**

##### P Polson and A Ogilvie

1. It would be difficult and unwieldy for the local plan to include policies specific to all local areas. I find that such an approach would run contrary to government policy which seeks to secure brevity and clarity in development plans. The plan identifies a hinterland area around the main commuting settlements of the inner Moray Firth where a presumption against housing development applies. However, this does not apply to the countryside around Golspie which includes the area referred to as “Backies”. I accept that it is reasonable for the local plan to emphasise the role of settlement development areas but agree that it is also important, in reflecting the traditional pattern of development, to continue to allow for appropriate rural development.

2. The Structure Plan (Policies G2 and H3) and Local Plan (Policies 3 and 4) set the relevant policy context for development in the wider countryside (outwith settlements and the defined hinterland). Taken together these policies currently limit development to circumstances where it: helps to support communities in fragile rural areas (as defined in the glossary); is compatible with local service provision (water, drainage, roads, schools etc); crofting townships where the existing pattern of development is respected and; where landscape character, natural, built and cultural heritage are protected. Consequently, I find that this policy framework provides an appropriate context within which to address the concerns raised in this representation. I have recommended other changes to this policy (see below) in order to ensure that the local plan more appropriately reflects Structure Plan Policy H3.

##### Laid Grazings Committee

3. In the context of the paragraph above and on the assumption that Laid would be considered as a community in a fragile rural area (see Figure 7, page 17 of the Structure Plan) and a crofting township (also referred to in Structure Plan Policy H3), I consider that

there should be appropriate provision for development in this area. Due to the traditional dispersed pattern of development there are also a number of other smaller communities, comparable to Laid, which are not included as Settlement Development Areas. I am concerned that the inclusion of Laid would run contrary to the hierarchy of settlement established by the council. Without consequent inclusion of a number of other dispersed communities, this would lead to an inconsistent approach. Having visited this area, I am content that the plan provides appropriate provision for the assessment of development on its individual merits. I have recommended other changes to this policy (see below) in order to ensure that the local plan more appropriately reflects Structure Plan Policy H3. This includes particular reference to crofting townships.

#### W G Murray

4. The plan, through Policy 16, adopts a more restrictive approach to housing development in the area defined as hinterland. The objective of this, as explained in paragraph 5.16.1 of the plan, is to protect countryside areas subject to commuter housing pressures. This approach is in accordance with the structure plan. There is greater provision for housing in other areas of countryside within which local plan Policy 3: Wider Countryside would apply. Whilst I appreciate that there is demand for housing outwith towns and villages this has to be balanced against the plan's objectives of protecting the countryside and promoting sustainable development. Consequently, I find that the plan's approach is appropriate in order to: focus development within settlements; protect countryside areas subject to commuter pressure; and allow appropriate development to support communities in the wider countryside. My response to representation 646 (below) is also relevant.

#### Airtricity

5. The council's submissions state that it is not intended that development in the countryside will only be permitted where it supports communities in fragile areas. However, on my reading of Policy 3, as currently worded, this is not entirely clear. The local plan is required to conform to the structure plan. Structure plan Policy H3, when read in isolation is silent on the exact approach that should be adopted to housing development in areas of countryside which are not within a crofting township or an area experiencing difficulty in maintaining population. This policy is supported by paragraph 2.2.10 which accepts the case for housing to support rural communities and services and in areas where the existing settlement pattern or development constraints would warrant the development of sites in the open countryside. Paragraph 2.2.8 explains the council's concerns regarding housing in the countryside and its strategic objective of promoting sustainable development. Whilst the structure plan contains a policy on housing in the countryside, Local Plan Policy 3 applies to all development.

6. Consequently, in reading the local plan policy alongside the structure plan, I am left in some doubt as to how the council will assess development in the wider countryside outwith crofting townships and fragile areas. In this context, I agree with Airtricity and the council that some clarification of this policy is required.

7. Given the map on page 7 and the definition in the glossary of the local plan, I am content that the reference to fragile areas is adequate. As this is a general policy which applies to all development, I am not persuaded that there should be a specific reference to windfarms. However, I consider that it is important to clarify the council's approach to development in the wider countryside whilst avoiding any potential for conflict with Structure Plan Policy H3. In this context, I propose some rewording of the council's commended change to ensure that the emphasis of the structure plan, on crofting townships and communities having difficulty in maintaining population and services, is retained. To reflect the structure plan, I have also included a reference to crofting townships in paragraph 5.3.3 and a note to distinguish this general policy from the approach applied to housing in the hinterland around towns (policy 16). As stated in Issue 97 renewable energy proposals would also fall to be assessed

against the approved structure plan and the non-statutory Highland Renewable Energy Strategy.

### Reporter's recommendations:

Modify the local plan as follows.

- In the second sentence of paragraph 5.3.3 after “many” in the second sentence add “crofting and other” to read “ many crofting and other townships”
- Replace Policy 3 Wider Countryside to read:

Development in the wider countryside including crofting townships may be supported where it:

- helps to maintain and strengthen local population and services, particularly within communities currently experiencing difficulty (fragile areas);
- is sympathetic to existing patterns of development in the area;
- is compatible with landscape character and capacity;
- is located, if possible, to avoid the loss of locally important croft land;
- is of an acceptable design and;
- is adequately serviced (to address drainage constraints and avoid undue public expenditure or infrastructure out of keeping with the rural character of the area).

**Note:** Housing in the countryside of the hinterland around towns (see glossary, Proposals Map and Structure Plan Policy H3) will be assessed in the context of Policy 16: Housing in the Countryside.

<b>Issue 86</b>	<b>NATURAL, BUILT AND CULTURAL HERITAGE</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	<b>General Policy 4 Natural, Built and Cultural Heritage and supporting text 5.4.1-5.4.10, WS 35-37</b>	
<b>Organisation or persons submitting representations:</b>		
Scottish Natural Heritage (326) Historic Scotland (495)		
<b>Provisions of the development plan to which the issue relates:</b>	Policy framework relating to consideration of impact of development on Natural, Built and Cultural Heritage features as defined in the plan.	
<b>Summary of representations:</b>		
<p><u>Scottish Natural Heritage</u></p> <p>In respect of Policy 4, paragraph number 2, it is understood that the council wishes to broadly retain the policy wording in order to apply it to all the features of national importance, rather than introducing variations to reflect specific national policy tests applying to particular types of feature. Therefore, SNH proposes that the first test in paragraph 25 of National Planning Policy Guidance 14 should be included under the 'Background' text for SSSIs, NNRs and NSAs in Appendix 1.</p> <p>The wording of policy 4, paragraph number 3, is not quite compliant with the Conservation (Natural Habitats, &amp; c.) Regulations 1994 as amended. SNH objects unless the policy is amended in accordance with the wording suggested. SNH is content to leave to the council whether the features are listed (as at present) in the policy. Further changes to the policy, arising from the December revision of the Appropriate Assessment Report are supported by SNH to address its general concerns as set out in Issue 102.</p> <p><u>Historic Scotland</u></p> <p>Policy 4 does not provide detailed policies and clear guidance on how the historic environment should be taken into account when making decisions on development proposals. Given this lack, there is a clear need for significant additional supplementary planning guidance (SPG) on the historic environment.</p> <p>Policy 4, as it stands, affords different levels of protection to features of different importance and thus to different categories of listed building. However, under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and NPPG18, all buildings are provided with the same level of protection. In other words, the management of the resource does not flow from its categorisation but from its identification as a listed building.</p> <p>Policy 4, as it stands, does not recognise the need to protect a historic environment feature and its setting. The text of the policy and its supporting information should be altered to include such reference.</p> <p>The sixth paragraph of the supporting text to Policy 4 states: "How sensitive these features are to development depends on their level of importance and on the nature and scale of development and the likely effect on the feature in question". However, the sensitivity of a feature is not a function of its level of importance. The issue of importance is more to do with decision-making.</p>		



**Modifications sought by those submitting representations:**Scottish Natural Heritage

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

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

"For features of international importance, developments likely to have a significant effect on a site will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will allow development, provided there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will be allowed provided that the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers)".

Information submitted by SNH, in response to the council's updated Appropriate Assessment, confirms that further change to the above wording is sought, in accordance with that suggested by the council, to address wider concerns regarding the protection of Natura sites (see also Issue 102).

Historic Scotland

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

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

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

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

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

**Summary of response by THC:**Scottish Natural Heritage

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

The council also agrees that the wording of the policy in respect of international sites should be modified to properly reflect the legal position and the conclusions of the Appropriate Assessment Report, although it would be useful to retain the narrow list of feature types to which that part of the policy applies.

Historic Scotland

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

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

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

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

The Council's other Local Plans are available at:

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

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

**Any further plan changes commended by THC:**

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



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

Following revision of the Appropriate Assessment Report (December 2009) the following revised text of section 3 is commended as agreed with SNH:

For features of international importance (Natura 2000 (SPA, SAC) and Ramsar sites), developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, and which are not directly connected with or necessary to the management of the site for nature conservation will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will only allow development if there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will only be allowed if the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers). Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, the proposal will not be in accordance with the development plan within the meaning of Section 25(1) of the Town and Country Planning (Scotland) Act 1997.

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

#### **Reporter’s conclusions:**

1. I accept that a single policy helps to ensure the brevity of the plan and avoids undue repetition. However, I share the concerns of SNH and Historic Scotland that this should not undermine the protection afforded to particular sites, features and their settings. I have considered these matters in the context of the relevant statutory tests and national policy requirements.

2. National Planning Policy Guidance 14: Natural Heritage (NPPG14), paragraph 25, states that development which would affect a designated area of national importance should only be permitted where:

- the objectives of designation and the overall integrity of the area will not be compromised; or
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.

3. In this context, I consider that appropriate amendment to the policy wording combined with cross reference to a revised Appendix 1 would address the concerns of SNH without the need to repeat this national policy in the local plan. In relation to sites of international importance, I agree that the revised wording (proposed by SNH and agreed by the council) would better reflect the Regulations (as referred to above) and the conclusions of the revised Appropriate Assessment Report (see also Issue 102).

4. With regard to the historic environment, I agree with Historic Scotland that policy 4 when read with Appendix 1 might imply varying degrees of protection to different categories of

listed buildings. Reference is made to “setting” in the introductory paragraph of the policy but I agree that this could be further clarified through a specific reference in the text. This need only be stated once and I consider that the inclusion of additional text in paragraph 6, as suggested by Historic Scotland and agreed by the council (with inclusion of the word “appropriate”), would be sensible in this respect.

5. Supplementary guidance on the historic environment would be helpful and I note the council’s intention to consider this in the context of the proposed Highland-wide local development plan. This may also provide an opportunity to include a more specific local policy addressing the concerns of Historic Scotland whilst avoiding repetition of national policy. However, my concern is that this local plan should set an appropriate policy framework consistent with the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy 23: Planning and the Historic Environment (SPP23) and Scottish Historic Environment Policy (SHEP).

6. In this context, I have revised the policy to cross-refer to the policy framework set out in the appendix. I note that some updating of this is required in order to reflect the current policy context. In the absence of a more detailed local plan policy I consider that a specific reference to the model policies on listed buildings, conservation areas, scheduled monuments and archaeology as set out in SPP23 should be included. A footnote to the policy and explanatory text in Appendix 1 is also proposed in order to clarify that Appendix 1 represents categories of designation, rather than a hierarchy of importance.

7. Consequently, I find that the issues referred to above, can be addressed through a slight restructuring of the policy along with some consequential changes to Appendix 1.

#### **Reporter’s recommendations**

Modify the local plan as follows.

- Delete the first sentence of supporting paragraph 5.4.6 and replace with:

In assessing development proposals, the Council will consider the level of importance and nature of these features, the nature and scale of development, and the likely effect on the feature including, where appropriate, its setting.

- Delete the first, introductory paragraph of Policy 4 and replace with:

All development proposals will be assessed, taking into account any impact on the feature and its setting, in the context of the policy framework detailed in Appendix 1. The following criteria will also apply:

- Delete paragraph 3 in policy 4 and replace with:

For features of international importance (Natura 2000 (SPA, SAC) and Ramsar sites), developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, and which are not directly connected with or necessary to the management of the site for nature conservation will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will only allow development if there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will only be allowed if the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers). Where we are unable to ascertain that a

proposal will not adversely affect the integrity of a site, the proposal will not be in accordance with the development plan within the meaning of Section 25(1) of the Town and Country Planning (Scotland) Act 1997.

- Add the following foot note after paragraph 3 of Policy 4 and as a second paragraph in the introductory section of Appendix 1:

Note: Whilst Appendix 1 groups features under the headings international, national and local/regional importance, this does not suggest that the relevant policy framework will be any less rigorously applied. This policy should also be read in conjunction with the Background maps.

- In Appendix 1 replace all references to National Planning Policy Guideline 5: Archaeology and Planning (NPPG5) and National Planning Policy Guideline 18: Planning and the Historic Environment with:

Scottish Planning Policy 23: Planning and the Historic Environment (SPP23) including the model policies included in Annex A

- Replace the first reference to SHEP(2) with “Scottish Historic Environment Policy (SHEP)” and all subsequent references with “SHEP”
- In Appendix 1 insert the following wording under the heading ‘Background’ following the headings Sites of Special Scientific Interest, National Nature Reserves and National Scenic Areas:

These areas are protected by national policy in that the objectives or qualities of designation and the overall integrity of the area should not be compromised.

<b>Issue 87:</b>	<b>DESIGNING FOR SUSTAINABILITY</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	<b>General Policy 6 Designing for Sustainability and supporting text 5.6.1-5.6.6, WS 39</b>	
<b>Organisations or persons submitting representations</b>		
Scottish Environment Protection Agency (311)		
<b>Provisions of the development plan to which the issue relates:</b>	Policy framework relating to requirements for Designing for Sustainability.	
<b>Summary of representation:</b>		
SEPA welcomes the explanation in the Plan of how the Council will, in the near future, update its Development Plan Policy Guideline (DPPG) on Designing for Sustainability. It is SEPA's understanding that this will include a section on when a sustainable design statement will be required. For the avoidance of doubt and to provide clarity to developers, the word 'normally' should be deleted from the policy.		
<b>Modifications sought by those submitting representations:</b>		
The word 'normally' should be deleted from Policy 6.		
<b>Summary of response by THC:</b>		
<p>The council agrees that removal of the word 'normally' would clarify the policy. The policy refers to submission of statements in line with the council's guideline. Through any necessary revision to the guideline and through information provided in association with the roll-out of its implementation, the council will establish and make clear which development proposals will be required to be accompanied by a statement. Some additional wording is therefore suggested for inclusion in the policy to clarify this.</p> <p>[For information, SEPA also raised essentially the same sub-issue in respect of the West Highland &amp; Islands Local Plan and the Council's response on that issue in respect of both Plans is the same.]</p> <p>The Council's DPPG is available at:  <a href="http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanpolicyguidance/">http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanpolicyguidance/</a></p>		
<b>Any further plan changes commended by THC:</b>		
Delete 'normally' from policy 6 but also insert 'implementation of the' to read :		
"We will judge development proposals against a 'Design for Sustainability' statement which we will require developers to submit with their planning applications in line with the implementation of the Development Plan Policy Guideline on Designing for Sustainability."		
<b>Reporter's conclusions:</b>		
1. I agree that it would be appropriate to delete the word "normally". However, the requirement to submit a "design for sustainability statement" may vary according to the scale and nature of the proposal. On this basis, I have revised the policy slightly to allow some flexibility within the guidance to define threshold sizes and types of development which may		

require the submission of detailed statements.

**Reporter's recommendations:**

Modify the local plan to replace Policy 6 as follows.

We will judge development proposals against a 'Design for Sustainability' statement where developers have been required to submit one with their planning application in line with the implementation of the Development Plan Policy Guideline on Designing for Sustainability.

<b>Issue 88:</b>	<b>WASTE WATER TREATMENT</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	<b>General Policy 7 Waste Water Treatment and supporting text 5.7.1-5.7.2, WS 41</b>	
<b>Organisations or persons submitting representations</b>		
<p>Scottish Water (214)  Scottish Environment Protection Agency (311)  Scottish Natural Heritage (326)</p>		
<b>Provisions of the development plan to which the issue relates:</b>	Policy framework relating to arrangements for Waste Water Treatment for new development.	
<b>Summary of representations:</b>		
<p><u>Scottish Water</u></p> <p>Where connection to the public sewer is not possible, careful consideration must be given to the design and maintenance provision of private systems in order that they meet the criteria such that the system may be adopted by Scottish Water if required.</p> <p><u>Scottish Environment Protection Agency</u></p> <p>Policy 7 should be revised to make foul drainage requirements clear to developers (wording is suggested). SEPA considers that this policy wording would make requirements for suitable foul drainage for all allocations explicit and therefore that generally the requirements do not need to be inserted in Developer Requirements for individual sites. However, SEPA does seek inclusion of a developer requirement for connection to the public sewer for each allocation of 25 or more units. In addition, a requirement for connection to the public sewer should be inserted for Lochinver H1 and H3, Scourie H1 and Tongue MU2. SEPA considers that if a sustainable foul drainage solution is not feasible for an allocation then it is not a sustainable location for a development.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Scottish Water:</u></p> <p>None specified, but check adequacy of policy to ensure that private systems will meet the criteria such that they may be adopted by Scottish Water if required.</p> <p><u>Scottish Environment Protection Agency</u></p> <p>Reword Policy 7 as follows:</p> <p>"Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 is required for all new development proposals:</p> <ul style="list-style-type: none"> <li>-either in settlements identified in the plan with a population equivalent of more than 2000; or</li> <li>-wherever single developments of 25 or more units are proposed.</li> </ul> <p>In all other cases a connection to the public sewer will be required, unless the applicant can demonstrate that:</p>		

- 1) the development is unable to connect to public sewer for technical or economic reasons; and
- 2) that the proposal is not likely to result in or add to significant environmental or health problems.

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

For all proposals where connection to the public sewer is not currently feasible and Scottish Water has confirmed public sewer improvements or first time public sewerage within its investment programme that would enable the development to connect, a private system would only be supported if:

- the system is designed and built to a standard which will allow adoption by Scottish Water;
- the system is designed such that it can be easily connected to a public sewer in the future.

Typically this will mean providing a drainage line up to a likely point of connection. The developer must provide Scottish Water with the funds which will allow Scottish Water to complete the connection once the sewerage system has been upgraded."

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

#### **Summary of responses by THC:**

##### Scottish Water

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

##### Scottish Environment Protection Agency

The council agrees with the suggested rewording of Policy 7, as it is clearer about the arrangements required for foul drainage and would be more effective at enabling and/or achieving connection to the public sewer. Where necessary and appropriate, it also enables some development to be served by private systems including temporary private systems of a suitable standard. The council agrees that this will enable developer requirements for individual sites to be removed from the plan. The council's response to SEPA's request for the inclusion of particular developer requirement for certain allocated sites is reported under the relevant 'site' issues and under the "General" Issue.

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



**Any further plan changes commended by THC:**

Modify Policy 7 to read as suggested by SEPA.

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

**Reporter's conclusions:**

1. The parameters for drainage provision are established through separate legislation (as specified in SEPA's suggested text). Whilst it is not generally necessary to repeat the requirements of other legislation in the council's land use plan, I agree that the provision of appropriate drainage is a fundamental component in managing the environmental impact of proposed development. Consequently, I find that the plan should set out the circumstances where private works may be appropriate. With some minor modification (to reflect the fact that this is the council's land use policy rather than a repetition of other legislation), I have generally accepted SEPA's revised wording as agreed by the council. With these changes, I consider that the policy also addresses the concerns of Scottish Water.

2. Given that the council has agreed to the policy wording proposed by SEPA, it follows that this should apply to the local plan site allocations. Where a particular drainage issue has been raised by SEPA, in relation to a particular site, this is addressed in the context of that issue. I agree with SEPA that if a sustainable foul drainage solution is not feasible for a proposal then it is not a sustainable location for a development. However, policy 7 is clear about the circumstances whereby connection to the public sewer is required and circumstances can change over the timeframe of the plan.

3. The changes to this policy will enable the relevant developer requirements in the map booklet to be amended to reflect the following:

- that the policy requirements need not be repeated for all sites;
- that sites over 25 units should include a requirement for connection to the public sewer and;
- to ensure drainage to land where required.

4. However, I am not persuaded that an otherwise appropriate site should be deleted from the local plan so long as there is a reasonable prospect that a drainage solution can be achieved in accordance with Policy 7. This conclusion is reflected in my response to the drainage issues raised for individual sites (see Issues 55 and 57- Lochinver H1 and H3, Issue 63-Scourie H1 and Issue 75-Tongue MU2).

3. I note that the council's commended change to Policy 7 is supported by SNH in the context of the revised Appropriate Assessment Report 2009. My conclusions above will also enable the relevant developer requirements for allocations within Natura catchments to be adjusted to ensure drainage to land where no public sewer solution exists.

4. General changes to the SDA and developer requirements text in the map booklet are addressed through Issue 102.

**Reporter's recommendations:**

Modify the local plan to replace policy 7 as follows:

Connection to the public sewer is required for all new development proposals within settlement development areas (with a population equivalent of more than 2000) or wherever single developments equivalent to 25 or more units are proposed.



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

- 1) the development is unable to connect to public sewer for technical or economic reasons; and
- 2) that the proposal is not likely to result in or add to significant environmental or health problems.

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

For all proposals where connection to the public sewer is not currently feasible and Scottish Water has confirmed public sewer improvements or first time public sewerage within its investment programme that would enable the development to connect, a private system would only be supported if:

- the system is designed and built to a standard which will allow adoption by Scottish Water;
- the system is designed such that it can be easily connected to a public sewer in the future.

Typically this will mean providing a drainage line up to a likely point of connection. The developer must provide Scottish Water with the funds which will allow Scottish Water to complete the connection once the sewerage system has been upgraded.

Note: See also recommendation under Issue 102.

<b>Issue 89</b>	<b>WASTE MANAGEMENT</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	<b>General Policy 8 Waste Management and supporting text 5.8.1-5.8.3, WS 42-43</b>	
<b>Organisations or persons submitting representations</b>		
Scottish Environment Protection Agency (311)		
<b>Provisions of the development plan to which the issue relates:</b>	Policy framework relating to Waste Management including existing sites, new facilities and considerations for new development.	
<b>Summary of representations:</b>		
<p>In order to bring the policy fully in line with the National Waste Plan, National Waste Strategy and Scottish Planning Policy 10 "Planning and Waste Management" (SPP10) further revisions are required. In assessing proposals, regard should be had to SEPA's Thermal Treatment Guidelines where relevant. The Plan should also provide clearer policy context for the consideration of proposals on, or which may affect, existing or former waste management sites.</p> <p>SPP10 is likely to be superseded prior to the Reporter's Report of the Examination by the forthcoming Scottish Planning Policy: Part Three. Policy references to SPP10 should therefore be amended at that time to reflect this change in national policy and ensure the final policy wording is up to date.</p> <p>The Plan's glossary should be updated to include reference to waste management facilities.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>Revision of the first sentence of the policy to include reference to SEPA's Thermal Treatment Guidelines, to read: "the National Waste Strategy, SPP10 and where relevant SEPA's Thermal Treatment Guidelines".</p> <p>Replacement of the penultimate paragraph of the policy with the following:</p> <p>"Existing or former waste management facilities and their sites shall be safeguarded. Development proposals on or adjacent to the site of such a facility will be assessed against the National Waste Strategy, the National Waste Plan, and the Area Waste Plan, and will be subject to consultation with SEPA. If the proposed development would adversely affect the operation of the waste management facility, or would be likely to cause the site of the facility to be unavailable or unsuitable for future waste management purposes for which it will be required, the proposed development will not be favoured."</p> <p>Policy references to SPP10 to be amended at the time of the new SPP Part 3 coming into force, to reflect this change in national policy and ensure the final policy wording is up to date.</p> <p>Update the glossary to include: "Waste management facilities - for the purposes of this Plan and specifically policy 8 - facilities for the treatment and disposal of municipal and commercial waste, including (but not limited to) waste transfer stations and recycling centres.</p>		

**Summary of response by THC:**

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

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

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

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

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

**Any further plan changes commended by THC:**

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

In the event that SPP Part 3 is finalised before the plan is, references to national policy in any part of the Plan should be updated.

**Reporter's conclusions:**

1. The latest estimated timescale as published on the Scottish Government's web site anticipates publication of the consolidated version of Scottish Planning Policy by the end of 2009. Until then Scottish Planning Policy 10: Planning and Waste Management continues to set the relevant Scottish planning policy context.

2. I agree with the council and SEPA that reference to SEPA's Thermal Treatment Guidelines would be helpful as this would mirror reference to this guidance in paragraph 34 of SPP10.

3. In accordance with SPP10, I accept the importance of making long term provision for waste management sites. Structure plan policy W5 supports appropriate location of waste management facilities on former or existing landfill sites. However, national and strategic policy does not indicate that all existing or former waste management facilities should be safeguarded or that there should be a presumption against future development. Consequently, whilst I generally accept the revisions proposed by SEPA, I consider that the policy wording should allow for exceptions where sites are demonstrated to be surplus or no longer suitable to meet anticipated future requirements. I have proposed a further change to reflect this.

4. I agree that a definition of waste management is usefully included in the glossary. The wording proposed by SEPA is helpful in clarifying that this generally refers to waste transfer

stations and recycling centres. Given that the glossary relates to this plan and to policy 8, I do not consider it necessary to include the statement “for the purposes of this plan and specifically Policy 8” within this definition.

#### **Reporter’s recommendations:**

Modify the local plan as follows.

- Revise the first sentence of the policy to include reference to SEPA's Thermal Treatment Guidelines, to read:

the National Waste Strategy, SPP10 and where relevant SEPA's Thermal Treatment Guidelines.

- Replace the penultimate paragraph of the policy with the following:

Existing or former waste management facilities and their sites shall be safeguarded, except where demonstrated to be surplus or no longer suitable to meet future requirements. Development proposals on or adjacent to the site of such a facility will be assessed against the National Waste Strategy, the National Waste Plan, and the Highland Area Waste Plan, and will be subject to consultation with SEPA. If the proposed development would adversely affect the operation of the waste management facility, or would be likely to cause the site of the facility to be unavailable or unsuitable for future waste management purposes, for which it will be required, the proposed development will not be favoured.

- Add the following definition to the glossary:

Waste management facilities- facilities for the treatment and disposal of municipal and commercial waste, including (but not limited to) waste transfer stations and recycling centres.

<b>Issue 90</b>	<b>FLOOD RISK</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	<b>General Policy 9 Flood Risk and supporting text 5.9.1-5.9.3, WS 44</b>	
<b>Organisations or persons submitting a representation (reference no.):</b>		
Scottish Water (214) Scottish Environment Protection Agency (311)		
<b>Provisions of the development plan to which the issue relates:</b>	Policy framework relating to Flood Risk as a development consideration.	
<b>Summary of representations:</b>		
<p><u>Scottish Water</u></p> <p>Clarification is sought that in respect of instances where infrastructure works may be required to be located within functional flood plains where they are intended to address flood issues, such works would be exempt from any presumption against infrastructure development in these areas.</p> <p><u>Scottish Environment Protection Agency</u></p> <p>In order to fully comply with Scottish Planning Policy 7 "Planning and Flooding" (SPP7), Policy 9 should be modified as suggested below. SEPA notes that SPP7 is likely to be superseded prior to the Reporter's Report of the Examination by the forthcoming Scottish Planning Policy: Part Three. Therefore, SEPA recommends that policy references to SPP7 are amended at that time to reflect this change in national policy and ensure the final policy wording is up to date. For the avoidance of doubt, SEPA recommends that the explanation of medium to high flood risk areas in the supporting text is amended as suggested below along with inclusion of this explanation in the glossary.</p> <p>For certain allocated sites (Dornoch H3, H4, and MU1; Helmsdale MU1, Lochinver I1, Kinlochbervie H2 and I1, Pittenrail MU1, Invershin H1; and Golspie MU1) SEPA seeks one or more of the following:</p> <ul style="list-style-type: none"> <li>• inclusion of specific developer requirements (dependent on site circumstances and/or intended use);</li> <li>• modification of allocation boundaries;</li> <li>• various other changes to the text for the site in its reference to flood risk matters.</li> </ul>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Scottish Water</u></p> <p>None specified, but check clarity of the Plan's policy framework as a basis for dealing with infrastructure development located within functional flood plains.</p> <p><u>Scottish Environment Protection Agency</u></p> <p>Revise Policy 9 to read:</p> <p>"Development proposals should avoid areas susceptible to flooding.</p>		

Development proposals within or bordering medium to high flood risk areas, will need to demonstrate compliance with Scottish Planning Policy 7 “Planning and Flood Risk” through the submission of a Flood Risk Assessment.

Development proposals outwith the medium to high flood risk areas may be acceptable. However, where better local flood risk information and/or the sensitivity of the proposed use suggest(s) otherwise, a Flood Risk Assessment which demonstrates compliance with SPP7 will be required.

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

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

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

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

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

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

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

#### **Summary of response by THC:**

##### Scottish Water

This part of the Plan refers to and is set in the context of Scottish Planning Policy 7. The changes commended below strengthen this. The suggested revised policy references seeks compliance with SPP7, paragraph 17 and the Risk Framework, which provides exception for some utilities infrastructure in the medium to high risk areas. This only applies where essential for operational reasons, where an alternative lower risk location is not achievable and where there is certainty that the other criteria of paragraph 17 are met. Therefore, no further modification of the plan, beyond the changes commended below, are required in response to this issue.

##### Scottish Environment Protection Agency

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

It would indeed be desirable to appropriately update references to national policy, if it is

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

The suggested amendment to the supporting text of policy 9 will clarify its meaning, and inclusion of a definition in the Glossary would be sensible.

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

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

#### **Any further plan changes commended by THC:**

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

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

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

#### **Reporter's conclusions**

1. The latest estimated timescale, as published on the Scottish Governments web site, anticipates publication of the consolidated version of Scottish Planning Policy by the end of 2009. Until then Scottish Planning Policy 7: Planning and Flooding (SPP7) continues to set the relevant Scottish planning policy context.

2. In paragraph 42, SPP7 states "the potential for sites to flood must be considered during the preparation and review of every local plan. Few if any local plan areas will be completely free from the threat of flooding. Flood plains, other land alongside watercourses, land with drainage constraints or otherwise poorly drained, and low-lying coastal land should be assumed to be at risk. The consideration should take into account any areas identified in the structure plan, SEPA's indicative flood risk maps, records of previous floods, other sources and advice from consultees".

3. I agree with the council and SEPA that amendment to this policy is necessary in order to reflect the requirements of SPP7. However, I consider that the text proposed by SEPA requires some further refinement in order to avoid ambiguity in some of the references. The first sentence would be improved by describing areas likely to be at risk and including a note on how areas at risk will be defined. The council may have its own mapping, so I have included a form of wording to reflect all the information sources referred to in SPP7. I am concerned that the use of the term "bordering" lacks precision, as it is not clear how far such an area might extend. Consequently, I consider that the second criterion should retain its focus on the medium to high risk area. A slightly amended third paragraph would then provide appropriate flexibility to consider the need for flood risk assessment in other areas.

4. I accept, in accordance with SPP7, that there should be some flexibility for the consideration of certain infrastructure works, but note that this is not specifically covered in the proposed revisions to the policy (other than through a general reference to SPP7). To address the concerns of Scottish Water more directly, I have included a further minor amendment, to refer to infrastructure works, without unnecessarily repeating the detail

contained in paragraph 17 of SPP7.

5. The conclusions and recommendations made in relation to the site specific flooding issues are included in the context of the relevant site, with consequent changes to the developer requirements in the map booklet. These changes accept the need for additional criteria to highlight the avoidance of areas of flood risk and the need to carry out flood risk assessment, in accordance with SEPA's advice.

6. For certain sites- Pittenrail MU1, Invershin H1 and Kinlochberrie H2 (see Issues 15, 47 and 66) SEPA also requests that, in addition to these developer requirements, site boundaries are modified to exclude areas of flood risk. The detail of this in terms of the consequent loss in site area or the location of any new site boundary is not specified. The recommendations on these issues reflect policy 9 and the fact that inclusion of an area within a site boundary does not necessarily indicate that it is developable. The recommended developer requirements to avoid areas of flood risk are considered sufficient to address these issues and avoid any potential loss of established boundaries and opportunity for inclusion of areas of open space, landscaping and flood risk attenuation within the site.

### **Reporter's recommendations**

Modify the local plan as follows.

- Revise Policy 9 to read:

Development proposals should avoid flood plains, other land alongside watercourses, land with drainage constraints or otherwise poorly drained, and low lying coastal land areas susceptible to flooding.

Development proposals in areas of medium to high flood risk (as defined in the glossary), will need to demonstrate compliance with Scottish Planning Policy 7 "Planning and Flooding" through the submission of a Flood Risk Assessment. Limited exceptions apply for infrastructure works (see paragraph 17 of SPP7).

In other areas, a Flood Risk Assessment which demonstrates compliance with SPP7 may also be required if local flood information and/or the sensitivity of the proposed use suggests a potential risk.

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

Note: in defining areas at risk from flooding the council will rely on SEPA's indicative flood risk maps, records of previous floods, other sources and advice from consultees.

- Amend the explanation of medium to high flood risk areas in the penultimate sentence of paragraph 5.9.1 to state-

...medium to high flood risk areas (1 in 200 years or greater than 0.5% annual probability of flooding)" and add this explanation to the glossary – Appendix 2.



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

Airtricity

Delete from the policy the constraint of 'within 1000m of large wind generators'.

Transport Scotland

Include the policy of a presumption against new junctions on the trunk road network as an additional physical constraint in Policy 10.

Include the following statement within the written statement:

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

**Summary of response by THC:**Scottish Environment Protection Agency

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

Airtricity

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

Transport Scotland

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

**Any further plan changes commended by THC:**

Modification of Policy 10 exactly as requested by SEPA.

No other changes.

**Reporter's conclusions:**Scottish Environment Protection Agency

1. I agree that the proposed additions to the fifth bullet point would reflect those made to

Policy 8 (Issue 89) and would highlight the potential constraint of location in proximity to a waste management operation. Consequently, with some minor modification, to make the wording more concise, I have accepted this change.

2. On the issue of contamination, I agree with SEPA that use of the term “water environment” is more appropriate as this reflects the relevant legislation. I have considered the timing of decontamination works in the context of Planning Advice Note 33: Development of Contaminated Land. In this context, paragraph 32 states that planning permission may be granted on condition that development will not be permitted to start until a site investigation and assessment has been carried out and that the development itself will incorporate measures shown in the assessment to be necessary. This advice clarifies that whilst development should not begin until a scheme to deal with contamination on the site has been submitted, approved measures to deal with contamination may be carried out during construction works. It also states that the measures to decontaminate the site shall be fully implemented before any unit is occupied. Consequently, I find that a minor variation to the council's original wording would be more appropriate, to state: “and decontaminate the site before any unit is occupied”.

#### Airtricity

3. The policy states that developers will be expected to demonstrate appropriate mitigation if their proposals affect or are affected by the constraint. The constraint relevant to this representation is “location within 1000m of a large wind generator”. This does not imply a presumption against further windfarm or any other sort of development, but highlights a potential constraint. The council states that this is justified in the context of structure plan policy E3 which requires the operational efficiency of windfarms to be safeguarded. The 1000m distance has no basis in the structure plan and the only reference to distance in Scottish Planning Policy 6: Renewable Energy (SPP6) is to a 2km separation distance, between windfarms and settlements. Consequently, I consider that this constraint should simply highlight the presence of wind farms/wind turbines as a potential constraint rather than include a reference to any specific distance.

#### Transport Scotland

4. Trunk Roads, A roads and rail lines are highlighted in Policy 10 as potential development constraints and this is referenced to the map of trunk roads on page 72 of the map booklet. The plan should be read as a whole and paragraph 5.19.3 states that regard will be had to Local and Regional Transport Strategies, national transport policies and relevant guidelines produced by the council in implementing the plan. However, inclusion of a reference to the national policy would advise developers of the presumption against new junctions onto trunk roads unless appropriate justification sufficient to outweigh this presumption is demonstrated.

#### **Reporter's recommendations:**

Modify the local plan as follows.

- Delete the second bullet point and replace with “Wind farms/turbines”.
- Delete the fifth bullet point and replace with:

Regard must be had to the safeguarding of new, existing and former waste sites (in accordance with SPP10) as well as to any potential impact that the operation of facilities on such a site might have on the proposed development.

- Modify the final sentence, in the last bullet point of Policy 10 from "...controlled

waters..." to "...the water environment..."

- Amend the 14<sup>th</sup> bullet point to add:

There is a national policy presumption against new junctions onto Trunk Roads and developers will be required to justify setting this aside

- Delete "and decontaminate the site prior to any further occupation" in the final bullet point and replace with "and decontaminate the site before any unit is occupied".

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

developer to make any voluntary financial payment to either the local community or the appropriate planning authority. It should also clarify whether this policy applies only to residential development. There should be a clear distinction between community benefit and developer contributions. Paragraph 4.43(r) should clarify what economic benefit a wind farm developer would make other than a community benefit.

#### **Summary of response by THC:**

##### Scottish Water

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

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

##### Airtricity

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

The Development Plan Scheme is available at:

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

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

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

#### **Any further plan changes commended by THC:**

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

**Reporter's conclusions:**Scottish Water

1. Other policies of the plan refer to developer obligations in respect to the provision of appropriate waste water and surface water treatment (Policies 7 and 14). The table on page 49 of the plan clarifies that developer contributions may be sought for the improvement of road, water and sewerage infrastructure. However, Policy 15 makes it clear that any contributions should be proportionate to the scale, nature and planning purpose of the development. This statement complies with Circular 12/1996. In this context, I am not persuaded that it would be appropriate to require developers to fund the sort of studies referred to in this representation. The council states that it will consult Scottish Water in preparation of its forthcoming Supplementary Guidance (SG) on Developer Contributions and this may provide an appropriate avenue for the detailed consideration of such matters.

2. I note that the council wishes to address consistency between this plan and the West Highland Local Plan. However irrespective of the merits of the council's proposed change to take account of economic viability, this issue has not been raised in representation to this local plan.

Airtricity

3. I agree with the council that Policy 15 appropriately deals only with developer contributions relative to the planning system. The policy makes no distinction between residential and other developers. Therefore, it would also apply to windfarms. Circular 12/1996 clarifies the tests which should be applied in assessing whether a financial or other contribution is appropriate in a land use planning context. I agree that this type of contribution, where considered reasonable and necessary to serve a planning purpose related to the development, should not be confused with the term "community benefit" which applies in the particular context of wind farms. However, I find nothing in Policy 15 to suggest that this is the case. I agree with the council that the vision statement in paragraph 4.43 relates to wider economic and community benefits which could accrue from development of these resources rather than to any voluntary financial payment which may be agreed with the local community. Consequently, I am not persuaded that any change to the plan is required in response to this representation.

**Reporter's recommendations:**

No change to the local plan.



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



north of Clashmore village in an area that would not have any impact on landscape, habitat or productive farmland. Low density development is already taking place and with the mains water line adjacent there would be adequate scope to create expansion. Allowing locals or those relocating the opportunity to stay in the area.

#### A Rodden

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

#### G C W Beazley

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

#### Highland Planning Consultancy (for G Davidson)

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

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

##### Edderton Community Council

Remove the areas around Ardmore and Balleigh from hinterland restrictions.

##### H Murray

In the local plan, Planning Officers should be given discretion to allow development to proceed on sites in the hinterland of towns and villages, so long as the development would not encroach on good agricultural land.

##### John Clegg & Co (for O Merckelbach)

The area adjacent to the Whiteface settlement (map provided) should not be categorised as

Hinterland under Policy 16 as there is adequate scope and potential to identify at least 3 units. Additionally, the category of Hinterland should not cover areas of commercial woodland.

A Rodden

The Council should consider more flexibility in the Hinterland policy in response to specific circumstances affecting accommodation sought.

G C W Beazley

Planning policy should provide for preservation where appropriate of historic traditional crofting dwellings.

Highland Planning Consultancy (for G Davidson)

Identify land at croft 336-339 (north of Achinchanter Farm), Hilton of Embo, Dornoch as suitable for residential development purposes in the Plan.

**Summary of responses by THC:**

Edderton Community Council, H Murray, John Clegg & Co (for O Merckelbach), A Rodden, G C W Beazley, Highland Planning Consultancy (for G Davidson)

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

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

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

For information, the DPPG has recently been under review. The review examined the effectiveness and fit for purpose of the existing housing in the countryside policy as set out in the Structure Plan, Local Plans and associated Development Plan Policy Guidance. An

outcome of the review has been the preparation of Interim Supplementary Planning Guidance which has recently been consulted upon. The results of consultation will soon be considered by Committee. It is intended that the interim guidance will provide the Council's policy approach to Housing in the Countryside in advance of the Highland wide Local Development Plan.

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

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

#### **Any further plan changes commended by THC**

None.

#### **Reporter's conclusions**

1. The context for local plan Policy H16 is Policy H3 of The Highland Structure Plan, also entitled Housing in the Countryside, which requires local plans to define the hinterland of towns. The hinterland has been duly shown on the Proposals Map and, where appropriate, on the Map Booklet of the Sutherland Local Plan.

2. The structure plan policy reflected national policy which discouraged isolated development in the countryside and directed development to existing settlements. The Local Plan also refers to national policy (see paragraph 5.16.3) as contained in PAN72, Housing in the Countryside.

3. The structure plan identifies two exceptions to the policies: where a house is essential for land management or related family purposes and where affordable housing is required for local needs that cannot be met within settlements. The local plan echoes these exceptions and indicates further circumstances where housing would be acceptable: in association with rural business, replacing a substandard house, conversion or re-use of a traditional building or the redevelopment of derelict land, and as part of a comprehensively planned new settlement (limited in Sutherland to new crofting townships). More information about exceptions is contained in the council's guideline, Development in the Countryside (see paragraph 5.16.1). This document is non-statutory and subject to an ongoing review and I have therefore not applied significant weight to its terms insofar as the representations are concerned.

4. Objections to the fundamental policy objectives are limited to Mr Murray, who suggests there be more discretion to allow development in the hinterland of towns. Mr Merckelbach believes there should be some flexibility on the margins of the hinterland and settlements and that there should not be blanket coverage of commercial woodland. Ms Roddan also requires more flexibility in the policy.

5. The extent of hinterland around towns is derived from an indicative map contained in Figure 9 of the structure plan. As I have explained, the boundaries have been defined as part of the local plan preparation process. The outer boundary is shown on the Proposals Map and the inner boundaries around Dornoch, Embo, Evelix and Edderton are shown on the larger scale inset maps in the Map Booklet. This is a sensible approach seeking to balance protection from untoward development in the hinterland around towns against the allocation of land for new development within the defined settlement development areas.

6. I believe it would not be appropriate to exclude enclaves of land, including areas of commercial woodland, from the wider hinterland policy as this would threaten the credibility of the local plan objective of consolidating the settlement hierarchy. Equally, I do not consider that there should be "flexibility" beyond the specified exceptions, especially on the margins of either the outer limit of the hinterland or settlements. Such an approach would

reduce certainty in the minds of prospective developers and lead to the potential for inconsistent decision-making. Undefined “discretion” in the application of the policy could also lead to similar problems.

7. Although Mr Murray is concerned about a virtual embargo on house building in the hinterland of towns, the exceptions to the policy do provide some scope for development in certain defined circumstances. This I consider to be a reasonable policy approach.

8. Edderton Community Council requires the areas around Ardmore and Balleigh to be removed from the hinterland restrictions. Whilst I accept that some building has taken place in these areas, particularly at Balleigh, neither location is within a designated settlement development area. I believe THC is correct in not regarding either Ardmore or Balleigh as being within or constituting a settlement. Accordingly, in terms of my opinion that isolated areas should not be excluded from the provisions of Policy H16, I consider that the hinterland around towns should remain as defined in the local plan in these locations.

9. The remaining representations submitted under this issue (641 and 648) are site specific, seeking support for development at identified locations. Representations 353 and 535 also make cases for the development of various sites within the defined hinterland around towns. It is not appropriate to undertake a detailed assessment of individual proposals as part of the wider consideration of this policy. Any such proposals would be better examined under development management procedures in the light of Policy 16 and other relevant local plan policies. Notwithstanding this conclusion, I have visited each of the sites concerned. Without prejudice to any future planning application that may be submitted, I do not consider that on the basis of the various representations submitted, any site merits a policy exception.

10. All in all, I conclude that Policy 16, Housing in the Countryside, is reasonable and that the concept of the hinterland around towns has been correctly applied in accordance with the strategic provisions of the structure plan.

#### **Reporter’s recommendations**

No change to the local plan.

<b>Issue 94</b>	<b>DESIGN QUALITY AND PLACE-MAKING</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	<b>General Policy 18 Design Quality and Place-Making and supporting text 5.18.1, WS 53</b>	
<b>Organisations or persons submitting representations:</b>		
Scottish Natural Heritage (326)		
<b>Provisions of the development plan to which the issue relates:</b>	Policy framework relating to Design Quality and Place-Making considerations for new development.	
<b>Summary of representations:</b>		
<p>The plan currently does not meet guidance set out in NPPG 14 and SPP 11 in its coverage of public access, including core paths, rights of way and other routes. There is no policy on access and recreation and no explicit reference to the protection of rights of way and other important paths, or to the enhancement of recreational opportunities through the development of further paths. Access rights and core paths plans are material considerations in determining applications for planning permission and the local plan should contain appropriate policy references for this purpose.</p> <p>SNH therefore wishes the council's development plan to include the key recreational path network on its proposals map, and a further general policy which has regard to the maintenance and enhancement of that network (SNH has suggested some wording). However, SNH understands that Access (with linkage to Core Path Plans) will be dealt with in the forthcoming Highland-wide Local Development Plan. Given that, SNH would be content for this local plan to include a more explicit reference to the Core Path Plan than it has currently. In the absence of a section and policy on access, this could be incorporated in the general policy section under Design Quality and Place Making.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p>Include the key recreational path network on the proposals map.</p> <p>Include a general policy requiring the maintenance and improvement of public access and enjoyment throughout the local plan area, including upholding access rights and the core paths, and the assertion of rights of way and including requirements for new developments.</p> <p>Include the following wording in the justification text preceding Policy 18, Design Quality and Place-Making: "Public access should be maintained and improved, with core paths upheld".</p>		
<b>Summary of response by THC:</b>		
<p>No change to the local plan is required as the document already refers to Core Path Plans, within the Vision and within the policy sections on Developer Contributions and Travel. The wording suggested for inclusion in the justification text preceding General Policy 18 is itself written as a policy; the forthcoming Highland-wide Local Development Plan (HLDP) and other guidance will cover this issue with adequate balance. The council's Development Plan Scheme (Spring 2009) listed 22 key policy areas which will be looked at as part of the HLDP and includes the topic of 'Access', which will include considering further the matters raised by the objectors on this issue and policy options.</p> <p>[For information, SNH also raised essentially the same issue in respect of the West Highland</p>		

& Islands Local Plan and the Council's response on that issue in respect of both Plans is the same.]

The Development Plan Scheme is available at:

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

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

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

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. There are references to Core Paths within the local plan, particularly policy 19 which states, "in assessing development proposals the council will also have regard to any implications arising from the core path plan, which will be a material consideration". Scottish Planning Policy 11: Open Space and Physical Activity states in paragraph 21 that: "the local development plan should cross-refer to the core paths plan, incorporate relevant material and set out policy protection for core and other paths such as long distance routes and rights of way". It also states that it may be appropriate to include key information on the proposals map.

2. I appreciate the reasons why the council has not fully addressed the issue of access, in the context of SPP11, given that this is a period of legislative change when preparation of a new Highland-wide local development plan should enable a consistent approach across the area. I have no information on the status of the council's core paths plan(s) but I am content that appropriate reference is included in Policy 19 to clarify that core paths are a material consideration. Maintenance of existing paths is addressed through proposal SR6 of the structure plan. I find no reason to differ from the agreement between the council and SNH that further consideration of these matters, in accordance with SPP11, should be progressed through the process of preparing the Highland-wide development plan.

**Reporter's recommendations:**

No change to the local plan.

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



**Summary of response by THC:**

No change to the local plan but the council will continue to work with SEPA on this issue in respect of the Highland-wide local development plan in order to explore policy options.

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

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

The Development Plan Scheme is available at:

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

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. I appreciate that the council's work on River Basin Management Plans remains ongoing in a period of legislative change when preparation of a new Highland-wide development plan should enable a consistent approach across the area. In the meantime, I am content that in the absence of a specific policy on this matter, the structure and local plan include appropriate references to the protection of the water environment (structure plan policies FA11 and G2 and local plan policies 9 and 10). In addition, the likely effects of the plan on the water environment were assessed through the Revised Environmental Report 2008.

2. In this context, I find no reason to differ from the council's conclusion (which goes some way to meet SEPA's concerns) that this issue should remain to be considered through the process of preparing the Highland-wide local development plan. I accept the council's view that it would not be appropriate to pre-empt the local development plan process by giving a firm commitment to inclusion of a particular policy at this stage.

**Reporter's recommendations:**

No change to the local plan.



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

**Summary of response by THC:**

No change to the local plan. The council will continue to work with SEPA on this issue in respect of the Highland-wide local development plan (HLDP) in order to explore policy options.

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

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

The Development Plan Scheme is available at:

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

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. The council's agreement to include air quality as part of the 22 key policy areas to be looked at as part of the Highland-wide local development plan goes some way to address this objection. However, I agree with the council that a definite commitment to inclusion of a specific policy at this stage would pre-empt the process of preparing a new plan. Although the council has suggested inclusion of air quality as a physical constraint, I consider that this reference would appear vague and difficult to define in the context of the other more specific physical constraints which are listed in this policy.

2. This issue is addressed to some extent by Structure Plan Policy W12. In addition, the likely effects of the local plan on air pollution have been assessed through the Revised Environmental Report November 2008. This is one of a number of environmental considerations and I do not consider that a separate local plan policy is necessarily required. Consequently, I am content that this matter is adequately addressed subject to further consideration through future review of the development plan.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 97</b>	<b>GENERAL POLICIES: Omission of policy on Renewable Energy Development issues</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	<b>Chapter 5 General Policies, WS 31-55</b>	
<b>Organisations or persons submitting representations:</b>		
Laid Grazings Committee (307) Rider-French Consulting (632) Airtricity (646)		
<b>Provisions of the development plan to which the issue relates:</b>	Policy framework's provision for Renewable Energy Development issues.	
<b>Summary of representations:</b>		
<p><u>Laid Grazings Committee</u></p> <p>The Grazings Committee supports the idea of wind farms exporting to the National Grid as stated in paragraph 4.43(q) of the plan. There are many areas in Sutherland where wind farms could be accommodated without scarring the landscape. However, it is suggested that transmission lines be buried in line with preserving Sutherland's outstanding landscape.</p> <p><u>Rider-French Consulting:</u></p> <p>Rider-French moved to Rogart in 1982 in order to benefit from its excellent natural environment. After 25 years of very satisfactory activity in the community, the company has now re-located, a direct result of the inappropriate construction of unnecessary windfarms across East Sutherland and in Rogart parish itself, with the consequent destruction of this once excellent location. The opinion of Rider-French, based on the experience of the windfarm planning process, is that the council does not heed the results of public consultations but follows its own agenda regardless.</p> <p><u>Airtricity</u></p> <p>It is recognised that any proposed onshore wind farm development will be 'guided' by the Council's emerging revised "Highland Renewable Energy Strategy and Planning Guidelines" (HRES), and assessed against new supplementary planning guidance (currently being prepared). However, the Plan lacks policy and preferred areas of search mapping for renewable energy development and should reflect the requirements of national planning policy and advice on this and be informed by consultation. Furthermore, one of the main constraints to the utilisation of onshore wind farm development within the Highland region is the current grid infrastructure, which is highlighted as a constraint under paragraph 4.43(q) of the Plan. Highland Council should pursue this through the National Planning Framework.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Laid Grazings Committee:</u></p> <p>Require that transmission lines be buried in line with preserving Sutherland's outstanding landscape.</p> <p><u>Rider-French Consulting</u></p> <p>None specified, but consider the adequacy of the policy framework to guide consideration of</p>		

the impacts of windfarm development.

#### Airtricity

The inclusion of policy specifically dealing with renewable energy development. Action is required by the Council to pursue improvement of grid infrastructure through the National Planning Framework.

#### **Summary of response by THC:**

##### Laid Grazings Committee and Rider-French Consulting

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

#### Airtricity

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

The forthcoming HLDP and associated Guidance for on-shore wind energy development along with related updating of HRES, will respond to SPP6 and National Planning Framework 2 (NPF2). Together they will provide a suite of policies for renewable energy, and a more specific spatial planning framework to guide and assist the consideration of windfarm developments (in accordance with SPP6 Annex A). It is appropriate to develop these policies and guidance (including reviewing existing ones) on a Highland-wide basis. Preparation of both the HLDP and associated Guidance are in progress. Consultation is proposed later this year prior to finalisation and adoption. In the interim, SPP6, the Structure Plan and HRES are important to the consideration of proposals.

Information on the HLDP and associated Guidance being prepared is provided in the council's development plan scheme. A key consideration within those documents, in respect of windfarms, will be landscape sensitivity and impact assessment, including cumulative impact assessment. This is not fully addressed by the council's existing documents. A major input to the work is therefore a landscape study looking at these issues. The consultant's final report on this study for the council is expected during Summer 2009. With regard to national policy, the council made representations on renewable energy and grid issues in its response to the National Planning Framework 2. The council is aware of the current grid constraints in the context of seeking to meet targets for renewables set out in HRES. The council will continue to engage with Scottish Government and others on these issues.

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

The Development Plan Scheme is available at:

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

#### **Any further plan changes commended by THC:**

Delete any remaining locational guidance in the local plan for renewable technologies (whilst retaining references to support in principle for renewable energy development). Update cross-references to HRES and emerging policy and guidance for renewables to reflect progress made.

#### **Reporter's conclusions:**

1. Given that these matters are all related I have considered them together.

2. Scottish Planning Policy 6: Renewable Energy (SPP6) states that development plans should:

- identify broad areas of search where projects for wind farms above 20 megawatts will be supported subject to specific proposals satisfactorily addressing all other material considerations;
- indicate areas that will be given significant protection from wind farms over 20 megawatts because of the existence of national and international natural heritage or green belt designations or where development would result in unacceptable cumulative impacts;
- guide developers on the broad criteria to be considered for all renewable energy development proposals, including any additional criteria that will apply to areas where identifiable constraints exist;
- include policies which support wider application of medium and smaller scale renewable technologies, such as decentralised energy supply systems, community, household and micro-generation projects; and
- provide a clear development management framework.

3. SPP6 also states that "where opportunities exist, planning authorities should either update local policies ahead of transitional arrangements for development planning being brought forward under powers in the 2006 Planning Act or produce supplementary planning guidance to provide an interim basis for efficient and consistent decision making. Planning authorities should incorporate any non-statutory policies into their plans in due course."

4. The relevant policies of the structure plan: policies E2 - Wind Energy Developments and policy E3 - Wind Farm Safeguarding provide some general guidance but do not identify areas of search or provide a clear development management framework as required by SPP6. However, whilst there is no specific policy on renewable energy within this local plan, paragraph 4.34 under the heading "Caring for the Heritage" includes some relevant text. This states that "Renewable energy projects will be guided by the council's "Renewable Energy Strategy and Planning Guidelines" (HRES) and, in the case of on shore wind energy, by new Supplementary Planning Guidance currently being prepared to provide a revised spatial framework in accordance with SPP6: Renewable Energy. The local plan also states that the environmental impacts, including landscape impact, of proposals will be a significant consideration."

5. The National Planning Framework 2 recognises the requirement for grid improvements

and accepts that these should be accompanied by a programme of landscape maintenance and enhancement. These matters would be considered in the context of any application for consent under Section 37 of the Electricity Act. I consider that the inclusion of undergrounding as a policy requirement would be overly prescriptive, as this would preclude assessment of any proposal on its merits in the context of considerations such as landscape impact, ground conditions, environmental impact and economic viability. Future grid improvements raise issues more appropriately addressed through consultation with the Scottish Government in the context of the National Planning Framework

6. As my remit is confined to this local plan and the inclusion of an appropriate policy framework, I am unable to comment on any previous council decisions on wind farm proposals in East Sutherland or Rogart.

7. The council's submission recognises the need for a more specific spatial planning framework for windfarm developments and states that this will be addressed through the forthcoming HLDP. The council is currently preparing associated guidance for on-shore wind energy development and is updating the Highland Renewable Energy Strategy & Planning Guidelines (HRES). Pending detailed consideration of this matter through the process of preparing the Highland-wide local plan, I am content that there are appropriate references in this local plan to the relevant supplementary guidance. This can be incorporated in the development plan in due course in accordance with the requirements of SPP6. In terms of the council's further commended changes I have found no remaining locational guidance in the local plan and I am content that there is sufficient cross-reference to HRES and emerging policy and guidance for renewables.

#### **Reporter's recommendations**

No change to the local plan



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

Structure Plan policies SR1 'Provision of new sports facilities' and SR2 'Sports facilities and open space provision' are also relevant.

**Modifications sought by those submitting representations:**

Scottish Natural Heritage

Review the mapping of open space and its policy protection in the plan, following a clear, consistent and inclusive approach.

Sport Scotland

The local plan should address the need to comply with SPP 11 and include open space policies.

**Summary of response by THC:**

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

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

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

The council has recently produced new Supplementary Planning Guidance for Open Space Provision in New Residential Developments. This, coupled on [? – not very grammatical] large sites with a masterplanning approach to development, will assist in delivering new open space provision. The council is also currently undertaking significant work in terms of facilities modelling.

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

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

[For information, Sport Scotland also raised essentially the same issue in respect of the



West Highland & Islands Local Plan and the Council's response on that issue in respect of both Plans is the same.]

The Development Plan Scheme is available at:

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

The Open Space SPG is available at:

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

**Any further plan changes commended by THC:**

No change.

**Reporter's conclusions:**

1. I agree with SNH and Sports Scotland that Scottish Planning Policy 11: Open Space and Physical Activity sets out a number of requirements that are not specifically addressed through this local plan. These include the requirement for appropriate auditing of open space and preparation of an open space strategy to inform the statutory development plan.

2. I accept that the structure plan and local plan together provide for the protection of open space. The protection afforded to open space through Policy 2: Developer Factors and Developer Requirements is clarified through the definition of open space as contained in the glossary. Structure Plan Policy SR2 makes specific reference to the protection of sports facilities and requires compensatory provision if such facilities are lost. Supporting paragraph 2.5.4 clarifies that this applies to sports fields. In addition, I note that the council has recently produced new Supplementary Planning Guidance for Open Space Provision in New Residential Developments. A masterplanned approach to development of some of the larger local plan allocations should also help to address the issue of appropriate open space provision.

3. From the council's submissions, I understand that whilst open space survey work has started, this was not complete in time to inform this local plan. In the absence of this information, I am not in a position to address any inconsistency which may exist in the mapping of areas of open space or to include a local plan policy which would add anything to the stated requirements of SPP11 (which need not be repeated). I am content that, until the relevant work on open space is completed, the development plan contains sufficient reference to address these matters, particularly when read alongside the requirements of SPP11 and the council's supplementary guidance. The detailed requirements of SPP11 would remain to be considered through the process of preparing the HLDP.

**Reporter's recommendations:**

No change to the local plan.

<b>Issue 99</b>	<b>GENERAL POLICIES: Omission of policy on Contaminated Land issues</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	<b>Chapter 5 General Policies, WS 31-55</b>	
<b>Organisations or persons submitting representations:</b>		
Scottish Environment Protection Agency (SEPA) (311)		
<b>Provisions of the development plan to which the issue relates:</b>	Policy framework's provision for Contaminated Land issues.	
<b>Summary of representations:</b>		
<p>SEPA objects to the omission of clear policy on contaminated land, for the following reasons:</p> <ul style="list-style-type: none"> <li>• Whilst General Policy 10 refers to land with possible contamination issues, a separate policy on the issue would provide clearer guidance to developers on how contaminated land needs to be risk-assessed, remediated and redeveloped. Land subject to contaminative uses is an important issue in the Highland Council area, as it contains a significant area of such land.</li> <li>• Planning Advice Note 33 'Development of Contaminated Land' states that: <ul style="list-style-type: none"> <li>- In preparing development plans, planning authorities are expected to encourage and promote the reuse of Brownfield land, including contaminated sites. Development plans provide an opportunity for authorities to set out their priorities for the reclamation and re-use of contaminated land, and to inform developers of the availability of sites, and the potential constraints attached to them.</li> <li>- Planning authorities should therefore require that applications include suitable remediation measures. If they do not, then there are grounds for refusal. Where applications are approved, conditions should be put in place to ensure that land is remediated before the commencement of any new use.</li> <li>- The planning authority must consider whether a developer's restoration plan is adequate to avoid unacceptable risks to human health and the wider environment from the contamination on the site, both during the restoration period and for the final end use. The end use of the site is a crucial consideration when determining whether a restoration plan is adequate.</li> </ul> </li> <li>• The Planning Authority should satisfy itself that the potential for contamination is properly investigated, that risks associated with any contamination are assessed and that any necessary remediation is undertaken to ensure that the land is suitable for its proposed new use and does not represent a risk to the wider environment. SEPA's role is to provide advice to Local Authorities primarily with respect to the water environment aspects of the identification and treatment of contaminated sites. The Council's own Contaminated Land Team should be engaged to advise further in developing policy.</li> </ul>		
<b>Modifications sought by those submitting representations:</b>		
<p>1. A separate policy is inserted into the Plan to the following effect:</p> <p>"Where development is to take place on land that has been subject to contaminative uses, the developer is required to undertake an adequate risk assessment of the site, and to propose measures to avoid unacceptable risks to human health and the wider environment both during the restoration period and for the final end use."</p>		

Or alternatively SEPA will now agree to:

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

**Summary of response by THC:**

No change to the local plan but the council will continue to work with SEPA on this issue in respect of the Highland-wide Local Development Plan in order to explore policy options.

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

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

The Development Plan Scheme is available at:

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

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. I agree with SEPA that contaminated land is an important planning issue which should be addressed through the local plan. However, Policy 10 (see Issue 91), including my recommended changes, sets out the appropriate developer requirements in this respect and national policy and advice need not be restated. I note that this representation is partly addressed by the council's agreement that this matter should be assessed through the process of preparing a Highland-wide development plan. I agree with the council that it would not be appropriate to confirm inclusion of a separate policy as this would pre-empt the due process of preparing a new plan. In the meantime, I am content that this issue is adequately addressed without change to the local plan.

**Reporter's recommendations:**

No change to the local plan.

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

**Summary of response by THC:**

No change should be made to the local plan in response to this representation. Whilst the desire for an unequivocal position from the council on this matter is understandable it would not be tenable, in the absence of the necessary evidence, for the council to say that no superquarry development should happen in north-west Sutherland. The Durness Coastal Quarry Study (1994) predates the Highland Structure Plan (2001). The structure plan does not set a presumption in favour of the development but does continue to identify investigatory sites (pages 81-83 refer) and was prepared with reference to the findings of the 1994 Study. The local plan Background Paper No. 2 (available on the Sutherland Local Plan webpages) includes reference to this and a brief discussion on types of mineral working and the potential for proposals to be a catalyst for the wider economic development of the whole area.

Many factors can adjust over time which may merit considering a similar development again (such as technologies and practices altering the impacts or costs, or new markets developing with different requirements in terms of rock type and quality).

As mentioned by the Grazings Committee, an Environmental Impact Assessment would be required if a planning application were to come forward for a superquarry proposal. Strategic Environmental Assessment is undertaken on the local plan; but there is no assessment of a superquarry as the plan does not contain a proposal on this. If a proposal did come forward, it would be considered in the context of the development plan. The structure and local Plan include policies which seek to protect important natural heritage features and enable consideration of landscape impact. There would also be regard to any other material considerations.

The council considers that the superquarry issue is best dealt with in a strategic manner on a Highland-wide basis when we progress and widely consult on the forthcoming Highland-wide Local Development Plan. National advice suggests that Planning Authorities should consider identifying coastal exporting quarry search areas. It also says that coastal quarries may be deemed acceptable as a significant employer in a rural area where the impacts on local communities are acceptable and those communities have been properly consulted. Where provision is to be identified the development plan should set out the criteria to be satisfied by quarries and their associated infrastructure.

The Council's understanding is that Mr I Wilson is pursuing alternative proposals for this location relating to renewable energy which the Council understands could involve significant rock extraction. He has been advised to comment on the forthcoming Highland-wide Local Development Plan, which will review the strategic minerals policies and renewable energy policies of the Structure Plan.

**Any further plan changes commended by THC:**

None.

**Reporter's conclusions:**

1. In coming to my conclusions on this matter, I have referred to the background report referred to in the council's submissions as "on the council's web site", along with the text and policies of the Structure Plan. This is the only detailed information that has been submitted in relation to this issue. I have also considered this objection in the context of relevant government policy- Scottish Planning Policy 4: Planning for Minerals (SPP4).

2. SPP4 states that "for minerals, the key strategic aim is to provide policies and land allocations that do not prevent mineral working yet accommodate community and environmental interests. Strategic Environmental Assessment (SEA) of development plans

will ensure that the environmental consequences of the development strategy are rigorously examined.” Paragraph 10 states “structure plans set out the requirement for minerals, consider the need for safeguarding, define areas where international and nationally important designations are unlikely to be reconciled with mineral working and set priorities for development management. Local plans define those matters more precisely.” Paragraph 11 goes on to state that “when developing minerals policy, planning authorities should have regard to resource availability, the quality of the deposits and their suitability for working. This should lead to the identification in development plans of areas of search, with a reasoned justification for the safeguarding of such areas or particular sites and the criteria to be satisfied by minerals proposals.”

3. SPP4 also includes specific reference to coastal exporting quarries. This states that planning authorities “should decide, in consultation with local communities, whether they intend to make provision in development plans for coastal exporting quarries” subject to a number of criteria. It goes on to state that “where provision is to be made for identified coastal exporting quarries, the development plan should in addition set out the criteria to be satisfied by quarries and their associated infrastructure.”

4. The local plan is required to conform to the Structure Plan and Policy M5 on large coastal quarries is relevant in this respect. Paragraph 2.11.18 refers specifically to the identification of the gneiss/pegmatite deposit west of Loch Eribol for further investigation as a possible major coastal export quarry area. Whilst the text of the structure plan goes on to state that this does not constitute a presumption in favour of development it does not rule out the prospect of such activity. The Durness Coastal Quarry Study (1994) predates the Highland Structure Plan (2001).

5. In this context, I do not find that it would be appropriate for the local plan to include a presumption against a large coastal quarry at Loch Eribol. I note that the council intends to consider the superquarry issue on a Highland-wide basis through the process of preparing the forthcoming HLDP which will be subject to appropriate consultation. In the meantime, I consider that it is sufficient that any proposal would be assessed against all the relevant environmental and other policies of the development plan and that any planning application would be subject to environmental assessment.

**Reporter’s recommendations:**

No change to the local plan.

<b>Issue 101</b>	<b>TRANSPORT</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan reference:</b>	<b>Chapter 4: Key Forecasts, Strategy and Vision, WS 11-29</b>	
<b>Organisations or persons submitting representations:</b>		
<p><b>Strategic Transport Projects Generally:</b> Transport Scotland (659)</p> <p><b>A9 Bypasses:</b> V Scott (216), Scottish Natural Heritage (326)</p> <p><b>Dornoch Rail Link:</b> Friends of the Far North Line (221) Dornoch Rail Link Action Group (239) Dornoch Community Council (254) RMT (291) Association of Community Councils (Caithness) (292) J Christie (298) Caithness West Community Council (313) Thurso Community Council (315) Railfuture Scotland (323) D MacKintosh (327) Scottish Green Party (Highland) (330) Caithness Transport Forum (332) S MacLennan (357) E Christie (369) A Christie (370) Mr Brechin (371) Caithness Chamber of Commerce (498) A Lennon (505) J D Moore (509) M Moore (510) I A Glen (542) W G Ross (555) G MacDonald (556) H MacDonald (557)</p> <p><b>Transport Issues Generally:</b> Laid Grazings Committee (307)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Transport provisions and issues	
<b>Summary of representations</b>		
<p><u>Transport Scotland</u></p> <p>The Plan does not reflect/refer to the results of the Strategic Transport Projects Review. The Strategy and Vision section lacks clarity with regard to the status of transport proposals and how these might be progressed. The strategic transport network improvements indicated within paragraphs 4.30 and 4.44 are not included within STPR and therefore do not have Transport Scotland approval or funding. The status of each proposal should be clearly presented and should state whether or not Transport Scotland funding and approval, is in place. This will assist in providing certainty and avoid doubt as to the status of these</p>		



proposals when they appear in the Plan.

### V Scott

A by-pass route has been shown on the Local Plan for many years. It is not shown on the current draft. The current route should be maintained on the plan until a firm agreement is reached.

### Scottish Natural Heritage

The Plan should indicate A9 routes for both Golspie and Brora, or at least maintain them free from development allocations, in this Local Plan. There is a need to consider the longer term impacts of climate change on this trunk road. It is important to safeguard at least one route in each case now that a number of the alternative options have been allocated.

### Dornoch Rail Link (representations as listed above)

Campaigners for the construction of a Dornoch Rail Link (DRL) seek more positive references in the Plan to the potential of such a scheme and seek the safeguarding of a route based on work undertaken by consultants on behalf of the campaign (see Route Delineation Mapping, Dornoch Rail Link Study- Engineered Feasibility Study, Modified Scottish Transport Appraisal Guidance (STAG) 1 Appraisal- stage 2 study as submitted in support). Various reasons are given, summarised collectively as follows:

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

### Laid Grazings Committee

Transport is critical for rural Sutherland and the Plan does not go beyond some well meaning statements. Most of Sutherland will never be able to justify normal bus services as set out in para. 4.44b on page 22. On the other hand the postbus is ideally suited to carrying small numbers of passengers more or less anywhere. The withdrawal of the post bus in our area has been a blow not only for some residents who do not have access to a car but also to



visitors. Much more importance should be given to local roads under para. 4.44d than is given at present. No improvement has been made to our local roads in living memory and there are many small improvements which could be made at small expense and which need to be put up the priority list. Minor improvements should be given top priority. There is also the matter of drainage of the road through the village of Laid. This has been allowed to deteriorate over recent years with the result that several crofts in the village suffer from large quantities of surface water off the road coming down them. Policy 14 on Surface Water Drainage could be modified to include existing roads as well as "new developments".

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

#### **Strategic Transport Projects Generally**

##### Transport Scotland

Further to the publication of the STPR, Transport Scotland request that the following wording is inserted within the Plan:

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

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

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

With regard to the transport proposals relating to the strategic network, the Plan should be amended to provide more information on the background and status for each project and to refer to processes that would be required to be followed in order to progress them. The status of each proposal should be clearly presented and should state whether or not Transport Scotland funding and approval is in place..

#### **A9 Bypasses: Valerie Scott, Scottish Natural Heritage**

Safeguard routes for Golspie bypass (both ) and for Brora bypass (SNH).

#### **Dornoch Rail Link**

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

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

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

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

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

### **Transport Issues Generally**

#### Laid Grazings Committee

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

### **Summary of responses by THC:**

#### **Strategic Transport Projects Generally**

##### Transport Scotland

The council agrees that the Strategy section of the plan should be updated to reflect publication of the STPR, to further clarify the status of transport schemes/interventions referred to in the Plan at paras. 4.30 and 4.44 and to include in para. 4.30 the wording suggested.

#### **A9 By-passes and Dornoch Rail Link**

##### Valerie Scott, Scottish Natural Heritage and list above

The Golspie by-pass, Brora by-pass and Dornoch Rail Link should not be the subject of route safeguarding. No changes should be made to the Local Plan other than to reflect publication of the STPR and to further clarify the status of transport schemes/interventions as commended below in response to Transport Scotland. These three projects are not currently committed to by Transport Scotland and the strategy of this Local Plan is not critically dependent upon them. The importance of the strategic road and rail network to the economic well-being of the region was voiced by the council and others in response to the National Planning Framework 2 (NPF2) consultation. NPF2 has now been finalised and the Strategic Transport Projects Review (STPR) completed. The forthcoming Highland-wide Local Development Plan will provide a pan-Highland context for considering transport issues and the implications of NPF2 and the STPR.

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

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

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

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

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

### **Transport Issues Generally**

#### Laid Grazings Committee

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

**Any further plan changes commended by THC:**

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

**Reporter's conclusions:**

1. I agree that Transport Scotland's amended wording provides helpful clarification to reflect the findings of the Strategic Transport Projects Review (STPR). Whilst the plan could have included transport proposals, without current funding or delivery commitments, these would require justification in the context of the plan's development strategy. In addition, I am conscious of the need to avoid planning uncertainty (blight) or the raising of unrealistic expectations. I agree that the status of the projects listed should be clarified and that, in the absence of firm proposals, the safeguarding of routes should be avoided.

2. In the absence of further information to clarify the status of the relevant transport projects further information was requested from the council. In summary its response explains that:

- the STPR identifies a number of projects relevant to Sutherland including a strategic road safety plan, maintenance of the rail network, integrated ticketing and rail system enhancements and road safety improvements (this reflects the change commended by Transport Scotland);
- regional priorities are not all reflected in the STPR and the status of these projects will be reviewed through review and replacement of the Local Transport Strategy and;
- further detail on the status of the A9 improvement scheme including the Golspie and Brora Bypass, as referred to in the Highland and Islands Transport Partnership Strategy (HITRANS), is included to clarify that this proposal is at an early stage in its development. The council also clarifies that whilst the Dornoch Firth Rail crossing is promoted by a campaigning group it is not included in the HITRANS strategy.

3. Given that this information is provided in order to clarify and update the position regarding the above transport issues, I agree with the council that it should be included. My recommendations also include some consequent re-ordering of the paragraphs and other more minor changes.

4. In the context of the above, I appreciate the potential advantages of an A9 bypass route for Golspie and Brora. However, given its status and in the absence of any commitment to funding or delivery, I agree with the council that it would not be appropriate for the local plan to safeguard these routes. In a similar vein, I have carefully considered the detailed submissions made regarding the Dornoch rail link. Expansion and improvement of the rail network in the area has obvious advantages in promoting economic development and sustainable travel. I recognise that the proposal would accord with structure plan policy TC12 by enabling a reduction in the journey times between Inverness-Wick/Thurso. It could also promote wider accessibility to employment by enabling commuting to Inverness.

5. The submitted assessment, which follows Scottish Transport Appraisal Guidance (STAG), is a helpful step in exploring the feasibility of the rail link. However, I agree with the council that further detailed work would be required in order to define an appropriate route for safeguarding. In the absence of any commitment to deliver this route or detailed evidence to demonstrate that it is necessary, rather than desirable, to support the local plan development strategy, I am not persuaded that safeguarding of the route is justified. As stated above I share the council's concerns regarding the potential uncertainty that such a safeguarding would create, given the absence of any reasonable prospect of delivery in the short to

medium term. For these reasons, I also consider that inclusion of a green corridor through Dornoch would be inappropriate. I note that there may be opportunity for this and other transport proposals to be revisited through the process of preparation of the Highland-wide local development plan. These conclusions would also apply in relation to any Golspie, Brora and Helmsdale commuter service as this would also be dependent on the Dornoch link.

6. I appreciate the concerns of Laid Grazing Committee regarding rural transport issues. As land use plans are focussed on providing an appropriate framework for the development and use of land, local plan policy 19 relates to the transport implications of new development. Wider issues relating to public transport and detailed matters regarding existing roads and drainage provision, whilst just as important, are more appropriately addressed through other avenues such as the local transport strategy. I am satisfied that the local plan contains appropriate references to wider transport objectives along with cross reference to other strategies and initiatives.

#### **Reporter's recommendations:**

Modify the local plan as follows.

- Delete the following text from paragraph 4.30 and insert at the end of paragraph 4.29:

Continued promotion of the Invernet commuter rail service can be expected to increase custom, and the strategic "gateway"/ distribution role of Lairg will maintain the rail-freight capacity of the Far North Line which is an important contributor to the economic and social prospects of communities in Central Sutherland. There may be opportunities to promote strengthening of rail-freight infrastructure through the further development of a network of strategically located sidings with loading facilities.

- Delete the remainder of the text in paragraph 4.30 following "Brora in particular." and replace with:

The HITRANS Strategy also identified the A838 Kinlochbervie to Lairg road, for route enhancements in the medium term.

- Insert the following new paragraphs as 4.31-4.33 and renumber the remaining paragraphs accordingly:

4.31 However, since the HITRANS Strategy was prepared the Scottish Government has undertaken its Strategic Transport Projects Review (STPR) which identifies interventions to be delivered, designed or developed beyond 2012 and primarily between 2012 and 2022. Projects relevant to the Sutherland Local Plan area are as follows:

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

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

freight between Inverness and Perth.

4.32 The Council is in the process of reviewing and replacing its Local Transport Strategy (LTS). The LTS will need to identify priorities for local delivery in the light of what the HITRANS Strategy identified and of what has and has not been included in the STPR.

4.33 The Local Plan's Vision refers to the possibility of three substantial future transport interventions in Sutherland- namely bypasses for Golspie and Brora and a Dornoch Firth rail crossing. The HITRANS Strategy had flagged the option of by-passing Golspie and Brora as already noted, although the timeframe it indicated for possible preparation of schemes was at the earliest towards the end of the period covered by this Local Plan. The HITRANS Strategy did not include a Dornoch Firth rail crossing in like manner within its priorities but such a scheme is being promoted by a campaigning group with some wider support. However, none of these three transport interventions are currently identified as national priorities for investment in the STPR referred to above. Given these facts, this Local Plan does not therefore identify routes for safeguarding. However, the definition of the settlement development areas tightly around the existing built form and allocated sites will help to maintain options for possible investigation in the future. The section of this chapter dealing with Implementation, Monitoring and Review indicates in broad terms what would need to happen for such schemes to progress.

- In paragraph 4.39 under the heading Implementation, Monitoring and Review delete the first bullet point and replace with:

Any case for a major transportation scheme should result from an appraisal using the Scottish Transport Appraisal Guidance (STAG). Progressing such schemes will be dependent upon their inclusion in the appropriate list of priorities and commitment to funding. Whilst regional priorities were set out in the HITRANS Strategy, the Scottish Government's subsequent Strategic Transport Projects Review (STPR) has not included them all in its national priorities for investment. The Council is in the process of reviewing and replacing its Local Transport Strategy (LTS); the LTS will need to identify priorities for local delivery in the light of what the HITRANS Strategy identified and of what has and has not been included in the STPR.

- Delete section a. in paragraph 4.44 under the heading "A Connected and Accessible Place" and replace with:

a. A9 improvement schemes - notably the long awaited by-passes of Golspie and Brora. These were identified in the HITRANS Strategy with congestion relief, community safety and shortened journey times anticipated. Further exploration through review of Highland-wide, regional and national planning and transportation strategies, may be appropriate if new priorities are identified and with due consideration to the economic, social and environmental impacts of such schemes. In the event of such schemes being favoured and any formal preferred and programmed routes being announced, the Development Plan of the time could protect such routes.

- and in d) insert the following at the end of the sentence after "enhancement":

d. -----scheme(s) such as the A838, where identified or confirmed as priorities.



<b>Issue 102:</b>	<b>102. GENERAL</b>	<b>Reporter: ALLISON COARD</b>
<b>Development plan Reference:</b>	<b>Various</b>	
<b>Organisation or persons submitting representations:</b>		
<p><b>Local Plan- General:</b> Laid Grazings Committee (307)  <b>Design of Development:</b> A B Mearns (272)  <b>Balanced Sustainable Development:</b> A I Sutherland (543)  <b>Waste Water Developer Requirements:</b> Scottish Environment Protection Agency (311)  <b>Flood Risk Developer Requirements:</b> Scottish Environment Protection Agency (311)  <b>SUDS Developer Requirements:</b> Scottish Environment Protection Agency (311)  <b>AGLVs:</b> Laid Grazings Committee (307)  <b>Appendix 1 Definition of Natural, Built &amp; Cultural Heritage Features:</b> Historic Scotland (495)  <b>Appendix 3 Landscape Character Assessment:</b> Scottish Natural Heritage (326)  <b>Appropriate Assessment:</b> Scottish Natural Heritage (326)  <b>Environmental Report:</b> Scottish Environment Protection Agency (565), Scottish Natural Heritage (326), Historic Scotland (495)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Various	
<b>Summary of representations:</b>		
<p><u>Laid Grazings Committee</u></p> <p><b>Local Plan- General:</b> A wide range of concerns about the adequacy of the Plan in respect of the need for actions to address: housing, services, infrastructure, forestry, broadband, job creation, small businesses, day-care, water quality, heritage, education, fishing, tourism and environment.</p> <p><b>AGLVs:</b> The whole of Loch Eriboll should be included as being of "Local/ Regional importance" as an Area of Great Landscape Value. The views and the landscape are superb from different points and in different ways but it cannot be split up.</p> <p><u>A B Mearns</u></p> <p><b>Design of Development / Gaelic language:</b> The planning guidelines take little account of modern design and are rigidly and anachronistically tied to 1 1/2 storey designs appropriate to the 19th century.</p> <p>Feel there is a need for greater recognition of Sutherland's Gaelic Heritage, learning and everyday use.</p> <p><u>A I Sutherland</u></p> <p><b>Balanced Sustainable Development:</b> Questions all the private developments proposed for the "flood plains" in part of Dornoch. A more relaxed planning attitude is required that would allow houses to be built outwith the current designated zoned areas.</p> <p><u>Scottish Environment Protection Agency</u></p> <p><b>Waste Water Developer Requirements:</b> SEPA seeks inclusion of a developer requirement</p>		

for connection to the public sewer for each allocation of 25 or more units and for certain other allocated sites (identified by SEPA in its representation). SEPA considers that if a sustainable foul drainage solution is not feasible for an allocation then it is not a sustainable location for a development.

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

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

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

#### Historic Scotland

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

#### Scottish Natural Heritage

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

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

#### Scottish Environment Protection Agency, Scottish Natural Heritage, Historic Scotland

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

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

##### Laid Grazings Committee

**Local Plan General.** A number of suggestions are made:

- Funds for forestry schemes should be made available and ring-fenced for marginal developments where there would be maximum benefit and visual impact.
- Ensuring broadband be made universal throughout Sutherland should be an urgent objective of the Plan, in support of business.
- Top priority should be given to providing a welcoming climate for small rural businesses including perhaps exemption from business rates.



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

#### A B Mearns:

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

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

#### A I Sutherland

**Balanced Sustainable Development:** A more relaxed planning attitude that would allow houses to be built outwith the current designated zoned areas.

#### Scottish Environment Protection Agency

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

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

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

acceptable within flood risk areas.”

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

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

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

Historic Scotland

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

Scottish Natural Heritage:

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

**Appropriate Assessment:** Undertake Appropriate Assessment where necessary.

Scottish Environment Protection Agency, Scottish Natural Heritage, Historic Scotland:

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

### **Summary of response by THC**

Laid Grazings Committee:

No change should be made to the Plan in response.

The items listed in the vision are not in any particular order of priority. The Plan cannot foresee every type of proposal that may come forward from established businesses or new entrepreneurs, but seeks to start consideration of proposals from a positive standpoint. It is agreed that small businesses are a key component. The importance of tourism to the area is acknowledged in the Plan.

The challenge of effective service delivery in rural areas is acknowledged. It also seeks to support fragile communities and references to that have been strengthened within the 2008 Deposit Draft. The various services and organisations responsible for delivering particular services have to plan how best to manage their resources and invest in improvements. In preparing the Local Plan we have consulted widely, to enable these organisations to input to Plan preparation and to have regard to the Plan in preparing their own plans and strategies. This is part of effective community planning. The Local Plan does seek to deliver development which is sustainable and to support fragile communities. On the issue of care for the elderly, the Plan must provide for the consequences of other policies and strategies of the Council and other organisations in terms of how the need for facilities is to be responded to, hence the specific reference in the Plan to Migdale. Also the general policy

framework of the plan is such that if other solutions to provision are chosen in the future, the plan provides a basis for the consideration of proposals without having tried to foresee every eventuality and be prescriptive. We are working closely with Education & Cultural Services to achieve a common understanding of the implications of population change for future services and facilities across the Highlands.

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

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

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

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

Early discussions between the Council and SNH are underway with a view to reviewing our Areas of Great Landscape Value. This may consider our methodology, the citations for these areas, and the boundaries of them. This will be taken forward and widely consulted on a Highland wide basis through our work on the forthcoming Local Development Plans.

A B Mearns: No change. The Council intends to prepare house siting and design guidance which will supplement the plan. Through existing guidance on Designing for Sustainability the Council already seeks to promote energy-efficient design. The version of Policy 18 in the 2008 Deposit Draft Local Plan mentions open space as an element of places clarifies that proposals should demonstrate sensitivity and respect for local distinctiveness, so clearly providing scope for appropriate contemporary design.

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

A I Sutherland: In respect of flood risk concerns, the relevant Policy 9 has been tightened and regard has been had to the issue through preparation of the Plan too in considering the appropriateness of site allocations. With regard to housing in the countryside, the Council's restrictive policy within hinterlands is currently being discussed and will be fully reviewed as part of preparing the forthcoming Highland Local Development Plan.

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

Following negotiation with SEPA further flood risk safeguards are appropriate. The Council agrees with SEPA’s requests, with the exception of particular allocated sites as reported under the relevant ‘site’ issues.

SUDS Developer Requirements- agreed and change commended.

Historic Scotland Comments on Appendix 1 Definition of Natural, Built & Cultural Heritage Features are agreed and change commended.

Scottish Natural Heritage Comments on Appendix 3 Landscape Character Assessment are agreed and change commended.

Since publication of the 2008 Deposit Draft Local Plan, the Council has progressed Appropriate Assessment work under the requirements of the EU Habitats Directive. Officers have engaged with SNH staff who have contributed to this piece of work. Discussions with both SNH and SEPA in respect of the policies and proposals of the Draft Local Plan and the Strategic Environmental Assessment of it have helped to identify and address potential shortcomings. The work undertaken and documented acknowledges relevant changes that have previously been made to the emerging policies and proposals of the Plan, which have improved the safeguarding of habitats and species. The effective operation of the General Policies will provide significant mitigation. Further commended changes result from the Assessment. The conclusions are that, with appropriate safeguarding and mitigation as already provided for or now commended, the Local Plan will not adversely affect the integrity of the SPA/SAC/Ramsar sites. Further consideration may be necessary prior to adoption of the Plan if any further amendments to it are made.

Scottish Environment Protection Agency, Scottish Natural Heritage, Historic Scotland:

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

**ALSO:**

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

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

**Any Further Plan Changes Commended by THC**

**Waste Water Developer Requirements:** Add “public sewer connection” developer requirements for all allocations where it is technically/ economically feasible to connect and

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

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

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

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

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

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

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

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

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



first paragraph of the policy. This detail was omitted in error when printing the 2008 Deposit Draft paper copies but the error was corrected prior to publication.)

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

#### **Reporter's conclusions:**

1. The council's original Issue 102 included some general issues raised in relation to the extent of the housing land supply, affordable housing and the lack of associated services and employment. These issues are now addressed through an additional Issue 103: Housing Land.

#### **Design of Development/Gaelic Heritage/Balanced Sustainable Development**

2. Whilst the plan includes some references to design quality and the height of buildings, I do not consider that this is overly prescriptive or precludes the consideration of innovative modern or eco-friendly design. Local plan policy 6 requires submission of a "Design for Sustainability Statement" to accompany certain planning applications.

3. Whilst I recognise the importance of Sutherland's Gaelic Heritage, the local plan can only address this in so far as it relates to the development and the use of land. In this respect, policy 4 requires the protection of the areas natural, built and cultural heritage. I am satisfied that the plan recognises the important role of tourism in the area (paragraph 4.43(k)). I consider that Local Plan Policy 9: Flood Risk as amended (see Issue 90) will provide an appropriate policy framework to address the issue of flooding in the context of national planning policy and advice. The developer requirements for particular sites, including within Dornoch, highlight the issue of flooding, the need for flood risk assessment and for built development to avoid areas at risk.

4. The conclusions and recommendations on Issues 85: Wider Countryside and 93 - Housing in the Countryside, address matters relating to the approach to development outwith settlements. In this context, I am content that the council's approach as set out in policies 3, 4 and 16 is appropriate.

#### **Waste Water Developer Requirements**

5. These matters are addressed in the context of Policy 7 Waste Water Treatment and through the relevant site specific issues. As stated through Issue 88 changes to the policy should be reflected, where appropriate, in the context of the relevant Settlement Development Areas. I have included a general recommendation to enable this. My response below in relation to representation from SNH regarding the Appropriate Assessment is also relevant in this respect.

#### **Flood Risk Developer Requirements**

6. These matters are addressed through Issue 90.

#### **SUDS Developer Requirements**

7. Policy 14 makes Developer Requirements for SUDS for all allocations clear and I accept that this would enable the developer requirements for SUDS, where stated for individual sites, to be removed.

**Areas of Great landscape Value**

8. Having visited Loch Eribol, I appreciate the views expressed by Laid Grazings Committee. However, such designations require to be applied consistently across the area in accordance with specified criteria. The council indicate that discussions between the council and SNH are underway with a view to reviewing Areas of Great Landscape Value. It is intended that this would be taken forward through preparation of the Highland-wide development plan and I am content with this response.

**Appendix 1**

9. These matters are addressed through Issue 86

**Appendix 3**

10. I agree that it would be helpful to include a link to the relevant page on the SNH website.

**Appropriate Assessment:**

11. Appropriate Assessment of the plan is a statutory requirement and I am content that this has now been undertaken. My remit is confined to consideration of issues relating to this local plan rather than to the council's report on the Appropriate Assessment. In this regard, SNH have raised concern regarding the likely significant effect of a number of local plan allocations on Natura sites (Issues 6,35,40,44 and 47).

12. Following representation by SNH on the issue of Appropriate Assessment, the council completed an Appropriate Assessment Report of the Deposit Draft Local Plan in June 2009. As part of this examination, further information was requested from the council and SNH as to whether the proposed changes to the plan, in accordance with the assessment, were sufficient to address SNH's concerns. As a result of this exchange, the council has updated its Appropriate Assessment and submitted a revised report dated December 2009. Accompanying correspondence from the council clarifies the changes that are commended to the plan in this respect. In summary these commended changes reflect the relevant "Mitigation Measures" as indicated by the individual appropriate assessment tables in the Appropriate Assessment document, which should be applied in accordance with the 'menu' set out in that document. In its letter dated 14 December 2009, SNH confirm that its concerns would be resolved subject to inclusion of these commended changes.

13. For the avoidance of doubt the council's relevant commended changes, referenced where appropriate to the related issue in this report, are detailed in bold below. Where these changes are of a more general nature and are not attributable to a specific issue, I have also included my related conclusions:

**Changes to Policy 4: Natural Built and Cultural Heritage to include rewording of the policy on Natura sites and to add references to the appropriate designations within the SDA.**

Conclusion: In relation to Issue 84, I have accepted the need to identify Natura sites and other features of international and national importance in the context of the relevant SDAs. As this is a general requirement which will apply to a number of settlements, this is included in my recommendation below.

**Ensure that the plan includes all Natura sites including those proposed or recently confirmed.**

Conclusion: I agree that the background maps in the map booklet should be updated to show all proposed or recently confirmed Natura sites, in accordance with the mitigation

required through the appropriate assessment report.

#### **Changes to Policy 7: Waste Water Treatment**

Conclusion: See Issue 88

**Include a drainage to land development factor for those SDA's where water bodies could otherwise be affected. This should include Natura water bodies where no public sewerage system exists. This would include, but may not be limited to, settlements likely to affect the River Oykel SAC and /or the Dornoch Firth, Morrich More and the Durness SAC. Also include requirement for connection to the public sewer for all developments over 25 units.**

Conclusion: In accordance with the findings of the Appropriate Assessment, I agree that this should be added to the development factors within the relevant settlements. My recommendation below also reflects representation on this issue from SEPA. SNH in its letter of 14 December states that the requirement for connection to a public sewer would also apply where development is progressed in phases of less than 25 units. I am content that this matter would be addressed given that the requirement would apply to the site as a whole.

#### **Changes to Policy 9: Flood Risk where the changes sought by SEPA and agreed by the council would address SNH concerns**

Conclusion: See Issue 90 and the relevant site issues.

**Include a development factor for the Invershin SDA and South Bonar Industrial estate to refer to the need for design of waste water arrangements in development proposals to have regard to the risk of, and seek to avoid, flooding leading to contamination of the Natura site**

Conclusion: I agree that this should be added as a development factor within the relevant settlements, including Bonar Bridge, see Issue 40, in accordance with the findings of the Appropriate Assessment. For Invershin, it may remain appropriate to include reference to this mitigation although the relevant development site H1 is recommended for deletion (see Issue 47).

**Include supporting text and a development factor to state that any new development should be accompanied by a recreational management plan which examines any likely increased pressure from recreational access of the sandbanks arising from the development (with appropriate assessment to be undertaken if the Natura site interests are likely to be significantly affected) and which sets out a plan of management, avoidance or mitigation measures where necessary and; that the Council engage with SNH and key local interests to prepare a framework which co-ordinates and draws together these recreational management plans and which will assist assessment of "in combination effects", and that the local plan text includes a commitment to this being in the Action Programme for the Local Plan.**

Conclusion: I agree that this should be added as a development factor within any relevant settlements, in accordance with the findings of the Appropriate Assessment. However, I consider that a revised wording is required to reflect the fact that certain developments may have no effect on sandbanks and that in these circumstances a recreational management plan would not be justified (See Issue 6 in relation to Dornoch).

**For relevant SDA's, including Dornoch, the following development factor has been agreed with SNH and is now commended to the Reporter for inclusion in the Plan: "Adjacent SAC qualifying features include otter. A survey to determine the presence**



**or absence of otters should accompany any planning applications, except for modest extensions and alterations to existing buildings, within 250m of a watercourse, coast, loch or pond.”**

Conclusion: This developer factor is accepted for Dornoch in the context of Issue 6. In a more general context, I consider that it should also be applied to any other relevant settlements insofar as otters are a qualifying feature of an adjacent SAC, in accordance with the recommendations of the Appropriate Assessment.

14. Matters relating solely to the Appropriate Assessment Report are for the council to address prior to adoption of this local plan. My recommendations below address the council's commended changes, in response to the December version of the report, where these apply in a general context. Other changes are addressed in the context of the relevant issue. I have also included a more general recommendation to enable the council to include any other changes, as agreed with SNH, which may be required in order to ensure compliance with the finalised Appropriate Assessment.

### **Environmental Report**

15. My remit does not extend to assessment of the Environmental Report other than where it may provide evidence in the context of concerns relating to particular provisions of this local plan. Where the concerns of the consultation authorities - SEPA, SNH and Historic Scotland relate to the quality and clarity of the environmental report, I find that this is a matter for the council to address prior to adoption of the local plan. Although I have no detail of any development factors/developer requirements, which may not have been followed through into the plan, I have included a recommendation to ensure that this can be addressed where necessary.

### **Editorial Errors in the Deposit Draft Local Plan**

16. Whilst these do not generally relate directly to representation to the local plan, I agree that it is sensible for the council to address these matters prior to adoption of the plan. Where appropriate specific recommendations are included in the context of the relevant issue, otherwise the covering letter to this report explains that it is for the council to address any remaining consequential changes, factual corrections and updates which it considers necessary and reasonable.

### **Other Matters**

17. Whilst I appreciate the importance of the range of other matters raised in these general representations including funding for forestry, broadband provision, rural service provision and education; I agree with the council that the remit of the local plan is confined to issues concerning the development and use of the land. Consequently, the majority of these matters fall to be addressed through other means, such as community planning. I am satisfied that the local plan, particularly through Policy 4, contains an appropriate policy response to secure protection of the environment.

### **Reporter's recommendations:**

Modify the local plan:

- to add additional developer requirements/development factors where the SEA matrix has highlighted a mitigation need and ensure consistency between sites;
- to update the background maps in the map booklet to show all proposed or recently confirmed Natura sites;
- to remove requirements for SUDS from the site developer requirements in the map

booklet;

- to generally remove references within SDA's to waste water treatment requirements with the following exceptions:
  - (a) all developments over 25 units where connection to the public sewer is required,
  - (b) where discharge to land is required including within Natura catchments as specified in the Appropriate Assessment Report and,
  - (c) as otherwise recommended elsewhere in this report;
- to include reference in the map booklet to any international and national features of natural, built or cultural heritage within or adjacent to the relevant Settlement Development Areas;
- to address any remaining changes arising from the recommendations of the Appropriate Assessment, including mitigation measures 9.1 – 9.8, where not specifically addressed elsewhere in this report (see also Issue 6 which includes revised wording in respect to mitigation measures 9.7 and 9.8) and;
- to include a link to the relevant page on the SNH website from the reference to the Landscape Character Assessment in Appendix 3.

<b>Issue 103</b>	<b>Housing Land</b>	<b>Reporter: ALLISON COARD</b>																																																												
<b>Development plan Reference:</b>	<b>Various: relating to extent of the housing land supply.</b>																																																													
<b>Organisation or persons submitting representations:</b>																																																														
<p><b>General:</b> Laid Grazings Committee (307)</p> <p><b>Balanced Sustainable Development:</b> A I Sutherland (543)</p> <p><b>Dornoch (see also Issues 1, 7, 8)</b> Mr P. Higgins (23), G. A. Marshall (255), A. M. A. Bagott (380), J Robertson (650), Mrs G. Moss (600), S. &amp; A. Reid (633), Mrs V. Bhatti (634), R G Grant</p> <p><b>Embo Settlement Development Area (see also Issue 10)</b></p> <table border="0"> <tr> <td>Mr &amp; Mrs B. &amp; I. Jones (145)</td> <td>B. Shillinglaw (451)</td> </tr> <tr> <td>Mr A. Watt (157)</td> <td>Mr G. Davidson (452)</td> </tr> <tr> <td>S. M. Robertson (198)</td> <td>K. Davidson (453)</td> </tr> <tr> <td>Mr &amp; Mrs D E Fraser (202)</td> <td>L. Bissett (454)</td> </tr> <tr> <td>Mr T. Jamieson(227)</td> <td>J. MacKay (455)</td> </tr> <tr> <td>J Jamieson (229)</td> <td>H. McGrath (457)</td> </tr> <tr> <td>Dornoch Commnuity Council (254)</td> <td>M. Cross (459)</td> </tr> <tr> <td>D R Hadden (258)</td> <td>Mrs S. Cross (460)</td> </tr> <tr> <td>Mrs L. Robertson (281)</td> <td>H Hercher(463)</td> </tr> <tr> <td>Mr D. J. Williams (374)</td> <td>Mr A. MacDonald (465)</td> </tr> <tr> <td>S Williams(375)</td> <td>Mrs S. MacDonald (466)</td> </tr> <tr> <td>Mrs M. MacKay (382)</td> <td>Mr M. MacDonald (467)</td> </tr> <tr> <td>Mrs P. Waymouth (383)</td> <td>Mr &amp; Mrs W. Hadden (471)</td> </tr> <tr> <td>Mr G. Waymouth (384)</td> <td>D R Sutherland (472)</td> </tr> <tr> <td>D. E. Fraser (385)</td> <td>J. MacKay (475)</td> </tr> <tr> <td>A. &amp; H. Lyon (392)</td> <td>J. &amp; S. Collett (477)</td> </tr> <tr> <td>Mrs E. Wilson (393)</td> <td>Mr &amp; Mrs A. D. Hutton (478)</td> </tr> <tr> <td>Mrs C. Fitzpatrick (407)</td> <td>J. R. Bower (480)</td> </tr> <tr> <td>Mr B. Walters (408)</td> <td>E. A. Bower (481)</td> </tr> <tr> <td>Mrs J. K .Walters (409)</td> <td>Mr J. R .Cumming (483)</td> </tr> <tr> <td>C. Grigg (411)</td> <td>K. Holmes (484)</td> </tr> <tr> <td>Mrs L. Moffat (417)</td> <td>C. MacKay (486)</td> </tr> <tr> <td>Mr E. Moffat (424)</td> <td>Mr J. H. MacKay (487)</td> </tr> <tr> <td>P. Patton (432)</td> <td>C. MacKay (488)</td> </tr> <tr> <td>S. Anderson (435 )</td> <td>I. Roach (652)</td> </tr> <tr> <td>Mr G. Fitzpatrick (436)</td> <td>M. Roach (653)</td> </tr> <tr> <td>F. &amp; J. Munro (437)</td> <td>I. Cumming(654)</td> </tr> <tr> <td>J. Watt (444)</td> <td>J. Calder (655)</td> </tr> <tr> <td>Mrs J. Cumming (449)</td> <td>R. Wilton (656)</td> </tr> <tr> <td>C. Gill (450)</td> <td></td> </tr> </table> <p><b>Golspie (see also Issue 14):</b> R. &amp; J. MacKenzie (545) L. Dow (365)</p> <p><b>Helmsdale (see also Issue 28):</b> Mr &amp; Mrs Wood (329)</p> <p><b>Ardgay (see also Issue 35):</b> S. Maclean (590), Mr A.E. &amp; Mrs P. Nash (621), Mr &amp; Mrs H. Jack (643), Mr W. MacLaren (334), Mrs A. McDonnell (548), Miss H. Buchanan (561)</p>			Mr & Mrs B. & I. Jones (145)	B. Shillinglaw (451)	Mr A. Watt (157)	Mr G. Davidson (452)	S. M. Robertson (198)	K. Davidson (453)	Mr & Mrs D E Fraser (202)	L. Bissett (454)	Mr T. Jamieson(227)	J. MacKay (455)	J Jamieson (229)	H. McGrath (457)	Dornoch Commnuity Council (254)	M. Cross (459)	D R Hadden (258)	Mrs S. Cross (460)	Mrs L. Robertson (281)	H Hercher(463)	Mr D. J. Williams (374)	Mr A. MacDonald (465)	S Williams(375)	Mrs S. MacDonald (466)	Mrs M. MacKay (382)	Mr M. MacDonald (467)	Mrs P. Waymouth (383)	Mr & Mrs W. Hadden (471)	Mr G. Waymouth (384)	D R Sutherland (472)	D. E. Fraser (385)	J. MacKay (475)	A. & H. Lyon (392)	J. & S. Collett (477)	Mrs E. Wilson (393)	Mr & Mrs A. D. Hutton (478)	Mrs C. Fitzpatrick (407)	J. R. Bower (480)	Mr B. Walters (408)	E. A. Bower (481)	Mrs J. K .Walters (409)	Mr J. R .Cumming (483)	C. Grigg (411)	K. Holmes (484)	Mrs L. Moffat (417)	C. MacKay (486)	Mr E. Moffat (424)	Mr J. H. MacKay (487)	P. Patton (432)	C. MacKay (488)	S. Anderson (435 )	I. Roach (652)	Mr G. Fitzpatrick (436)	M. Roach (653)	F. & J. Munro (437)	I. Cumming(654)	J. Watt (444)	J. Calder (655)	Mrs J. Cumming (449)	R. Wilton (656)	C. Gill (450)	
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**Lairg (see also Issue 49, 52):** Mrs M. Ross(46), Lairg Community Council(188), Mr & Mrs D. A. Walker(189), E. Ross(344), Mrs V. Willoughby(178),

**Scourie (see also Issue 62):** Dr J. Balfour

**Kinlochbervie (see also Issues 64-65):** Mrs M. Munro (166), Miss K. Holland (588)

**Tongue (see also Issue 72) :** J. and Revd K. Ferguson (645), J. Taylor (192)

**Bettyhill (see Issue 80):** Mr A. N. Carr, BA, FRICS

<b>Provision of the development plan to which the issue relates:</b>	Various
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### Summary of representations:

**General:** Too much emphasis on housing provision and not enough on how to fill these dwellings and how to improve services to them and the existing population. Encouragement of job creation should perhaps be a main priority and, although this is a constant theme of the Plan, no urgency in the proposals is apparent- or indeed any concrete proposals.

**Balanced Sustainable Development:** Questions whether there is sufficient employment in the area to support the occupants of all the proposed housing. If it ends up with a surplus of affordable housing, concerned about how these may end up being filled. Questions whether Dornoch will end up with more housing than the local infrastructure can support.

**Dornoch :** Scale of the proposals would have an unacceptable impact on the established character of the town. Extra housing will have an effect on demand for already overstretched services and infrastructure. Present facilities are already inadequate. Lack of employment opportunities for incomers who will occupy the new houses. Question capacity in the secondary and primary schools. The need for LT Dornoch North is questioned.

**Embo:** Has the housing need been established as private houses are already available. Lack of infrastructure and facilities as well as affordable houses.

**Golspie:** Current proposed developments in Brora, Dornoch and Golspie are out of proportion for current needs. Too many houses and a lack of need. Implications for the wider infrastructure of Golspie to accommodate growth. Where will residents for this development come from?

**Helmsdale:** Insufficient demand for housing on this scale and insufficient employment to sustain this scale of development, inadequate infrastructure. Strain on the village's limited resources and the local economy if substantial increase in population.

**Ardgay:** Lack of jobs in area so no need to build new homes or business. There is not enough employment for the present population of the area.

**Lairg:** Lairg is a small village and cannot sustain a larger population as there is no work. Too many houses for the village would put a strain on infrastructure and services. The area has very little work so incomers would be retired or otherwise and would not be adding anything to the local economy. Insufficient infrastructure to carry large housing development, houses should be supported by shops and work. Object to future development of these areas until employment is created within Lairg.

**Scourie:** The number of houses is excessive.

**Kinlochbervie:** Concern over lack of employment prospects and questions whether there is

demand for housing. Why not specifically allocate for affordable housing?

**Tongue:** There is a feeling that there is no clear demand for additional housing given available employment.

**Bettyhill:** In an area with a declining population questions why is additional speculative housing necessary.

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

A number of suggestions are made:

- Too much emphasis on housing provision and not enough on how to fill these dwellings and how to improve services to them and the existing population.
- Encouragement of job creation should be prioritised.
- Deletion of particular sites, reduction in the scale of proposed housing.

#### **Summary of response by THC**

No change should be made to the Plan in response.

The Local Plan needs to help deliver those aspects of the Community Strategy/ Plan which have land-use planning implications. The plan objectives provide a focus to the plan and help the Council to ensure that its individual policies and proposals are relevant and necessary so that the plan is fit for purpose. Building on the base of the plan vision the objectives and strategy are formed taking into account demographic factors. The Local Plan then allocates land for development and has a general policy framework to use to assess planning applications. Taking direction from the Community Strategy for Sutherland the overarching aim of the Sutherland Local Plan is 'Positively influencing population change in Sutherland to achieve, over time, a vibrant, viable and revitalised population that enjoys a high quality of life.' The plans provisions are based on a vision of maintaining a stable working age population which requires 1,304 houses over the 2008 to 2018 period.

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

The challenge of effective service delivery in rural areas is acknowledged. It also seeks to support fragile communities and references to that have been strengthened within the 2008 Deposit Draft. The various services and organisations responsible for delivering particular services have to plan how best to manage their resources and invest in improvements. In preparing the Local Plan we have consulted widely, to enable these organisations to input to Plan preparation and to have regard to the Plan in preparing their own plans and strategies. This is part of effective community planning. The Local Plan does seek to deliver development which is sustainable and to support fragile communities. We are working closely with Education & Cultural Services to achieve a common understanding of the implications of population change for future services and facilities across the Highlands.

The Plan provides through its policies and proposals for both housing and jobs growth, including a choice of locations and sites which may be considered for appropriate development. It also seeks to support fragile communities. Affordable housing provision is driven by the identification of local need. The Council and its partners continue to consider innovative ways to meet housing needs of the area. In terms of infrastructure provision, the Council has consulted key organisations and the public during plan preparation and carefully

considered these matters. Through defining developer requirements and additionally putting in place a policy framework for developer contributions the Council intends that development will be suitably serviced and sustainable.

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

None

#### **Reporter's conclusions:**

##### General conclusions on all representations relating to the extent of the housing land supply.

1. In considering representations to the plan as a whole there are a number of issues which concern the extent of housing proposed in particular communities and the relationship of this to available jobs and services. The council has explained the rationale supporting its housing allocation in response to the more general representations by Laid Grazings Committee (see above). This explanation is repeated in response to several issues where representations question the extent of housing proposed within communities or on particular sites.

2. Given that this matter crosses over a number of issues, I consider that it is important to assess the extent of the housing land supply in a general context before addressing any relevant community and site specific concerns. Further information requested from the council expands on its response above. This serves to clarify the assumptions behind the local plan's vision for a stable working age population comparing this with the household projection based figures as set out in Structure Plan Policy H1. I have considered this general issue under the following headings:

- Additional information relating to the housing land requirement
- Structure plan policy H1 and Scottish Planning Policy
- Possible impact on the housing land supply
- Concerns regarding the lack of associated services and employment opportunities.
- Supply of affordable housing
- Conclusions

##### Additional Information from the council relating to the housing land requirement

3. The local plan's housing land requirement reflects the particular policy objective of achieving a stable working age population in support of Sutherland's Community Strategy. This aims to achieve stability within Sutherlands "core workforce" age group, sustain and grow Sutherland's economy and strengthen its communities. This approach is explained in chapters 3 and 4 of the local plan. Comparison of table 1 and table 2 in chapter 4 of the local plan illustrates the numerical differences which arise between this approach and the housing land requirement as set out in Structure Plan Policy H1.

4. Table 1 indicates a population/household projection based methodology using national data. This closely reflects the structure plan allocation of 600 from 2007-2017. In contrast, the local plan's vision for a stable working age population (table 2) identifies a housing land requirement of 1304. Long-term allocations, in a number of settlements, identify an additional tranche of housing land, over and above the requirements identified in table 2.

##### Structure plan policy H1 and Scottish Planning Policy

5. Paragraph 2.2.4 of the structure plan requires local plans to identify sites to accommodate new developments up to the requirements of Policy H1. Figure 8 states that in "Sutherland the housing land supply is sufficient to provide an effective supply for the next five years.

Local plan preparation currently underway shall provide an adequate supply in the longer term.” This suggests that there is some discretion in determining the supply in the longer term. Some flexibility is also provided through Structure Plan Policy H1, which states that the allocations for the period 2007-2018 are indicative. Individual representations have not questioned the extent of the housing land supply in the context of the structure plan. However, the Town and Country Planning (Scotland Act) 1997 requires the council to ensure conformity with the structure plan.

6. I agree with THC that flexibility is required to address local issues relating to the level of second home ownership, properties used for holiday lets and the effectiveness of the land supply. However, the extent of housing allocated through this local plan, exceeds the level of flexibility that would normally be anticipated, by identifying land with a total capacity for almost double the amount of housing indicated in the structure plan.

7. In development plan terms the structure plan as approved in 2001 must be regarded as an ageing document. Scottish Planning Policy 3: Planning for Homes was published in 2008 and sets out how local authorities should make provision in development plans for new housing. The document recognises the need for allocation of a generous supply of land to meet identified housing requirements across all tenures, including affordable housing. The aim is to encourage commitment to secure an increase in the delivery of much needed homes rather than focussing narrowly on the target figure itself. The level of new housing to be provided for by development plans should be informed by an assessment of housing need and demand through a Housing Need and Demand Assessment (HNDA). These should include the Scottish Government's aspirations for Scotland, reflected in targets for greater economic and population growth. The planning system has an important role to play in achieving both these goals and The Scottish Government's overarching purpose of ensuring sustainable economic growth through supporting the efficient release of land for house building.

8. SPP3 also states that local authorities should give careful consideration to the scale and nature of the land supply needed to ensure delivery of the housing requirement. The use of the HNDA approach, which builds in consideration of demand for housing, demographic projections and forecast economic performance, is likely to result in a requirement for more land than under previous forms of assessment. An action programme combined with monitoring through the annual housing land audit should enable the local authority to take the necessary steps to ensure the delivery and implementation of the housing land allocation. Where a shortfall is identified paragraph 44 indicates that authorities should bring forward additional land within the overall strategy of the plan to maintain an effective 5-year land supply.

#### Possible impact on the housing land supply

9. The local plan explains that the estimated 2008 population of Sutherland is projected to decrease by 2% in the period to 2018. On the other hand, the over-arching aim of the Community Strategy for Sutherland is to positively influence population change to achieve a vibrant, viable and revitalised population. The local plan reflects this aim in terms of vision and objectives. In addition, there are particular challenges in the plan area relating to accessibility, infrastructure and ground condition constraints.

10. SPP3 recognises the need to promote population growth and to achieve housing delivery. In this context, the aim of achieving a stable working age population is undoubtedly a desirable long-term objective. If achieved this would maintain a more stable and balanced population structure with related advantages for service delivery and economic opportunity. I therefore believe that the general thrust of the local plan is worthy of support.

11. I accept that housing allocations over and above the level indicated by the structure plan could help to create the conditions for growth. However, the historic rate of uptake of land



(as indicated for each settlement in the map booklet), the current economic climate and the range of physical and infrastructure constraints (as evidenced through the issues raised in various representations) are all important factors, which may limit the rate and scale of growth. Additionally, in the absence of a more sophisticated assessment of demand through a Housing Need and Demand Assessment and the Local Housing Strategy (as required by SPP3) it is not entirely evident that this level of growth is sustainable. Indeed, the council anticipates that the long term allocations and some of the other larger allocations (for example, site MU1, Dornoch North and H1, West of Station Road, Edderton) are likely to provide a supply of land for housing beyond the timeframe of this structure or local plan. Elsewhere in this report it is recommended that all the long term allocations should be deleted. Other sites are also recommended for deletion or reduced capacity because of local planning considerations.

12. Drawing together all of the above matters, I consider that the extent of the remaining housing land supply is justified in the context of:

- the age of the structure plan, particularly the data base;
- the “indicative” nature of the figures contained in Structure Plan Policy H1;
- the requirement of structure plan figure 8 for the local plan to provide an adequate land supply in the longer term;
- the guidance contained in SPP3, published 2008;
- the reduced capacity of housing land due to recommendations in respect of certain individual sites;
- the probable extended development period of a number of allocated sites;
- the removal of long term sites;
- the challenging nature of various allocated sites;
- the likelihood of a number of new houses becoming second homes or being used for holiday lets.

#### Concerns regarding lack of associated services and employment opportunities

13. Sites in the local plan are identified for employment and the relevant policies should enable appropriate economic development in other locations. I also accept the council's view that housing can provide the stimulus for economic growth as well as help to support local services. Through its development plan, the council can provide a supply of land and an appropriate planning framework to enable housing and economic growth. However, this is only part of a larger picture that will depend amongst other things on delivery of other services, availability of funding, market choice and wider economic considerations. The local plan has been prepared in consultation with the relevant service providers, including Scottish Water and SEPA. In this context, I am satisfied that these matters are appropriately addressed. In the future preparation of an action programme, as required by SPP3, will provide a further opportunity to co-ordinate development and service provision.

#### Supply of affordable housing

14. The local plan requires a contribution to affordable housing on all sites over 4 houses (see Policy 5). I have no evidence to suggest that this approach is likely to lead to a surplus of affordable housing. The local plan does not preclude self-build proposals although any proposals for the provision of serviced plots would rely on the availability of funding.

#### Conclusions

15. Consequently, I do not find that any further reduction in the level of housing land supply is required to achieve conformity to the structure plan or to address the local concerns raised in representation regarding the proposed scale of residential development. SPP3 requirements in terms of a housing need and demand assessment along with an action



programme have not been applied to this local plan. However, these procedures will no doubt be part of the preparation process of the forthcoming Highlands – wide development plan. This more critical analysis will allow a further assessment of housing land supply in the context of current Scottish Government policy.

**Reporter's recommendations**

Modify the local plan to delete the figure "1512" in Table 3, Chapter 4 and insert a revised total to reflect the housing land modifications proposed in this report.

**APPENDIX****ABBREVIATIONS USED IN THE REPORT**

CCWT	Culag Community Woodland Trust
DRL	Dornoch rail link
DPPG	Development plan policy guideline
EC	European Commission
EU	European Union
ha	Hectare
HITRANS	Highland and Islands Transport Partnership Strategy
HIE	Highlands & Islands Enterprise
HLDP	Highland-wide local development plan
HRES	Highland Renewable Energy Strategy & Planning Guidelines
km	Kilometre
LCS	Landscape capacity study
LTS	Local Transport Strategy
m	Metre
MU	Mixed use
NNR	National nature reserve
NPPG	National planning policy guideline
NSA	National scenic area
PAN	Planning advice note
RBMP	River basin management plan
RBS	Royal Bank of Scotland
SAC	Special area of conservation
SAM	Scheduled ancient monument
SDA	Settlement development area
SEA	Strategic environmental assessment
SEPA	Scottish Environment Protection Agency
SHEP	Scottish Historic Environment Policy
SNH	Scottish Natural Heritage
SPA	Special protection area
SPG	Supplementary planning guidance
SPP	Scottish planning policy
SSSI	Site of special scientific interest
STAG	Scottish transport appraisal guidance
STPR	Strategic transport projects review
SUDS	Sustainable drainage system
TECS	Transport, Environmental & Community Services
THC	The Highland Council
WHLP	West Highlands Local Plan