

Appendix 5.1: Highland-wide Local Development Plan Policies

18. Spatial Strategy - General Policies

Ro-innleachd Farsaingeachd - Poileasaidhean Coitcheann

- 18.1 The fundamental objective of this Plan strategy is to direct the right sorts of development to the right places, thereby **making better places**. The Plan sets out below a range of policies to achieve this.
- 18.2 It is very important that users of this Plan note that each planning application will be 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.
- 18.3 In this chapter we will set out the General Policies which will be applied consistently across Highland as well as some more detailed policies on particular issues.

18.4 Sustainable Design

- 18.4.1 Scottish Planning Policy makes it clear that the planning system should link principles and actions to enable sustainable development. This is reinforced under the Planning etc. (Scotland) Act 2006, which requires the planning authority to exercise its development planning function with the objective of contributing to sustainable development.
- 18.4.2 Section 72 of the Climate Change (Scotland) Act 2009 says that planning authorities must include in local development plans policies requiring all developments to be designed to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, through the installation and operation of low and zero-carbon generating technologies.
- 18.4.3 Policy 28 sets out the requirement for all development to be designed in the context of sustainable development and climate change. The Council's Sustainable Design Guide will include provisions that fulfil the requirements of section 72 of the Climate Change (Scotland) Act 2009 and will also, for example, require investigation of the use of grey water and micro renewable energy systems. The Sustainable Design Guide will be adopted as supplementary guidance. Compliance with the Guide is required in terms of Policy 28.

18.5

Policy 28 Sustainable Design

18.5.1

The Council will support developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland.

Proposed developments will be assessed on the extent to which they:

- are compatible with public service provision (water and sewerage, drainage, roads, schools, electricity);
- are accessible by public transport, cycling and walking as well as car;
- maximise energy efficiency in terms of location, layout and design, including the utilisation of renewable sources of energy and heat;
- are affected by physical constraints described in Physical Constraints on Development: Supplementary Guidance;
- make use of brownfield sites, existing buildings and recycled materials;
- demonstrate that they have sought to minimise the generation of waste during the construction and operational phases. (This can be submitted through a Site Waste Management Plan);

- impact on individual and community residential amenity;
- impact on non-renewable resources such as mineral deposits of potential commercial value, prime quality agricultural land, or approved routes for road and rail links;
- impact on the following resources, including pollution and discharges, particularly within designated areas:
 - habitats
 - freshwater systems
 - species
 - marine systems
 - landscape
 - cultural heritage
 - scenery
 - air quality;
- demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;
- promote varied, lively and well-used environments which will enhance community safety and security and reduce any fear of crime;
- accommodate the needs of all sectors of the community, including people with disabilities or other special needs and disadvantaged groups; and
- contribute to the economic and social development of the community.

Developments which are judged to be significantly detrimental in terms of the above criteria will not accord with this Local Development Plan. All development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, which requires that all developments should:

- conserve and enhance the character of the Highland area;
- use resources efficiently;
- minimise the environmental impact of development;
- enhance the viability of Highland communities.

Compatibility should be demonstrated through the submission of a Sustainable Design Statement where required to do so by the Guidance.

All developments must comply with the greenhouse gas emissions requirements of the Sustainable Design Guide.

In the relatively rare situation of assessing development proposals where the potential impacts are uncertain, but where there are scientific grounds for believing that severe damage could occur either to the environment or the wellbeing of communities, the Council will apply the precautionary principle.

Where environmental and/or socio-economic impacts of a proposed development are likely to be significant by virtue of nature, size or location, The Council will require the preparation by developers of appropriate impact assessments. Developments that will have significant adverse effects will only be supported if no reasonable alternatives exist, if there is demonstrable over-riding strategic benefit or if satisfactory overall mitigating measures are incorporated.

18.6 Design Quality and Place-Making

- 18.6.1 This policy seeks a high quality of design in development within both urban and rural parts of the plan area and the creation of high quality environments in which people can live and work. It responds to the place-making agenda by reflecting the drive of a wide range of Scottish Government policy and guidance which is usefully referenced in the 'easy-read' guide "Design Snapshot" (2007) and includes, for example PAN67 "Housing Quality", PAN68 "Design Statements", "Designing Places: A Policy Statement for Scotland" and other key documents. More specific guidance on visual aspects of wind farm developments may be found in Scottish Planning Policy and government advice documents.
- 18.6.2 The Council intends to produce supplementary guidance on residential layout and a public art strategy for the Highlands to provide more detailed guidance on how developments can help create new and better places; places that are distinctive and reflect the Highland context.
- 18.6.3 The Council's residential layout guidance will draw heavily from the Scottish Government's key policy statements on design and place-making – Designing Places, and Designing Streets – and will require that proposals consider and address the six qualities of successful places to produce new developments that are:
1. distinctive
 2. safe and pleasant
 3. easy to get around
 4. welcoming
 5. adaptable
 6. resource-efficient.
- 18.6.4 In addition, the Council's public art strategy for the Highlands will seek the inclusion of public art in new developments to help produce well-designed, locally distinctive built environments, with a clear sense of identity and place. Developer contributions may be sought to fund public art where it is considered that a site would benefit from public art being included as an intrinsic element of the development proposal – see Policy 31: Developer Contributions.

18.7

Policy 29 Design Quality and Place-Making

18.7.1

New development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located, where appropriate, and should consider the incorporation of public art as a means of creating a distinct sense of place and identity in line with the Council's Public Art Strategy for the Highlands. Applicants should demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts in their proposals.

The design and layout of new residential development proposals should focus on the quality of places and living environments for pedestrians rather than movement of vehicles, and should incorporate all of the six qualities of successful places. Further guidance on this policy topic will be provided in the Council's Residential Layout: Supplementary Guidance.

Where relevant, the Council will judge proposals in terms of their contribution to place-making. Proposals should have regard to the historic pattern of development and landscape in the locality and should, where relevant, be an integral part of the settlement. The Council will examine proposals to ensure that people of all abilities can move safely and conveniently within the development and, where appropriate, to facilities in other parts of the settlement.

18.8 Physical Constraints

18.8.1 Various physical and technical factors, including those that affect public health and safety, need to be assessed when considering development proposals. These will be listed and (where practicable) mapped in the [Physical Constraints Supplementary Guidance](#) and will cover sites, installations, infrastructure and other areas.

18.9

Policy 30 Physical Constraints

18.9.1

Developers must consider whether their proposals would be located within areas of constraints as set out in Physical Constraints: Supplementary Guidance. The main principles of the guidance are:

- to provide developers with up to date information regarding physical constraints to development in Highland; and
- to ensure proposed developments do not adversely affect human health and safety or pose risk to safeguarded sites.

Where a proposed development is affected by any of the constraints detailed within the guidance, developers must demonstrate compatibility with the constraint or outline appropriate mitigation measures to be provided.

18.10 Developer Contributions

18.10.1 All development has an impact and the Council will seek measures and if necessary, contributions from developers to offset that impact. Existing deficiencies in public services, facilities or infrastructure can be made worse by new building and new deficiencies created. The principle of proportionate developer contributions is underpinned by the policy below and may be secured through a Section 75 Agreement where necessary. In negotiations between the Council and the developer, account will be taken of the implications for the financial viability of the proposed development, and any agreement reached will be consistent with government policy set out in Circular No. 1/2010.

18.10.2 Applicants are encouraged to discuss matters with the Council prior to submission of applications for specific development proposals. The Council's approach to developer contributions will be outlined in [Developer Contributions: Supplementary Guidance](#). For areas where major infrastructure is required to facilitate the delivery of development we will produce specific supplementary guidance.

18.10.3 The following are examples of where developer contributions may be sought (this is not an exhaustive list) and a broad indication of how need will be assessed:

Potential Developer Contributions	
Education and library provision	The effect of the development on secondary, primary and nursery school capacity and public library provision.
Healthcare facilities	Whether a development will have an effect on the relevant NHS trusts facilities considered to be 'under pressure' by the NHS.
Recycling facilities & waste management	The effect of the development on existing municipal and commercial waste recycling facilities.
Transportation	The effect of the development on transport and infrastructure assessed against the relevant Local Transport Strategy.
Infrastructure	The need for improvement of road, rail, water and sewerage infrastructure.
Community facilities including Care in the Community	The effect of the development on existing community facilities and whether the development will increase the burden on care services.
Strategic landscaping, open space, green networks and outdoor access	The need for new or enhanced strategic landscaping, open space (including play areas) enhancements to the green network or outdoor access nearby taking account of the Core Path Plan (and any associated aspirational community routes).
Sports facilities	The effect of the development on demand for facilities and the unmet demand in the settlements nearby.
Public Art	Whether a development of a site would benefit from public art being an intrinsic element of the development proposal, and where the delivery of the Public Art Strategy will be enabled.

18.11

Policy 31 Developer Contributions

18.11.1

For development proposals which create a need for new or improved public services, facilities or infrastructure, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements. Such contributions will be proportionate to the scale and nature of the development proposed and may be secured through a Section 75 obligation or other legal agreement as necessary. Other potential adverse impacts of any development proposal will normally be addressed by planning condition but may also require a contribution secured by agreement.

The principles that guide the preparation of the Developer Contributions Supplementary Guidance are:

- Fair and proportionate developer contributions for all developments on sites allocated in either the Highland wide Local Development Plan or one of the area local development plans or in terms of windfall development;
- Developer contributions will be sought where a need for new or improved services, facilities or infrastructure has been identified that relates directly to the proposed development;
- Flexibility in approach to ensure that development can be brought forward in difficult economic circumstances while ensuring that the development has no net detriment;
- Facilitate informed decision making by those involved in the development process, allowing potential financial implications to be factored into development appraisals prior to commercial decisions and actions being undertaken.

Where exceptions are justified, all proposals should still accord with the general policies of the Plan and the [Housing in the Countryside / Siting and Design: Supplementary Guidance](#).

The Housing in the Countryside and Siting and Design: Supplementary Guidance will identify the main principles for housing proposals in all countryside areas. In particular, it will:

- identify wider development factors to be considered;
- provide advice on the identification of development opportunities;
- define exceptions to the policy;
- provide advice in relation to location, siting and design;
- highlight environmental and landscape issues.

Housing development proposals outwith the hinterlands around towns will be determined in accordance with Policy 36 – Development in the Wider Countryside.

19.9 Wider Countryside

19.9.1 The Council continues to support the development of rural areas, which comprise much of Highland because this will help maintain population, infrastructure and services. There are in particular many crofting and other 'townships' in the Plan area, not defined by Settlement Development Areas but where there is significant settlement within a locality and which is identifiable loosely as an established rural community.

19.9.2 However, development can have a significant impact upon the character of the landscape. Proposals should be sympathetic to this and landscape is a key consideration. The various landscape character assessments produced through [Scottish Natural Heritage](#) covering Highland broadly classify the types of landscape character present and provides advice about assessing proposals. Where appropriate, these will be applicable when examining proposals. So too will be the Council's forthcoming Siting and Design Guidance which will provide further advice on housing proposals

19.9.3 Development proposals within the wider countryside will be assessed against Policy 36: Wider Countryside. Exceptions to this are: development proposals for housing within hinterlands around towns, to be determined in accordance with Policy 35: Housing in the Countryside (Hinterland Areas); and renewable energy development proposals, to be assessed against the renewable energy policies, the non-statutory Highland Renewable Energy Strategy, and where appropriate Onshore Wind Energy: Supplementary Guidance. All proposals should still accord with the other general policies of the Plan.

19.10

Policy 36 Development in the Wider Countryside

19.10.1

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

- are acceptable in terms of siting and design;
- are sympathetic to existing patterns of development in the area;
- are compatible with landscape character and capacity;
- avoid incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics
- avoid, where possible, the loss of locally important croft land; and

- would address drainage constraints and can otherwise be adequately serviced, particularly in terms of foul drainage, road access and water supply, without involving undue public expenditure or infrastructure that would be 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 (as defined by [Highlands & Islands Enterprise](#)) in maintaining their population and services by helping to re-populate communities and strengthen services.

Within Fragile Areas, proposals that will lead to the change of use or loss of a lifeline rural facility such as a village shop, whether or not that facility is outwith the settlement development area, will be required to provide information as why the facility/use is no longer feasible including evidence that it has been marketed for that purpose at a reasonable price/rent for a minimum period of 3 months.

Renewable energy development proposals will be assessed against the Renewable Energy Policies, the non statutory Highland Renewable Energy Strategy and where appropriate, Onshore Wind Energy: Supplementary Guidance.

All proposals should still accord with the other general policies of the plan.

Development proposals for housing in the wider countryside will be determined against the relevant sections of the Housing in the Countryside and Siting and Design: Supplementary Guidance.

19.11 Ageing Population

- 19.11.1 As the demography of the Council area continues to change with the population bulge of the baby-boomer generation reaching retirement, the housing needs of the wider population are diversifying. The [Housing Need and Demand Assessment](#) identifies that the Highland population is ageing to a greater degree than that of the rest of Scotland. The shift in the age profile of our population continues with an anticipated 50% increase in the number of people of retirement age by 2021 and a slightly higher increase in those aged over 75.
- 19.11.2 With an increase in the older population there is an opportunity for the private sector to cater for this wide and significant sector of the housing market. Developing a true mix of housing types will assist the ability of the older population to live longer in their community. Housing development tuned to the priorities of the older population can draw those who are thinking forward to downsize and take advantage of homes that can more readily accommodate future needs.
- 19.11.3 Where a higher level of assistance is sought by individuals the solutions may involve the development of supported communities with facilities aimed at providing a sliding scale of care as and when needed. Development of supported communities should facilitate integration with the wider community. To this end, sites for such development should be within easy walking distance of local services.
- 19.11.4 There will be a role for dedicated care homes for people with the need for a greater level of assistance that can no longer be catered for within the home environment. Proposals for the provision of new care homes will be assessed in consultation with the Council's Social Work Service and NHS Highland. Proposals for new care home facilities should be of a scale that is appropriate to meet local needs.

20.23 Trees and Development

20.23.1 Trees and woodlands are a resource of multiple benefits with substantial contributions to landscape character and distinctiveness, biodiversity, the climate change agenda, and opportunities for recreation, economic development, and community spin offs. They play a vital role in integrating any new development into the surrounding area. The [Highland Forest and Woodland Strategy 2006](#) seeks to maximise the opportunities for new and existing forest and woodland and will be a material planning consideration when assessing a proposal's impact on woodland and forestry. Whilst this version is not intended to be made statutory Supplementary Guidance, its future review will seek this status. In addition the Council has prepared Supplementary Guidance on Trees, Woodland and Development which provides further detail and information on policies 51 Trees and Development, and 52 Principle of Development in Woodland.

20.24

Policy 51 Trees and Development

20.24.1

The Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development. Where appropriate a woodland management plan will be required to secure management of an existing resource.

The Council will secure additional tree/hedge planting within a tree planting or landscape plan to compensate removal and to enhance the setting of any new development. In communal areas a factoring agreement will be necessary.

The Council's Trees, Woodland and Development Supplementary Guidance will be adopted as statutory supplementary guidance. The guidance will identify the main principles for the protection and management of trees and woodland in relation to new development. It will:

- identify key relevant legislation and regulation;
- establish the key factors for assessment of development sites in relation to the presence of trees;
- give guidance on preparation of tree protection, management, planting and landscape plans;
- for developments involving a significant element of woodland, give advice on the need for a woodland management plan;
- provide advice for development within existing woodland on the potential for woodland removal and need for compensatory planting;
- generally support well planned developments which are designed to create and coexist with significant areas of new woodland.

20.25 Principle of Development in Woodland

20.25.1 In addition to a supportive policy framework for expansion of woodland there also needs to be a strong presumption in favour of protecting existing valuable woodland resources. The Scottish Government [Control of Woodland Removal](#) and Guidance documents clearly set out the justification and provide a strategic framework for appropriate woodland removal.

20.26

Policy 52 Principle of Development in Woodland

20.26.1

The applicant is expected to demonstrate the need to develop a wooded site and to show that the site has capacity to accommodate the development. The Council will maintain a strong presumption in favour of protecting woodland resources. Development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required.

The Council will consider major development proposals against their socio economic impact on the forestry industry within the locality, the economic maturity of the woodland, and the opportunity for the proposals to coexist with forestry operations.

For housing proposals within existing woodland, applicants must pay due regard to its integrity and longer term management.

In all cases there will be a stronger presumption against development where it affects inventoried woodland, designated woodland or other important features (as defined in Trees, Woodland and Development Supplementary Guidance).

All proposals affecting woodland will be assessed against conformity with the Scottish Government's Policy on [Control of Woodland Removal](#).

The current Highland Forest and Woodland Strategy will be considered as a material consideration. It is the intention that future reviews of the strategy will be adopted as supplementary guidance.

The Highland Forest and Woodland Strategy reflects the strategic directions of the Scottish Forest Strategy developing its priorities for action at the regional level and through its key principles seeks to:

- ensure sustainability;
- increase the community benefit from forestry and woodlands;
- identify opportunities for forest and woodland expansion compatible with other interests;
- improve existing forests and woodland to enhance forestry's contribution to the economy and environment of Highland;
- work with partners to address economic and infrastructure issues;
- retain and enhance the level of funding for forestry in Highland.

All minerals developments will have to provide information on pollution prevention, restoration and mitigation proposals. Restoration should be carried out in parallel with excavation where possible. Otherwise it should be completed in the shortest time practicable. Planning conditions will be applied to ensure that adequate provision is made for the restoration of workings. The Council will expect all minerals developments to avoid or satisfactorily mitigate any impacts on residential amenity, the natural, built and cultural heritage, and infrastructure capacities. After uses should result in environmental improvement rather than just restoring a site to its original state. After uses should add to the cultural, recreational or environmental assets of an area. A financial guarantee may be sought.

20.29

Policy 54 Mineral Wastes

20.29.1

The Council will encourage the minimisation and positive re-use/recycling of mineral, construction and demolition wastes.

Waste management is an issue to be addressed for new or existing extractions to the satisfaction of the Council for the prevention or minimisation, treatment, recovery and disposal of waste with a view to minimising waste generation and its harmfulness. A Waste Management Plan should be provided to show this information.

20.30

Policy 55 Peat and Soils

20.30.1

Development proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils.

Unacceptable disturbance of peat will not be permitted unless it is shown that the adverse effects of such disturbance are clearly outweighed by social, environmental or economic benefits arising from the development proposal.

Where development on peat is clearly demonstrated to be unavoidable then The Council may ask for a peatland management plan to be submitted which clearly demonstrates how impacts have been minimised and mitigated.

New areas of commercial peat extraction will not be supported unless it can be shown that it is an area of degraded peatland which is clearly demonstrated to have been significantly damaged by human activity and has low conservation value and as a result restoration is not possible.

Proposals must also demonstrate to the Council's satisfaction that extraction would not adversely affect the integrity of nearby Natura sites containing areas of peatland.

20.31 Accessibility and Transport

- 20.31.1 The Plan highlights the importance of supporting sustainable development. A key component is that development should be located and designed in such a way that, wherever possible, the need to travel is reduced and people have a choice of sustainable modes of travel between the main places where they might reside, work, shop, learn and do leisure activities. In particular, careful design can create places that are attractive and convenient for people and can significantly improve ease of access by non car modes, for example through the use/ implementation of 'Home Zones' and 'Safer Routes to School'. High quality infrastructure is important in attracting people to use alternatives to the car.
- 20.31.2 Given the rural nature of much of the Highlands, significant use of the private car can be expected to continue for many trips, particularly in the more remote and sparsely populated areas or where the population is highly dispersed. Nevertheless, through careful consideration of development proposals a greater level of sustainability can be achieved in new development in the Plan area overall, supporting sustainable travel modes. Opportunities may be taken through this to bring about accessibility improvements of wider benefit to communities, helping in their economic and social development.
- 20.31.3 Regard will be had to the [Regional Transport Strategy](#), national transport policies and priorities, the [Local Transport Strategy](#) and any relevant guidelines produced by the Council in implementing the Plan.

20.32

20.32.1

Policy 56 Travel

Development proposals that involve travel generation must include sufficient information with the application to enable the Council to consider any likely on- and off- site transport implications of the development and should:

- be well served by the most sustainable modes of travel available in the locality from the outset, providing opportunity for modal shift from private car to more sustainable transport modes wherever possible, having regard to key travel desire lines;
- in particular, the Council will seek to ensure that opportunities for encouraging walking and cycling are maximised;
- be designed for the safety and convenience of all potential users;
- incorporate appropriate mitigation on site and/or off site, provided through developer contributions where necessary, which might include improvements and enhancements to the walking/cycling network and public transport services, road improvements and new roads; and
- incorporate an appropriate level of parking provision, having regard to the travel modes and services which will be available and key travel desire lines and to the maximum parking standards laid out in Scottish Planning Policy or those set by the Council.

When development proposals are under consideration, the Council's Local Development Strategy will be treated as a material consideration.

The Council will seek to ensure that locations with potential for introducing bus priority measures are protected from development.

The Council will seek the implementation and monitoring of Green Travel Plans in support of significant travel generating developments.

Development proposals that are likely to affect the operation of any level crossing will be considered in accordance with the relevant part of the supplementary guidance associated with Policy 30: Physical Constraints.

Where site masterplans are prepared, they should include consideration of the impact of proposals on the local and strategic transport network. In assessing development proposals, the Council will also have regard to any implications arising from the relevant [Core Paths Plan](#) and will apply the terms of Policy 77: Public Access.

Transport Road Hierarchy



20.33 Figure 7: Highland Road Hierarchy

21. Safeguarding Our Environment A' Dìon ar n-Àrainneachd

21.1 Natural, Built and Cultural Heritage

21.1.1 The outstanding natural, built and cultural heritage of the Highlands has to be fully considered when development proposals come forward throughout the area. The Plan identifies three categories based on the type and importance of natural, built and cultural heritage they contain. These categories are local and regionally important, nationally important and internationally important.

21.1.2 **Local and regionally important** features are mostly identified by the Council, and contribute to the identity of the Plan area.

- Special Landscape Areas
- Category B and C(S) listed buildings
- Sites and Monuments Record archaeological sites
- War memorials
- Settlement setting
- Inventoried Semi-Natural Woodland and Long-Established Woodland (Plantation)
- Amenity trees
- Views over open water
- Wild Areas
- Locally important croft land
- Local Nature Conservation Sites
- Isolated coast
- un-notified Geological Conservation Review Sites and Local Geodiversity Sites
- Archaeological Heritage Areas
- Conservation Areas

21.1.3 **Nationally important** natural, built and cultural heritage features are identified by national organisations or by The Council under national legislation.

- Scheduled Monuments
- Category A listed buildings
- National Nature Reserves
- Tree Preservation Orders
- Sites of Special Scientific Interest
- Inventoried Gardens and Designed Landscapes
- National Scenic Areas
- Historic Battlefields
- National Park
- Designated wrecks
- Inventoried Ancient Woodland and Long-Established Woodland (Semi-Natural)

21.1.4 **Internationally important** natural and cultural heritage features are identified under government directives and European conventions.

- Special Protection Areas (including proposed)
- Special Areas of Conservation (including candidate)
- Ramsar sites

- 21.1.5 These categories and the features included within them may be updated should circumstances change during the Plan period.
- 21.1.6 **This Policy must be read in conjunction with the Proposals Map and the policy frameworks in Appendix 2.**
- 21.1.7 This policy sets out the tests against which all development which affects natural, cultural and built heritage features must be assessed. Where necessary, Appropriate Assessment (assessing the likely significant effects a Local Development Plan will have on a range of European designated sites) is undertaken for allocations prior to adoption of the Local Development Plan. However, individual Appropriate Assessments may be required to be completed for proposed developments prior to determining planning applications.
- 21.1.8 The historic and natural environment can have an important role to play in the sustainable economic growth of Highland, especially in relation to tourism. The Council also has in place Supplementary Guidance: Highland Historic Environment Strategy. The primary vision of the strategy is to ensure that the future management of change to the historic environment in Highland is based on an understanding of its economic, social and cultural values and that all future decisions are based on informed consideration of the heritage assets to ensure that they are protected and conserved for existing and future generations. Guidance notes on the historic environment will be developed for planning officers and developers during the lifetime of this plan. Existing guidance on the Council's website on archaeology will also be revisited and formalised. Historic Scotland has guidance notes which provide operational guidance: Managing Change in the Historic Environment Guidance Notes.
- 21.1.9 The impact on all natural, built and cultural heritage features must be addressed when considering and assessing development proposals, and the Background maps set out the locations of all these different features in so far as they have been mapped digitally on our system.
- 21.1.10 Features identified by the Council as being present at the time a proposal is considered and which are of the types indicated under the policy, but which have not yet been mapped, will still be subject of protection under this policy. Up to date information on the location of SAC, SPA, SSSI and NSA can be found on SNH's [website](#).

Policy 57 Natural, Built and Cultural Heritage

All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its setting, in the context of the policy framework detailed in Appendix 2. The following criteria will also apply:

1. For features of **local/regional importance** we will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource.
2. For features of **national importance** we will allow developments that can be shown not to compromise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services.
3. For features of **international importance** 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.

Note: Whilst Appendix 2 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 Proposal Map.

The Council intends to adopt the Supplementary Guidance on Wild Areas in due course. The main principles of this guidance will be:

- to provide mapping of wild areas;
- to give advice on how best to accommodate change within wild areas whilst safeguarding their qualities;
- to give advice on what an unacceptable impact is; and
- to give guidance on how wild areas could be adversely affected by development close to but not within the wild area itself.

In due course the Council also intends to adopt the Supplementary Guidance on the Highland Historic Environment Strategy. The main principles of this guidance will ensure that:

- Future developments take account of the historic environment and that they are of a design and quality to enhance the historic environment bringing both economic and social benefits;
- It sets a proactive, consistent approach to the protection of the historic environment.

21.3 Species and Habitats

- 21.3.1 Certain species are protected under European and/or UK law and their presence on or near a development site will require consideration to ensure no offence under the relevant legislation is committed and more generally that no adverse effect on population, including cumulatively, arises. On occasion a species licence as well as planning permission will be required. Certain habitats outwith designated sites are a general development consideration.
- 21.3.2 The Supplementary Guidance 'Highland's Statutorily Protected Species' provides advice on establishing which biodiversity issues may be found on a particular site and how to address these issues. A Biodiversity Checklist for Protected Species on Development Sites is appended to the guidance and any issues that the checklist highlights, directly pertaining to protected species, should be addressed prior to submission of a planning application. The guidance, including the checklist, will be incorporated into the assessment and determination of planning applications where this is appropriate. General biodiversity advice relating to development will be contained within a Sustainable Design Supplementary Guidance. In addition, the online Biodiversity Toolkit should be consulted. The Council may in due course also prepare further technical Supplementary Guidance in respect of Other Important Species and Other Important Habitats.
- 21.3.3 We will encourage the protection and enhancement of Green networks. These are multi-functional in benefit including for biodiversity, species and habitats. Article 10 Features of the Habitats Directive include for example, rivers and burns, loch and ponds, wetlands, hedgerows and other traditional field boundaries, areas of woodland and coastal habitats. These are part of the Green Network and a separate Policy 74 will also apply.
- 21.3.4 All wild birds are protected under the Wildlife and Countryside Act 1981 as amended. Certain bird species are given extra protection and these are listed in Schedules 1, 1A and A1 of the Act.
- 21.3.5 Sources for further information on the habitats and species protected, where available, are given in footnotes. Guidance on the assessment of significance of impacts on birds outwith designated areas can be found on the [SNH website](#). Guidance on consideration of European Protected Species in the planning process can be found on the [Scottish Government's website](#). Guidance on badger protection can be found on the [Council's website](#). Where more than one natural, built or cultural heritage feature occurs in an area, only the topmost tier feature will be indicated on the printed Proposals Map and therefore other features may nest underneath this, which should also be taken into account.

Policy 58 Protected Species

Where there is good reason to believe that a protected species may be present on site or may be affected by a proposed development, we will require a survey to be carried out to establish any such presence and if necessary a mitigation plan to avoid or minimise any impacts on the species, before determining the application.

Development that is likely to have an adverse effect, individually and/or cumulatively, on European Protected Species (see Glossary) will only be permitted where:

- There is no satisfactory alternative;
- The development is required for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and
- The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Development that is likely to have an adverse effect, individually and/or cumulatively, on protected bird species (see Glossary) will only be permitted where:

- There is no other satisfactory solution; and
- The development is required in the interests of public health or public safety.

This will include but is not limited to avoiding adverse effects, individually and/or cumulatively, on the populations of the following priority protected bird species:

- Species listed in Annex 1 of the EC Birds Directive;
- Regularly occurring migratory species listed in Annex II of the Birds Directive;
- Species listed in Schedule 1 of the Wildlife and Countryside Act 1981 as amended;
- [Birds of conservation concern](#).

Development that is likely to have an adverse effect, individually and/or cumulatively (see glossary), on other protected animals and plants (see Glossary) will only be permitted where the development is required for preserving public health or public safety.

Development proposals should avoid adverse disturbance, including cumulatively, to badgers and badger setts, protected under the Protection of Badgers Act 1992 (as amended by the Nature Conservation (Scotland) Act 2004).

21.5

Policy 59 Other Important Species

21.5.1

The Council will have regard to the presence of and any adverse effects of development proposals, either individually and/or cumulatively, on the Other Important Species which are included in the lists below, if these are not already protected by other legislation or by nature conservation site designations:

- Species listed in Annexes II and V of the EC Habitats Directive;
- Priority species listed in the [UK](#) and [Local](#) Biodiversity Action Plans;
- Species included on the [Scottish Biodiversity List](#).

We will use conditions and agreements to ensure detrimental affect on these species is avoided.

21.6

Policy 60 Other Important Habitats and Article 10 Features

21.6.1

The Council will seek to safeguard the integrity of features of the landscape which are of major importance because of their linear and continuous structure or combination as habitat “stepping stones” for the movement of wild fauna and flora. (Article 10 Features). The Council will also seek to create new habitats which are supportive of this concept.

The Council will have regard to the value of the following Other Important Habitats, where not protected by nature conservation site designations (such as natural water courses), in the assessment of any development proposals which may affect them either individually and/or cumulatively:

- Habitats listed in Annex I of the EC Habitats Directive;
- Habitats of priority and protected bird species (see Glossary);
- Priority habitats listed in the UK and Local Biodiversity Action Plans;
- Habitats included on the Scottish Biodiversity List.

The Council will use conditions and agreements to ensure that significant harm to the ecological function and integrity of Article 10 Features and Other Important Habitats is avoided. Where it is judged that the reasons in favour of a development clearly outweigh the desirability of retaining those important habitats, the Council will seek to put in place satisfactory mitigation measures, including where appropriate consideration of compensatory habitat creation.

21.7 Landscape

- 21.7.1 Landscape and scenic value are very important in Highland, both within and outwith designated areas with many landscapes of high quality offering striking views. Different types and scales of development are suited to different landscapes. We need to facilitate positive change in the landscape, by ensuring developments are appropriate for their specific location and facilitating where there can be enhancement or restoration of degraded landscapes.
- 21.7.2 Scottish Natural Heritage's landscape character assessments and landscape capacity studies provide guidance on the selection of an appropriate location and design for development. The aim is to ensure the landscape has the capacity for development whilst promoting sustainable growth.
- 21.7.3 Many of the landscapes of highest quality and value within Highland are designated landscapes including National Scenic Areas (NSAs) and Special Landscape Areas (SLAs) details of which can be found in Appendix 2. Within these areas it will be particularly important for landscape change to relate to the key characteristics and special qualities of the designated area.

21.8

Policy 61 Landscape

21.8.1

New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. This will include consideration of the appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of developments where this may be an issue. The Council would wish to encourage those undertaking development to include measures to enhance the landscape characteristics of the area. This will apply particularly where the condition of the landscape characteristics has deteriorated to such an extent that there has been a loss of landscape quality or distinctive sense of place. In the assessment of new developments, the Council will take account of Landscape Character Assessments, Landscape Capacity Studies and its supplementary guidance on Siting and Design and Sustainable Design, together with any other relevant design guidance.

Note: The principles and justification underpinning the Council's approach to sustainable developments are contained in the supplementary guidance: "Sustainable Design". The key principles underlying this guidance are set out in Policy 28: Sustainable Design.

21.9 Geodiversity

- 21.9.1 Geodiversity is the variety of rocks, minerals, fossils, landforms, sediments and soils, together with the natural processes which form and alter them. The diversity of rocks and landforms in Highland is the basis for landscape and scenery that is highly valued by residents and visitors alike. There are two European Geoparks in Highland: Lochaber and North West Highlands. They are areas of outstanding geological heritage where there is considerable local effort to conserve and encourage its enjoyment and understanding. We have a range of international, national and regional/local designations which help to safeguard our geodiversity: National Nature Reserves, Sites of Special Scientific Interest, un-notified Geological Conservation Review Sites and Local Geodiversity Sites. However, geodiversity interests in the wider landscape, outwith designated sites, are also important and represent an integral component of the scenery and the natural and built heritage of the Highlands.

21.10

Policy 62 Geodiversity

21.10.1

Development proposals that include measures to protect and enhance geodiversity interests of international, national and regional/local importance in the wider countryside, will be supported. The Council will also support improvement of accessibility and interpretation as an educational or geo-tourism resource, where it is possible to integrate sympathetically development, geodiversity and other existing interests.

21.11 Water Environment

21.11.1 A good quality water environment has many benefits. In recognition of this the European Union has adopted the Water Framework Directive which sets out to protect and improve the water environment taking account of water quality, quantity the physical form of water features and the species dependent on it for their survival. In this context, the water environment includes rivers and burns, lochs, canals, coastal and transitional waters (e.g. estuaries), wetlands and groundwater. In undertaking assessments of proposals which could affect the water environment, consideration should be given to the potential cumulative impacts of such developments.

21.11.2 In order to meet the requirements of the Water Framework Directive (200/60/EC), planning authorities are designated “responsible authorities” by the Water Environment and Water Services (Designation of Responsible Authorities and Functions) Order 2006. Responsible authorities must carry out their statutory functions in a manner that secures compliance with the objectives of the Directive (i) preventing deterioration; and, (ii) promoting improvements in the water environment; in order that all water bodies achieve “good” ecological status by 2015.

21.11.3 River Basin Management Plans have been produced using a partnership approach to help meet the aims of the Water Framework Directive. Highland is covered by the Scotland River Basin Management Plan with underlying Area Management Plans for the North Highland, West Highland, Argyll and North East due to be published late summer 2010. Further information on [River Basin Management](#) is available from SEPA's website.

21.11.4 The Council will contribute to the actions set out these plans, seeking to ensure the pressure placed on the water environment by development is minimised and opportunities to incorporate improvements are realised.

21.12

Policy 63 Water Environment

21.12.1

The Council will support proposals for development that do not compromise the objectives of the [Water Framework Directive \(2000/60/EC\)](#), aimed at the protection and improvement of Scotland's water environment. In assessing proposals, the Council will take into account the [River Basin Management Plan for the Scotland River Basin District](#) and associated Area Management Plans and supporting information on opportunities for improvements and constraints. (see Figure 8).



21.13 Figure 8: River Basin Management Plans covering Highland

21.14 Flooding

- 21.14.1 The risk of flooding from all sources is likely to increase with projected climate change (including sea level rise) and therefore it is important to have an overall aim of avoiding and reducing flood risk. Adequate flood management and mitigation will be important in the limited circumstances where avoidance is not possible. Flood risk is now an integral factor in the Council's choice of which areas of land to allocate for development.
- 21.14.2 However, developers need clear guidance on where flood risk is likely to occur and where they will be asked to undertake further assessment of that risk and the policy below helps provide that clarity. The Scottish Environment Protection Agency (SEPA) has produced maps of flood risk areas and these are a useful starting point for developers in considering the location of their proposals. These are available on the [SEPA website](#).
- 21.14.3 The Council intends to produce further Supplementary Guidance in the form of technical standards and checklists for the production of flood risk assessments and drainage impact assessments to ensure the implementation of the principles of the policy below and Policy 66 Surface Water Drainage.

21.15

Policy 64 Flood Risk

21.15.1

Development proposals should avoid areas susceptible to flooding and promote sustainable flood management.

Development proposals within or bordering medium to high flood risk areas, will need to demonstrate compliance with Scottish Planning Policy (SPP) through the submission of suitable information which may take the form of a Flood Risk Assessment.

Development proposals outwith indicative medium to high flood risk areas may be acceptable. However, where:

- better local flood risk information is available and suggests a higher risk;
- a sensitive land use (as specified in the risk framework of [Scottish Planning Policy](#)) is proposed, and/or;
- the development borders the coast and therefore may be at risk from climate change;

a Flood Risk Assessment or other suitable information which demonstrates compliance with SPP 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 (development) 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.

Where flood management measures are required, natural methods such as restoration of floodplains, wetlands and water bodies should be incorporated, or adequate justification should be provided as to why they are impracticable.

21.16 Waste Water Treatment

21.16.1 The best way to deal with the effluent generated by larger developments and/or settlements is by means of a 'publicly' maintained network of sewers and related sewage plants. SEPA as the relevant environmental agency has adopted a policy to encourage such treatment.

21.16.2 However, it is necessary to allow other private sewage treatment options in certain circumstances, in particular, where settlements are smaller, more dispersed in pattern and often not served by adequate existing or programmed existing public sewage systems. Developers should refer to [SEPA's Policy on the Provision of Waste Water Drainage in Settlements](#), for information.

21.17

Policy 65 Waste Water Treatment

21.17.1

Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 is required for all new development proposals:

- either in settlements identified in the plan with a population equivalent of more than 2000; or
- wherever single developments of 25 or more dwellings (or equivalent) are proposed.

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

- the development is unable to connect to a public sewer for technical or economic reasons; and
- 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. Within areas of cumulative drainage impact (as defined by SEPA), applicants will be required to submit evidence to SEPA and the Council that their proposal will not result in or add to significant environmental or health problems.

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.

21.18 Surface Water Drainage

21.18.1 Localised flooding can be caused or worsened by inadequate surface water drainage arrangements in new developments. Sustainable Drainage Systems provide control over quality and quantity of surface water drainage and provide opportunities for amenity and ecological enhancement.

21.19

Policy 66 Surface Water Drainage

21.19.1

All proposed development must be drained by Sustainable Drainage Systems (SuDS) designed in accordance with [The SuDS Manual \(CIRIA C697\)](#) and, where appropriate, the [Sewers for Scotland Manual 2nd Edition](#). Planning applications should be submitted with information in accordance with [Planning Advice Note 69: Planning and Building Standards Advice on Flooding](#) paragraphs 23 and 24. Each drainage scheme design must be accompanied by particulars of proposals for ensuring long-term maintenance of the scheme.

22. Sustainable Development and Climate Change Leasachadh Seasmhach agus Atharrachadh Aimsir

22.1 Renewable Energy Developments

22.1.1 The Highland area has great potential for renewable energy production and to contribute towards meeting ambitious targets set internationally, nationally and regionally. This is recognised in the Highland Renewable Energy Strategy (2006) and can bring benefits in terms of tackling climate change, increasing energy security and contributing to the local and regional economies of the Highlands. Onshore wind and hydro electric power are already making substantial contributions and are being joined by other technologies such as biomass, energy from waste, landfill gas and the marine renewables including offshore wind, wave and tidal. There is increasing interest in smaller scale developments of renewables, including both community and commercial ventures, and interest by communities in taking a share of large schemes. There is also the opportunity for greater use of micro-generation of renewable energy, to serve individual buildings or small groups.

22.1.2 Additional electricity transmission and distribution infrastructure will need to be developed in Highland in order to realise the region's potential contribution to renewable electricity generation, contributing to national requirements and in order to serve local needs. It is a national priority that the electricity network heading both south and east is improved to take advantage of the renewables potential. There will be requirements for both onshore and offshore transmission infrastructure. The vision set out in National Planning Framework for Scotland 2 for a sub-sea electricity network is supported by the Council. Certain grid reinforcement projects have been identified by the Scottish Government in the National Planning Framework 2 as being national developments. Such designation includes overhead transmission lines, underground and sub-sea cable routes and associated converter stations and substations. Identification as such in the Framework is the mechanism for establishing the need for these developments in Scotland's national interest. As developments of national importance, the Scottish Government expects their design to be of a high quality and rigorous consultation and assessment will be required for proposals. National Planning Framework 2 identifies the matters to be addressed when consent for these projects is sought. The national developments for grid reinforcement that are within or potentially linking with Highland include:

- upgrading the existing Beaulieu – Dounreay overhead transmission line;
- reinforcement of the Beaulieu – Keith overhead transmission line;
- reinforcement of the sub-sea cable link between Orkney and the Scottish mainland;
- new sub-sea cable links for the Outer Hebrides and the Shetland Islands.

22.1.3 The Highland Renewable Energy Strategy & Planning Guidelines (2006) provides supplementary planning guidance for a wide range of technologies. The Renewable Energy Resource Assessment on which it is based provides valuable information to prospective developers about a wide range of opportunities and constraints which can help to inform their site selection and formulation of proposals. Parts of the non-statutory Highland Renewable Energy Strategy and Planning Guidelines 2006 document relating to onshore wind energy are not compliant with national policy (notably those relating to a sequential approach). They will be superseded by the forthcoming Onshore Wind Energy Supplementary Guidance, which will have

statutory status. That Supplementary Guidance will include a spatial framework for windfarm development in Highland, together with other guidance for developers.

- 22.1.4 As part of more sustainable development of the Highlands our waste will be seen as a potential resource and, as part of a strategy which will see waste reduction and increased recycling, it will provide a source of energy and heat production. The Plan's Waste Management policies provide for this, whilst the Highland Heat Map will assist in identifying opportunities for the consideration of renewable heat through the Sustainable Design policy. In considering proposals for Energy from Waste facilities, the planning authority will have regard to SEPA's "Thermal Treatment of Waste Guidelines" (2009), which is part of the national waste management plan.
- 22.1.5 The relative significance of any particular consideration listed in Policy 67 in the decision-making process may vary with and depend upon the type and scale of scheme proposed, and the appropriate weight to be applied will be determined having regard to the circumstances of the particular proposal and with reference to the development plan as a whole and any material considerations.
- 22.1.6 In respect of "community" renewable energy developments which qualify for consideration under Policy 68, the extent of the relevant "community" will be assessed on a case by case basis, and could vary accordingly. For example, the relevant area may be a community council area, or the area which would benefit from a particular community venture or from the community share in a larger project. With respect to the potential relaxation of amenity requirements provided for by the policy, it is anticipated that this will apply primarily (but not necessarily solely) to local visual and landscape character amenity. In order to apply the relaxation, evidence will be required by the planning authority of a reasonable degree of local support for the proposal and that all potentially affected persons have been given the opportunity to object.

22.1.7 The Highland Council's Position on Renewable Energy Developments and 'Community Benefit'

- 22.1.8 The relative significance of any particular consideration listed in Policy 67 in the decision-making process may vary with and depend upon the type and scale of scheme proposed, and the appropriate weight to be applied will be determined having regard to the circumstances of the particular proposal and with reference to the development plan as a whole and any material considerations.
- 22.1.9 The Council will expect developments to benefit the local community and contribute to the wellbeing of the Highlands, whilst recognising wider national interests. The Council will seek to enter into agreements with developers as appropriate on behalf of local communities for environmental and socio-economic purposes. "Community benefit" arrangements which do not meet the tests set out in Circular 1/2010: Planning Agreements will not be taken into account in the development management process. However, anticipated socio-economic impacts that are related to the nature and scale of the renewable energy development itself will be a material consideration in the assessment or determination of the application. This information may be presented in any Environmental Statement prepared in respect of the development.

Policy 67 Renewable Energy Developments

Renewable energy development proposals should be well related to the source of the primary renewable resources that are needed for their operation. The Council will also consider:

- the contribution of the proposed development towards meeting renewable energy generation targets; and
- any positive or negative effects it is likely to have on the local and national economy;

and will assess proposals against other policies of the development plan, the Highland Renewable Energy Strategy and Planning Guidelines and have regard to any other material considerations, including proposals able to demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities.

Subject to balancing with these considerations and taking into account any mitigation measures to be included, the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments (see Glossary), having regard in particular to any significant effects on the following:

- natural, built and cultural heritage features;
- species and habitats;
- visual impact and impact on the landscape character of the surrounding area (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations);
- amenity at sensitive locations, including residential properties, work places and recognised visitor sites (in or outwith a settlement boundary);
- the safety and amenity of any regularly occupied buildings and the grounds that they occupy- having regard to visual intrusion or the likely effect of noise generation and, in the case of wind energy proposals, ice throw in winter conditions, shadow flicker or shadow throw;
- ground water, surface water (including water supply), aquatic ecosystems and fisheries;
- the safe use of airport, defence or emergency service operations, including flight activity, navigation and surveillance systems and associated infrastructure, or on aircraft flight paths or MoD low-flying areas;
- other communications installations or the quality of radio or TV reception;
- the amenity of users of any Core Path or other established public access for walking, cycling or horse riding;
- tourism and recreation interests;
- land and water based traffic and transport interests.

Proposals for the extension of existing renewable energy facilities will be assessed against the same criteria and material considerations as apply to proposals for new facilities.

In all cases, if consent is granted, the Council will approve appropriate conditions (along with a legal agreement/obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, where necessary), relating to the removal of the development and associated equipment and to the restoration of the site, whenever the consent expires, other than in circumstances where fresh consent has been secured to extend the life of the project, or the project ceases to operate for a specific period.

The Onshore Wind Energy Supplementary Guidance will replace parts of the Highland Renewable Energy Strategy. It will identify: areas to be afforded protection from windfarms; other areas with constraints; and broad areas of search for windfarms. It will set out criteria for the consideration of proposals. It will ensure that developers are aware of the key constraints to such development and encourage them to take those constraints into account at the outset of the preparation of proposals. It will seek to steer proposals, especially those for larger windfarms, away from the most constrained areas and ideally towards the least constrained areas and areas of particular opportunity. It will also set out criteria which will apply to the consideration of proposals irrespective of size and where they are located, enabling proposals to be considered on their merits. It will seek submission as part of the planning application of key information required for the assessment of proposals and provide certainty for all concerned about how applications will be considered by the Council.

22.3

Policy 68 “Community” Renewable Energy Developments

22.3.1

The Council’s initial assessment of renewable energy proposals will apply the same tests of acceptability for a community project as it would to a commercial proposal. However, where a community wishes to develop a small project solely as a community venture, or takes a share in a larger project, then where it is the only community significantly impacted by the proposal the Council will regard this as a material consideration. In such circumstances and subject to the proposals being assessed as acceptable under other relevant policies of the Plan, the Council may grant consent for renewable energy development with greater impacts upon the amenity of that community’s area as a place in which people reside or work than would normally be the case.

22.4

Policy 69 Electricity Transmission Infrastructure

22.4.1

Proposals for overground, underground or sub-sea electricity transmission infrastructure (including lines and cables, pylons/ poles and vaults, transformers, switches and other plant) will be considered having regard to their level of strategic significance in transmitting electricity from areas of generation to areas of consumption. Subject to balancing with this consideration, and taking into account any proposed mitigation measures, the Council will support proposals which are assessed as not having an unacceptable significant impact on the environment, including natural, built and cultural heritage features. In locations that are sensitive, mitigation may help to address concerns and should be considered as part of the preparation of proposals. This may include, where appropriate, underground or sub-sea alternatives to overground route proposals. Where new infrastructure provision will result in existing infrastructure becoming redundant, the Council will seek the removal of the redundant infrastructure as a requirement of the development.

22.13 The Highland Council's Position on Radioactive Waste in Highland

- 22.13.1 It is Council policy, as stated in the Council's programme for administration 'Strengthening the Highlands 2009-11', to continue to support the above ground storage of intermediate level waste from Dounreay until a Scottish waste strategy is agreed and implemented and to object to the use of Dounreay or any other site within the Highlands for a national nuclear waste repository.
- 22.13.2 The Council will continue to engage with Scottish Government on preparation of that national strategy for long term management of intermediate level waste.
- 22.13.3 Planning permission has been granted for facilities for the disposal of low level waste arising from the decommissioning of Dounreay and neighbouring Vulcan within the Dounreay site.

22.14 Pollution and Environmental Management

- 22.14.1 The high quality of the environment in Highland should not be taken for granted. Pollution can come in the form of increased noise levels, reduction in air quality, reduction in water quality or an increase in ambient light. Proposals should demonstrate the level of impact that they may have on the environment with regard to these types of pollution and if the impact is likely to be significant then how it could be mitigated. The following policy will apply to all land uses.

22.15

Policy 72	Pollution
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22.15.1

Proposals that may result in significant pollution such as noise (including aircraft noise), air, water and light will only be approved where a detailed assessment report on the levels, character and transmission and receiving environment of the potential pollution is provided by the applicant to show how the pollution can be appropriately avoided and if necessary mitigated.

Where the Council applies conditions to any permission to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

Major Developments and developments that are subject of Environmental Impact Assessment will be expected to follow a robust project environmental management process, following the approach set out in the Council's Guidance Note "Construction Environmental Management Process for Large Scale Projects" or a similar approach.

22.16 Air Quality

- 22.16.1 In certain areas of Highland there are some issues with air quality. It is important that we monitor these areas to ensure that there is not going to be an impact on the health of people in Highland or the quality of the environment because of development.
- 22.16.2 [The National Air Quality Strategy](#) sets out objectives and standards for the review and assessment of air quality to ensure that set levels of certain pollutants are not exceeded in areas where the public might be exposed. We also need to direct sensitive developments away from areas of poor air quality. The following policy will apply to all land uses.

23.7 Access to the Outdoors

23.7.1 Access to the outdoors is important to Highland for recreation, tourism and to help everyone maintain a healthy lifestyle. [The Land Reform \(Scotland\) Act 2003](#) established access rights to most land and inland water for everyone in Scotland. People only have these access rights if they exercise them responsibly by respecting people's privacy, safety and livelihoods and Scotland's Environment.

23.7.2 To aid the Council in meeting the provisions of the Land Reform Act, the Council have produced an [Access Strategy](#) and [Core Path Plans](#), in time, these will be adopted as Supplementary Guidance to this Plan.

23.7.3 Future area local development plans will endeavour to identify aspirational routes that can be delivered. More detailed guidance may be provided on the delivery of these routes through supplementary guidance.

23.8

Policy 77 Public Access

23.8.1

Where a proposal affects a route included in a [Core Paths Plan](#) or an access point to water, or significantly affects wider access rights, then The Council will require it to either:

- retain the existing path or water access point while maintaining or enhancing its amenity value; or
- ensure alternative access provision that is no less attractive, is safe and convenient for public use, and does not damage or disturb species or habitats.

For a proposal classified as a Major Development, the Council will require the developer to submit an Access Plan. This should show the existing public, non-motorised public access footpaths, bridleways and cycleways on the site, together with proposed public access provision, both during construction and after completion of the development (including links to existing path networks and to the surrounding area, and access point to water).

23.9

Policy 78 Long Distance Routes

23.9.1

The Council, with its partners, will safeguard and seek to enhance long distance routes (as indicated on Figure 11), and their settings. Consideration will be given to developing/improving further strategic multi user routes both inland and along the coast with due regard to the impact on the Natural Heritage features along these routes.