

Appendix A19.1

Schedule of Relevant
Planning Policies in the
Highland wide Local
Development Plan (HwLDP)



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1. Summary of Relevant Planning Policies in the HwLDP

Table A1.1: Summary of Relevant Planning Policies in the HwLDP

| HwLDP Policy | Policy Summary |
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| <i>Sustainable Design</i> | |
| Sustainable Design Policy 28 | <p>Assess development proposals on the extent to which they:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> – 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. <p>Developments which are judged to be significantly detrimental in terms of the above criteria will not accord with the Local Development Plan.</p> |



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| | <p>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.</p> |
| <p>Physical Constraints Policy 30</p> | <p>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:</p> <ul style="list-style-type: none"> • 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. <p>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.</p> |
| <p><i>Development in the Wider Countryside</i></p> | |
| <p>Development in the Wider Countryside Policy 36</p> | <p>Outwith Settlement Development Areas, development proposals will be assessed for the extent to which they:</p> <ul style="list-style-type: none"> • 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. <p>Development proposals may be supported if they are judged to be not significantly detrimental under the terms of this policy.</p> <p>All proposals should still accord with the other general policies of the plan.</p> |
| <p>Communication Policy 45</p> | <p>The Council will support proposals which lead to the expansion of the electronic communications network in Highland. This includes delivery of core infrastructure for telecommunications, broadband and other digital infrastructure.</p> |
| <p>Trees and Development Policy 51</p> | <p>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.</p> <p>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.</p> <p>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</p> |



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| | <p>management of trees and woodland in relation to new development. It will:</p> <ul style="list-style-type: none"> • 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. |
| <p>Principle of Development in Woodland Policy 52</p> | <p>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.</p> <p>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.</p> <p>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.</p> <p>For housing proposals within existing woodland, applicants must pay due regard to its integrity and longer term management.</p> <p>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).</p> <p>All proposals affecting woodland will be assessed against conformity with the Scottish Government's Policy on Control of Woodland Removal.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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. |
| <p>Minerals Policy 53</p> | <p>The Council will support the following areas for mineral extraction:</p> <ul style="list-style-type: none"> • Extension of an existing operation/site • Re-opening of a dormant quarry • A reserve underlying a proposed development where it would be desirable to extract prior to development. |



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| | <p>Before a new site for minerals development will be given permission, it must be shown that other existing reserves have been exhausted or are no longer viable or, for construction aggregates, amount to less than a ten-year supply of permitted reserves.</p> <p>The Council will support borrow pits which are near to or on the site of the associated development if it can be demonstrated that they are the most suitable source of material, are time limited and appropriate environmental safeguards are in place for the workings and the reclamation.</p> <p>Geodiversity will also be considered when assessing proposals; the Council may set out conditions covering working methods, restoration and after use to safeguard the geodiversity value. Geodiversity value may occur outwith designated sites. The Council will encourage opportunities to enhance geodiversity in all relevant development proposals including the potential to create, extend or restore geodiversity interests e.g. during mineral working and restoration.</p> <p>The Council will safeguard all existing economically significant, workable minerals reserves/operations from incompatible development which is likely to sterilise it unless:</p> <ul style="list-style-type: none"> • there is no alternative site for the development; and • the extraction of mineral resources will be completed before the development commences. <p>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.</p> |
| <p>Mineral Wastes Policy 54</p> | <p>The Council will encourage the minimisation and positive re-use/recycling of mineral, construction and demolition wastes.</p> <p>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.</p> |
| <p>Peats and Soils Policy 55</p> | <p>Development proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils.</p> <p>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.</p> <p>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.</p> |
| <p>Natural, Built and Cultural Heritage Policy 57</p> | <p>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:</p> |



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| | <p>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.</p> <p>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.</p> <p>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).</p> <p>Where the LPA is 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.</p> <p>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.</p> |
| Protected Species Policy 58 | <p>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.</p> <p>Development that is likely to have an adverse effect, individually and/or cumulatively, on European Protected Species (see Glossary) will only be permitted where:</p> <ul style="list-style-type: none"> • 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. <p>Development that is likely to have an adverse effect, individually and/or cumulatively, on protected bird species (see Glossary) will only be permitted where:</p> <ul style="list-style-type: none"> • There is no other satisfactory solution; and |



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| | <ul style="list-style-type: none"> The development is required in the interests of public health or public safety. <p>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:</p> <ul style="list-style-type: none"> 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. <p>Development that is likely to have an adverse effect, individually and/or cumulatively, on other protected animals and plants will only be permitted where the development is required for preserving public health or public safety.</p> <p>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.</p> |
| <p>Other Important Species Policy 59</p> | <p>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:</p> <ul style="list-style-type: none"> 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. <p>We will use conditions and agreements to ensure detrimental effect on these species is avoided.</p> |
| <p>Other Important Habitats and Article 10 Features Policy 60</p> | <p>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.</p> <p>(Article 10 Features). The Council will also seek to create new habitats which are supportive of this concept.</p> <p>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:</p> <ul style="list-style-type: none"> Habitats listed in Annex I of the EC Habitats Directive; Habitats of priority and protected bird species; Priority habitats listed in the UK and Local Biodiversity Action Plans; Habitats included on the Scottish Biodiversity List. <p>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.</p> |
| <p>Landscape</p> | <p>New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape</p> |



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| Policy 61 | <p>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, Capacity Studies and its supplementary guidance on Siting and Design and Sustainable Design, together with any other relevant design guidance.</p> |
| Geodiversity Policy 62 | <p>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.</p> |
| Water Environment Policy 63 | <p>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.</p> |
| Flood Risk Policy 64 | <p>Development proposals should avoid areas susceptible to flooding and promote sustainable flood management.</p> <p>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.</p> <p>Development proposals outwith indicative medium to high flood risk areas may be acceptable. However, where:</p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p>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.</p> |
| Surface Water Drainage Policy 66 | <p>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</p> |



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| | <p>2nd Edition. Planning applications should be submitted with information in accordance with Planning Advice Note 69:</p> <p>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.</p> |
| <p>Pollution Policy 72</p> | <p>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.</p> <p>Where the Council applies conditions to any permission to deal with pollution matters these may include subsequent independent monitoring of pollution levels.</p> <p>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.</p> |
| <p>Air Quality Policy 73</p> | <p>Development proposals which, individually or cumulatively, may adversely affect the air quality in an area to a level which could cause harm to human health and wellbeing or the natural environment must be accompanied by appropriate provisions, such as an Air Quality Assessment, (deemed satisfactory to the Local Authority and SEPA as appropriate) which demonstrate how such impacts will be mitigated.</p> <p>Some existing land uses may have a localised detrimental effect on air quality. Any proposals to locate development in the vicinity of such uses and therefore introduce receptors to these areas (e.g. housing adjacent to busy roads) must consider whether this would result in conflict with the existing land use. Proposals which would result in an unacceptable conflict with the existing land use to air quality impacts will not be approved.</p> |
| <p>Open Space Policy 75</p> | <p>The Council's long term aim for open space provision is for:</p> <ul style="list-style-type: none"> • the creation of sustainable networks of open space of high quality; • areas of local open space that are accessible by foot and linked to a wider network; • fit for purpose greenspaces and sports facilities that support and enhance biodiversity; and • open spaces that improve the quality of life of residents and visitors. <p>To achieve these aims any new residential development of 4 or more dwellings will be required to provide publicly accessible open space in line with the quantity, quality and accessibility requirements set out in the Open Space in New Residential Development: Supplementary Guidance.</p> <p>Existing areas of high quality, accessible and fit for purpose open space will be safeguarded from inappropriate development and enhancement will be sought, where appropriate. All sites identified in the Highland Council's Audit of Greenspace will be safeguarded unless:</p> <ul style="list-style-type: none"> • it can be suitably demonstrated that the open space is not fit for purpose; • substitute provision will be provided meeting the needs of the local area; or |



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| | <ul style="list-style-type: none"> development of the open space would significantly contribute to the spatial strategy for the area. |
| <p>Public Access Policy 77</p> | <p>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:</p> <ul style="list-style-type: none"> 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. <p>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).</p> |
| <p>Long Distance Routes Policy 78</p> | <p>The Council, with its partners, will safeguard and seek to enhance long distance routes, 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.</p> |