

A18.1 Planning Policy Context for Environmental Assessment

1 Introduction

- 1.1.1 The following sections provide a summary of the key planning policies that are relevant to Chapters 7 to 17 in this Environmental Statement (ES).
- 1.1.2 An assessment of compliance of the proposed Scheme in relation to these policies is provided in Appendix A18.2 (Assessment of Development Plan Policy Compliance), and is summarised in Chapter 18 (Policies and Plans).
- 1.1.3 Where policies relevant to a chapter have been identified by a previous chapter, the 'Summary of Policy' directs readers to the first reference in order to avoid repetition of information.

1.2 Chapter 7: Air Quality

- 1.2.1 Key principles of Scottish Planning Policy (Scottish Government 2014) (hereafter referenced as SPP) on air quality are:
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
 - avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality; and
 - supporting climate change mitigation and adaptation.
- 1.2.2 SPP states that the relationship between transport and land use has a strong influence on sustainable economic growth, and this should be taken into account when preparing development plans and in development management decisions. Policy indicates that a reduction in emissions from transport sources requires more sustainable modes of transport. It is suggested that the planning system should support a pattern of development which reduces the need to travel, encourages active travel and facilitates movement by public transport.
- 1.2.3 Circulars and Planning Advice Notes (PANs) published by the Scottish Government provide further guidance on specific topics. Documents of relevance to air quality are summarised in Table 1.

Table 1: National Planning Guidance and Advice

Reference	Title	Summary of Document
PAN 51	Planning, Environmental Protection and Regulation (Revised 2006)	The main function of this PAN is to support the existing policy on the role of the planning system in relation to the environmental protection regimes, including air quality. PAN 51 summarises the statutory responsibilities of the environmental protection bodies, as well as informing these bodies about the planning system. The document also provides information on European and domestic legislation and policy frameworks for ambient air quality.

- 1.2.4 Table 2 provides a summary of the key development plan policies that are of relevance to effects on air quality.

Table 2: Development Plan Policy for Air Quality

Reference	Title	Summary of Policy
Highland-wide Local Development Plan (2012)		
Policy 28	Sustainable Design	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: <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

Reference	Title	Summary of Policy
Policy 28	Sustainable Design	<p>utilisation of renewable sources of energy and heat;</p> <ul style="list-style-type: none"> • 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; and 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 this Local Development Plan.</p> <p>All development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, which requires that all developments should:</p> <ul style="list-style-type: none"> • conserve and enhance the character of the Highland area; • use resources efficiently; • minimise the environmental impact of development; • enhance the viability of Highland communities. <p>Compatibility should be demonstrated through the submission of a Sustainable Design Statement where required to do so by the Guidance.</p> <p>All developments must comply with the greenhouse gas emissions requirements of the Sustainable Design Guide.</p> <p>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.</p> <p>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.</p>
Policy 57	Natural, Built and Cultural Heritage	<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 of the LDP. The following criteria will also apply:</p> <ul style="list-style-type: none"> • 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. • 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. • 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

Reference	Title	Summary of Policy
		<p>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.</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> <p>The Council intends to adopt the Supplementary Guidance on Wild Areas in due course. The main principles of this guidance will be:</p> <ul style="list-style-type: none"> • 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. <p>In due course the Council also intends to adopt Supplementary Guidance on the Highland Historic Environment Strategy. The main principles of this guidance will ensure that:</p> <ul style="list-style-type: none"> • 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; and • it sets a proactive, consistent approach to the protection of the historic environment.
Policy 72	Pollution	<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>
Policy 73	Air Quality	<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>

1.3 Chapter 8: Noise and Vibration

1.3.1 Key principles of SPP on noise and vibration are:

- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality; and

- supporting good design and the six qualities of successful places.

1.3.2 Circulars and PANs published by the Scottish Government provide further guidance on specific topics. Documents of relevance to noise and vibration are summarised in Table 3.

Table 3: National Planning Guidance and Advice

Reference	Title	Summary of Document
PAN 1/2011	Planning and Noise (2011)	This PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It promotes the appropriate location of new potentially noisy development, and a pragmatic approach to the location of new development within the vicinity of existing noise generating uses, to ensure that quality of life is not unreasonably affected and that new development continues to support sustainable economic growth.

1.3.3 Table 4 provides a summary of the key development plan policies that are of relevance to effects on noise and vibration.

Table 4: Development Plan Policy for Noise and Vibration

Reference	Title	Summary of Policy
Highland-wide Local Development Plan (2012)		
Policy 28	Sustainable Design	See Table 2 above for full policy details
Policy 72	Pollution	See Table 2 above for full policy details

1.4 Chapter 9: Landscape

1.4.1 Key principles of SPP on landscape impacts are:

- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality; and
- supporting good design and the six qualities of successful places.

1.4.2 SPP indicates that landscapes and the natural heritage are sensitive to inappropriate development and encourages planning authorities to ensure that potential effects, including the cumulative effect of incremental changes, are considered when preparing development plans and deciding planning applications.

1.4.3 Transport Scotland has produced 'Fitting Landscapes' guidance which has the overarching vision to, *'promote the more sustainable design, implementation, maintenance and management of the transport estate and ensure that the landscapes we create and manage are of high quality, well integrated, bio-diverse, adaptable and deliver a meaningful contribution to national sustainability targets.'* (Transport Scotland 2014).

1.4.4 It is recognised in SPP that whilst the protection of the landscape and natural heritage can impose constraints on new development, *'developers should seeks to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement.'* (Scottish Government 2014).

1.4.5 Circulars and PANs published by the Scottish Government provide further guidance on specific topics. Documents of relevance to landscape and visual impacts are summarised in Table 5.

Table 5: National Planning Guidance and Advice

Reference	Title	Summary of Document
PAN 60	Planning for Natural Heritage (2000)	Provides advice on how development and the planning system can contribute to the conservation, enhancement, enjoyment and understanding of Scotland's natural environment and encourages developers and planning authorities to be positive and creative in addressing natural heritage issues. It complements the policy in SPP, with examples of good planning practice in relation to natural heritage drawn from across Scotland highlighted in a number of case studies.

1.4.6 Table 6 provides a summary of the key development plan policies that are of relevance to effects on landscape.

Table 6: Development Plan Policy for Landscape

Reference	Title	Summary of Policy
Highland-wide Local Development Plan (2012)		
Policy 28	Sustainable Design	See Table 2 above for full policy details
Policy 29	Design Quality and Place-Making	<p>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.</p> <p>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.</p>
Policy 30	Physical Constraints	<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>
Policy 36	Development in the Wider Countryside	<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. 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 and Islands Enterprise) in maintaining their population</p>

Reference	Title	Summary of Policy
		<p>and services by helping to re-populate communities and strengthen services.</p> <p>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.</p> <p>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.</p> <p>All proposals should still accord with the other general policies of the plan.</p> <p>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.</p>
Policy 51	Trees and Development	<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 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; and • generally support well planned developments which are designed to create and coexist with significant areas of new woodland.
Policy 52	Principle of Development in Woodland	<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. 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

Reference	Title	Summary of Policy
		<p>economy and environment of Highland;</p> <ul style="list-style-type: none"> • work with partners to address economic and infrastructure issues; and • retain and enhance the level of funding for forestry in Highland.
Policy 57	Natural, Built and Cultural Heritage	See Table 2 above for full policy details
Policy 61	Landscape	<p>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.</p> <p>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.</p>
Reference	Title	Summary of Policy
The Moray Local Development Plan (2015) – Relevant for specific areas, as noted in main chapter		
PP3	Placemaking	<p>All residential and commercial (business, industrial and retail) developments must incorporate the key principles of Designing Streets, Creating Places and the Council's supplementary guidance on Urban Design.</p> <p>Developments should;</p> <ul style="list-style-type: none"> • create places with character, identity and a sense of arrival • create safe and pleasant places, which have been designed to reduce the fear of crime and anti social behaviour • be well connected, walkable neighbourhoods which are easy to move around and designed to encourage social interaction and healthier lifestyles • include buildings and open spaces of high standards of design which incorporate sustainable design and construction principles • have streets which are designed to consider pedestrians first and motor vehicles last and minimise the visual impact of parked cars on the street scene. • ensure buildings front onto streets with public fronts and private backs and have clearly defined public and private space • maintain and enhance the natural landscape features and distinctive character of the area and provide new green spaces which connect to green and blue networks and promote biodiversity <p>The Council will work with developers and local communities to prepare masterplans, key design principles and other site specific planning guidance as indicated in the settlement designations.</p>
ER2	Development in Woodlands	<p><u>All woodlands</u> Development which involves the loss of woodlands will be refused where the development would result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the forest.</p> <p>Woodland removal will only be supported where it can be demonstrated that the impact on the woodland is clearly outweighed by social or economic benefits of national, regional and local importance, and if a programme of proportionate compensatory planting has been agreed with the Planning Authority.</p> <p><u>Protected Woodlands</u> Woodland removal within native woodlands, ancient semi natural and woodlands within sites protected under the terms of policies E1 and E2 will not be supported.</p> <p><u>Tree surveys and new planting</u> Development proposals must take account of the Council's Trees and Development supplementary guidance. The Council will require the provision of compensatory planting to mitigate the effects of woodland removal.</p>

Reference	Title	Summary of Policy
		Where appropriate the Council will seek opportunities to create new woodland and plant native trees in new development proposals. If a development would result in the severing or impairment of connectivity between important woodland habitats, mitigation measures should be identified and implemented to support the wider green network.

1.5 Chapter 10: Visual Impact

1.5.1 Key principles of SPP on visual impacts are:

- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality; and
- supporting good design and the six qualities of successful places.

1.5.2 SPP indicates that landscapes and the natural heritage are sensitive to inappropriate development and encourages planning authorities to ensure that potential effects, including the cumulative effect of incremental changes, are considered when preparing development plans and deciding planning applications.

1.5.3 It is recognised in SPP that whilst the protection of the landscape and natural heritage can impose constraints on new development, '*developers should seeks to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement.*' (Scottish Government 2014).

1.5.4 Circulars and PANs published by the Scottish Government provide further guidance on specific topics. Documents of relevance to landscape and visual impacts are summarised in Table 7.

Table 7: National Planning Guidance and Advice

Reference	Title	Summary of Document
PAN 60	Planning for Natural Heritage (2000)	Refer to Table 5 for full details.

1.5.5 Table 8 below provides a summary of the key development plan policies that are of relevance to effects on Visual Impact.

Table 8: Development Plan Policy for Visual Impact

Reference	Title	Summary of Policy
Highland-wide Local Development Plan (2012)		
Policy 28	Sustainable Design	See Table 2 above for full policy details
Policy 29	Design Quality and Place-Making	See Table 6 above for full policy details
Policy 52	Principle of Development in Woodland	See Table 6 above for full policy details
Policy 57	Natural, Built and Cultural Heritage	See Table 2 above for full policy details
Policy 61	Landscape	See Table 6 above for full policy details
The Moray Local Development Plan (2015)		
ER2	Development in Woodlands	See Table 6 above for full policy details

1.6 Chapter 11: Habitats and Biodiversity

1.6.1 Key principles of SPP on ecology and nature conservation are:

- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.

1.6.2 SPP sets out subject policy guidance on natural heritage in ‘Valuing the Natural Environment’ (paragraphs 193 to 218). SPP indicates that planning authorities should adopt a broad approach to natural heritage rather than just conserving designated or protected sites and species through taking into account ecosystems and natural processes in their area. SPP also states that planning authorities should support opportunities for enjoyment and understanding of natural heritage.

1.6.3 Circulars and PANs published by the Scottish Government provide further guidance on specific topics. Documents of relevance to ecology and nature conservation are summarised in Table 9.

Table 9: National Planning Guidance and Advice

Reference	Title	Summary of Document
PAN 60	Planning for Natural Heritage (2000)	Refer to Table 5 for full details.

1.6.4 Table 10 provides a summary of the key development plan policies that are of relevance to effects on Habitats and Biodiversity.

Table 10: Development Plan Policy for Habitats and Biodiversity

Reference	Title	Summary of Policy
Highland-wide Local Development Plan (2012)		
Policy 28	Sustainable Design	See Table 2 above for full policy details
Policy 30	Physical Constraints	See Table 6 above for full policy details
Policy 51	Trees and Development	See Table 6 above for full policy details
Policy 52	Principle of Development in Woodland	See Table 6 above for full policy details
Policy 57	Natural, Built and Cultural Heritage	See Table 2 above for full policy details
Policy 58	Protected Species	<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. 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 • 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</p>

Reference	Title	Summary of Policy
		<p>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 (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.</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>
Policy 59	Other Important Species	<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>
Policy 60	Other Important Habitats	<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. (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 (see Glossary). 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>
Policy 74	Green Networks	<p>Green networks should be protected and enhanced. Development in areas identified for the creation of green networks should seek to avoid the fragmentation of the network and take steps to improve its connectivity, where this is appropriate. The detailed identification of green networks around regional and sub regional centres (see Figure 10) will be carried out by the Council using the methodology described in the document “Green Networks: Supplementary Guidance”. Pending identification by the Council of green networks, both within the study areas and elsewhere, developers should identify, protect and enhance the existing network of green spaces and green corridors which link built-up areas to the surrounding countryside, using the methodology in the supplementary guidance. The main principles of the guidance are to:</p> <ul style="list-style-type: none"> help promote greenspace linkages and to safeguard and enhance wildlife corridors in and around new and existing developments; set out a methodology for identifying the Highland Green Network; enable new development to take advantage of the outstanding landscape in the area while also preserving areas of significant landscape value; and set out mechanisms for delivery of projects to maintain and enhance the existing green network.
Inner Moray Firth Local Development Plan (2015)		
Policy 4	Water and Waste Water Infrastructure	In line with Policy 65 of the HwLDP all allocated developments in the Inverness to Nairn Corridor will be required to connect to the public sewer (as defined in the Sewerage (Scotland) Act 1968).

Reference	Title	Summary of Policy
	in the Inverness to Nairn Growth Area	Improvements to the strategic waste water infrastructure in the area will be required in order to accommodate the level of development supported in this plan. Such improvements must ensure that there will be no adverse effect on the integrity of the bottlenose dolphin qualifying interest of the Moray Firth Special Area of Conservation in terms of the level of waste water treatment, either alone or in combination with other plans or projects. In considering the need to increase the level of abstraction from existing sources, or the need for other sources of abstraction to accommodate the level of development supported by this Plan, there must be no adverse effect on the integrity of the River Moriston SAC, Urquhart Bay Wood SAC and/or Loch Ashie SPA as a result of reduced water levels/flows on the relative qualifying features either alone or in-combination with other plans or projects. A developer assessment of these effects will be required.
Policy 5	Development Within the Water Catchment of Loch Flemington	<p>The Council will produce Supplementary Guidance to require that all development proposals within the water catchment of Loch Flemington (see Map 5) use appropriate foul drainage arrangements to facilitate the ecological recovery of the Loch. All such development proposals must comply with this guidance following its adoption.</p> <p>The guiding principles and objectives for such guidance will be:</p> <ul style="list-style-type: none"> • To safeguard the water quality of Loch Flemington, which is vital to its habitat value for Slavonian Grebes and therefore its Special Protection Area status; • To ensure no increase in phosphorous discharge within sewage or other effluent entering the loch and originating from development, including any soil disturbance, within the catchment; • To achieve 2 above, to ensure all development proposals incorporate suitable phosphorous mitigation. Acceptable mitigation will be defined and include diversion of foul water outwith the catchment, connection to adequate mains sewerage facilities, or an upgrade of an existing septic tank within the catchment to a higher standard of treatment; • To provide detailed guidance to applicants on how relevant applications will be processed, conditioned and these conditions enforced.

1.7 Chapter 12: Geology, Soils, Contaminated Land and Groundwater

1.7.1 Key principles of SPP on geology, soils, contaminated land and groundwater are:

- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment; and
- making efficient use of existing capacities of land, buildings and infrastructure.

1.7.2 PANs published by the Scottish Government provide further advice on specific topics. PAN 33 is applicable to contaminated land, details are summarised in Table 11.

Table 11: National Planning Guidance and Advice

Reference	Title	Summary of Document
PAN 33	Development of Contaminated Land (2000)	Provides advice on the implications of the contaminated land regime for the planning system; and the development of, and approach to, contaminated land in development plans. It also contains guidance on the determination of planning applications when the site is, or may be, contaminated.

1.7.3 Table 12 provides a summary of the key development plan policies that are of relevance to geology, soils, contaminated land and groundwater.

Table 12: Development Plan Policy for Geology, Soils, Contaminated Land and Groundwater

Reference	Title	Summary of Policy
Highland-wide Local Development Plan (2012)		
Policy 28	Sustainable Design	See Table 2 above for full policy details
Policy 30	Physical Constraints	See Table 6 above for full policy details
Policy 54	Mineral Wastes	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.
Policy 55	Peat and Soils	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.
Policy 57	Natural, Built and Cultural Heritage	See Table 2 above for full policy details
Policy 62	Geodiversity	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.
Policy 72	Pollution	See Table 2 above for full policy details

1.8 Chapter 13: Road Drainage and the Water Environment

1.8.1 Key principles of SPP on road drainage and the water environment are:

- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.
- supporting climate change mitigation and adaptation including taking account of flood risk;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities; and
- having regard to the principles for sustainable land use set out in the Land Use Strategy.

1.8.2 SPP sets out subject policy guidance in 'Flood Risk and Drainage' (paragraphs 254 to 268). SPP encourages planning authorities to take the probability of flooding from all sources (coastal, fluvial (water course), pluvial (surface water), groundwater, sewers and blocked culverts) and the risks involved with such flooding into account when preparing development plans and determining planning applications.

1.8.3 The following PANs published by the Scottish Government provide further advice on specific topics. PANs relevance to road drainage and the water environment are summarised in Table 13.

Table 13: National Planning Guidance and Advice

Reference	Title	Summary of Document
PAN 61	Planning and Sustainable Urban Drainage Systems (2001)	Provides good practice advice for planners and the development industry on the implementation of Sustainable Drainage Systems (SUDS) to aid the introduction of more sustainable developments.
PAN 69	Planning and Building Standards Advice on Flooding (2004)	Provides background information and best practice advice in support of the former SPP7 (Planning and Flooding) which has now been consolidated into SPP, and the Technical Handbooks published by the Scottish Building Standards Agency that provide guidance for the Building (Scotland) Regulations 2004. This Advice Note focuses on the responsibilities of local authorities and developers in ensuring that future built development is not located in areas with a significant risk of flooding, including functional flood plains.
PAN 79	Water and Drainage (2006)	Clarifies the role of the planning authority in setting the direction of development to inform the planning and delivery of new water infrastructure in a coordinated way. It explains the roles of Scottish Water and SEPA and encourages joint working in order to ensure a common understanding of capacity constraints and agreement on the means of their removal. It advises on the appropriateness of private schemes and the handling of Scottish Water developments.

1.8.4 Table 14 provides a summary of the key development plan policies that are of relevance to effects on road drainage and the water environment.

Table 14: Development Plan Policy for Road Drainage and the Water Environment

Reference	Title	Summary of Policy
Highland-wide Local Development Plan (2012)		
Policy 30	Physical Constraints	See Table 6 above for full policy details
Policy 36	Development in the Wider Countryside	See Table 6 above for full policy details
Policy 63	Water Environment	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.
Policy 64	Flood Risk	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: <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. 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.
Policy 65	Waste Water	Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 is

Reference	Title	Summary of Policy
	Treatment	<p>required for all new development proposals:</p> <ul style="list-style-type: none"> • 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. <p>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:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>
Policy 66	Surface Water Drainage	All proposed development must be drained by 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.
Policy 72	Pollution	See Table 2 above for full policy details
Inner Moray Firth Local Development Plan (2015)		
Policy 4	Water and Waste Water Infrastructure in the Inverness to Nairn Growth Area	See Table 10 above for full policy details

1.9 Chapter 14: Cultural Heritage

1.9.1 Key principles of SPP on cultural heritage are:

- protecting, enhancing and promoting access to cultural heritage, including the historic environment.

1.9.2 SPP sets out subject policy guidance on cultural heritage in 'Valuing the Historic Environment' (paragraphs 135 to 151) which includes policies relevant to Scheduled Monuments, Listed Buildings, Gardens and Designed Landscapes and Historic Battlefields.

1.9.3 The Government's Scottish Historic Environment Policy (SHEP) and the Managing Change in the Historic Environment Guidance Note series set out Scottish Ministers' policies for the historic environment and provide a framework that informs the work of a range of organisations that have a role and interest in managing the historic environment.

1.9.4 A summary of the SHEP and other national guidance and advice of relevance to cultural heritage is provided in Table 15.

Table 15: National Planning Guidance and Advice

Reference	Title	Summary of Document
SHEP	Scotland's Historic Environment Policy (December 2011)	This document consolidates the previous SHEP series into one policy document. The SHEP complements and has the same authority as the Scottish Planning Policy and other relevant Ministerial policy documents, and is a relevant consideration in the statutory planning, EIA and Strategic Environmental Assessment (SEA) processes. The policy of the Scottish Ministers states that: a) actions taken in respect of Scotland's historic environment should secure its conservation and management for the benefit and enjoyment of present and future generations; b) there should be a presumption in favour of preservation of individual historic assets and also the pattern of the wider historic environment; no historic asset should be lost or radically changed without adequate consideration of its significance and of all the means available to manage and conserve it; and c) Scotland's historic environment should be managed in a sustainable way, recognising that it is a social, cultural, economic and environmental resource of great value.
Guidance Note Series	Managing Change in the Historic Environment (2016)	The series describes how to apply the policies contained in the Scottish Historic Environment Policy (2009) (SHEP) and Scottish Planning Policy (2010). The guidance notes that are of particular relevance to the Project are 'Demolition' and 'Setting'. These documents set out the principles that apply to the demolition of listed buildings and unlisted buildings in conservation areas and those principles that apply to developments affecting the setting of historic assets or places.
PAN 2/2011	Planning and Archaeology (2011)	This PAN accompanies Scottish Planning Policy (SPP), Scottish Historic Environment Policy (SHEP) and the Managing Change in the Historic Environment Guidance Notes, which together set out the Scottish Ministers' policies for planning and the historic environment. The PAN includes guidance on archaeological assessments and field assessments as well as arrangements for mitigation. The PAN promotes the protection and preservation of archaeological sites and monuments, and their settings, in situ wherever feasible. Where preservation in situ is not possible, advice is provided on an appropriate level of excavation, recording, analysis, publication and archiving which should be carried out before and/or during development.
PAN 78	Inclusive Design (2006)	PAN 78 Supports the government's aim of promoting more equality in the areas where we live and work. The PAN aims to explain the importance of inclusive design, identify the nature of the problems experienced in designing inclusive environments and describe the legislative context. It also outlines the roles of the different stakeholders in delivering inclusive design and identifies the particular challenges of applying inclusive design when altering the historic environment to ensure accessibility for all users.

1.9.5 Table 16 provides a summary of the key development plan policies that are of relevance to effects on Cultural Heritage.

Table 16: Development Plan Policy for Cultural Heritage

Reference	Title	Summary of Policy
Highland-wide Local Development Plan (2012)		
Policy 28	Sustainable Design	See Table 2 above for full policy details
Policy 29	Design Quality and Place-Making	See Table 6 above for full policy details
Policy 57	Natural, Built and Cultural Heritage	See Table 2 above for full policy details

1.10 Chapter 15: People and Communities: Community and Private Assets

1.10.1 Key principles of SPP on community and private assets are:

- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting delivery of accessible housing, business, retailing and leisure development;
- promoting regeneration and the full and appropriate use of land, buildings and infrastructure;

- having regard to the principles for sustainable land use set out in the Land Use Strategy; and
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.

1.10.2 SPP sets out subject policy guidance on Community and Private Assets in ‘Supporting Business and Employment’ (paragraphs 92 to 108). SPP indicates that the fundamental principle of sustainable development is that it integrates economic, social and environmental objectives. The aim is to achieve the right development in the right place. SPP provides that the planning system should promote development that supports the move towards a more economically, socially and environmentally sustainable society.

1.10.3 Table 17 provides a summary of the key development plan policies that are of relevance to effects on community and private assets.

Table 17: Development Plan Policy for People and Communities: Community and Private Assets

Reference	Title	Summary of Policy
Highland-wide Local Development Plan (2012)		
Policy 12	Stratton	<p>The Council will support the long term development at Stratton in East Inverness subject to the following phasing of development. Only that development outlined in the table below will be supported in the 2011-2016 period, subject to the developer requirements set out below.</p> <p><u>Transport</u></p> <ul style="list-style-type: none"> • Dualling of the A96 between the Smithton and Inverness Retail and Business Park roundabouts; • Developer Contributions to Milburn Road cycle lane; • Provision of local distributor roads developed to the boundaries of the site which will provide unfettered access for later phases of development in East Inverness; • Provision of a Park and Ride site; • Car parking should be designed to be safe for all users; • Contributions towards local road improvements arising from the impacts of this development at Inshes roundabout; • Improvements to Smithton Roundabout; • Signalise all arms and changing lanes markings at Raigmore Interchange; • Lane markings will be required on the B865 approaches to Millburn roundabout; • Signalisation and lane improvements at Longman roundabout; • Improvements to West Seafield roundabout; • Provision of a right turn lane at the signalised junction between Barn Church Road and Tower Road; • Provide active travel linkages to key community facilities; • Provide active travel linkages within and out with the site; • Developer contributions will be sought towards public transport improvements; • Developer contributions will be sought towards transport infrastructure interventions; and • Upgrade of Barn Church Road.
Policy 13	Tornagrain	<p>The Council supports the development of Tornagrain as an essential component of the settlement strategy to meet the long term housing needs of the area.</p> <p>Development will be supported in self-contained phases, subject to infrastructure and services being provided to support the growth of the town.</p> <p>This spatial strategy supports the delivery of phases 1 and 2 of Tornagrain in the 2011 to 2021 period based on the developer</p>

Reference	Title	Summary of Policy
		<p>requirements identified below. The long term phasing proposals will be subject to major infrastructure upgrades to be determined in discussion with the Council, Scottish Water and Transport Scotland.</p> <p><u>Transport</u></p> <ul style="list-style-type: none"> • Improvements to Mid Coul Roundabout; • Improvements to Local Roads to be agreed with TEC Services; • Improvements to bus services; • Provision of active travel linkages to key community facilities; • Improvements to the active travel infrastructure of the area will be required; • Developer Contributions will be required to the improvement of the public transport system; • Discussion to take place with Network Rail and the Council with the aim of finding a long term solution to the safety issues associated with the Dalcross level crossing on the Inverness-Aberdeen railway line; • Policy Contributions towards wider strategic improvements to the trunk road network in line with early improvements required to the network by 2016.
Policy 18	Nairn South	<p>The Council will support the allocation of land at Nairn South for mixed-use development. The principal use will be residential. Provision for employment opportunities must also be made as part of development proposals that are submitted to the Council for approval.</p> <p>This allocation is subject to further assessment of the transport and infrastructure requirements that are necessary to enable development to progress.</p> <p>The northern boundary of the allocation adjoins an area of land extending to 5.1 hectares. This land is reserved in the Nairnshire Local Plan (adopted December 2000) for expansion of timber processing and other uses. It is the intention of the Council that this reservation will continue in force. The possibility that the existing sawmill on Balblair Road may expand on to this reservation must be taken in to account in the design of proposals for development in Nairn South.</p> <p>In the 2011-2016 period, the commencement of a first phase will be subject to the following requirements:</p> <p><u>Phasing</u></p> <ul style="list-style-type: none"> • The limit to the development of the first phase of Nairn South will be determined by a co-ordinated masterplanning exercise to be carried out for the area outlined in Map 9. In advance of the masterplan being prepared, and subject to the requirements (including transport appraisal) below being met, the residential component of the first phase will be strictly limited to 250 houses; <p><u>Transport</u></p> <ul style="list-style-type: none"> • Links to the town centre must be strengthened with good connectivity between the development and the existing fabric of the town. In particular the current pinch points at the railway bridge and the junctions with the A96 through Nairn must form part of a solution to open up development in phase 1; • Improvements to the B909 Cawdor Road connection particularly for pedestrians and cyclists; • Improvements to the B9091/B9090 junction will have to be identified and addressed as it is an unsatisfactory junction with poor visibility; • Consideration must be given to provision of a distributor-type link road between Balblair Road and Cawdor Road, to reduce reliance on Balblair Road as a link between Nairn South and the town centre; • Consideration must be given to provision of a footbridge over the railway in the vicinity of Duncan Drive, to facilitate walking and cycling journeys between Nairn South and schools, the town centre and other parts of the town; • Construction of the A96 By-pass is a long term solution to divert through traffic away from the centre of Nairn and, subject to further discussions with Transport Scotland, the developer will be required to contribute to its provision;

Reference	Title	Summary of Policy
		<ul style="list-style-type: none"> • The scale of any development which can proceed ahead of the bypass will depend in the adequacy of the alternative links referred to and the developer should demonstrate how these can be achieved; • The impact on existing residential areas from “through traffic” should be considered in detail; • Contributions will be sought to the improvement of active travel linkages into the town centre; • Contributions will be sought to improved public transport linkages to and from the allocation; • Contributions to the improvement of the local road network and connections with the strategic road network will be required; <p><u>Waste</u></p> <ul style="list-style-type: none"> • Any development at this allocation will be expected to meet the Council’s requirements within Managing Waste in New Residential Developments; <p><u>Green Networks and Open Space</u></p> <ul style="list-style-type: none"> • Linkage to the green network both within the site and linking to the wider green network of adjacent sites, including contribution towards strategic access improvements; • Contribution will be sought to the consolidation of the Green Network; • Open space should be delivered in line with the requirements of Open Space in New Residential Developments: Supplementary Guidance; • Natural, Cultural & Built Heritage • Provision of protected species surveys and, if necessary, mitigation; • Development should not adversely affect the natural heritage value of the riparian corridor, should retain access to the corridor and should protect trees; • Protection of the nearby Inner Moray Firth SPA/Ramsar and Whiteness Head SSSI, including through the approval of a Recreational Access Management Plan; <p><u>Design</u></p> <ul style="list-style-type: none"> • A detailed masterplan is to be produced for each phase of development; • The development must demonstrate the highest standard of urban design in keeping with the historic traditions of Nairn; • A buffer area shall be provided within the boundary of the Nairn South allocation. The buffer area shall be designed to ensure that the amenity of occupiers in Nairn South is not affected to an unacceptable degree by noise, dust, fumes or smells likely to arise from use of the 5.1 hectares sawmill expansion site for sawmill purposes; • Homezone principles will need to be applied; • The development will need to meet the requirements of the designing for sustainability guidance; <p><u>Education</u></p> <ul style="list-style-type: none"> • Developer contributions may be required towards education provision in line with Education and New Residential Development: Supplementary Guidance; <p><u>Housing</u></p> <ul style="list-style-type: none"> • A minimum of 25% of the development should be delivered as affordable housing; <p><u>Tourism-related and Business Development</u></p> <ul style="list-style-type: none"> • In preparing proposals for the site, consideration must be given to the extent to which tourism-related development and business development might be attracted to the site. If potential, either in the short term or in the longer term, is identified for one or both of these kinds of development, land must be reserved accordingly; <p><u>Miscellaneous</u></p>

Reference	Title	Summary of Policy
		<ul style="list-style-type: none"> • Subject to further discussion with the Education Culture and Sport Service, contributions towards primary and secondary school shortfalls caused as a result of the development; • Safeguarding of natural watercourses and flood plain through implementation of site specific drainage strategy and Flood Risk Assessment; • Masterplanning of the site should take into consideration of the findings of the Flood Risk assessment and avoid development at the edge of the functional flood plain; • Connections to the public water and waste water systems will be required. <p>In addition to the issues raised above, development of the later phases of Nairn South will also require to meet the following developer requirements:</p> <ul style="list-style-type: none"> • Contribution towards the strategic transport improvements to be identified in consultation with Transport Scotland; • Contribution in line with an amended A96 Protocol towards strategic infrastructure; • Contribution towards education provision including primary schools and secondary school; and • Contribution toward local road improvements.
Policy 19	Smaller Settlements in the A96 Corridor	The Council will support the re-allocation and early completion of expansion sites identified within the adopted Nairnshire and Inverness Local Plans. The Council will also support the development of the areas identified in the adopted Inverness Local Plan for longer term growth at Ardersier, Croy and Culloden Moor subject to a masterplanning process which will address issues including: extensive community consultation; servicing; phasing and landscape impact, and the site specific factors listed in the policies below.
Policy 28	Sustainable Design	See Table 2 above for full policy details
Policy 34	Settlement Development Areas	<p>We will support proposals within Settlement Development Areas (as defined in the existing local plans and future area local development plans) if they meet the requirements of Policy 28: Sustainable Design and all other relevant policies of the plan.</p> <p>We will also judge proposals in terms of how compatible they are with the existing pattern of development and landscape character, how they conform with existing and approved adjacent land uses, and the effect on any natural, built and cultural heritage feature (see Policy 57, Appendix 2, the Proposals Map and background maps within the relevant (area) local development plan(s)).</p> <p>Developments which are judged to be significantly detrimental in terms of the above criteria will not be supported unless there are clear material considerations which would justify permission being granted.</p>
Policy 36	Development in the Wider Countryside	See Table 6 above for full policy details
Policy 41	Business and Industrial Land	<p>The Council will support the development of strategic business and industrial sites/locations as indicated on the Proposals Map and listed below. Area local development plans will further identify and specify business and industrial sites within the settlements listed below and elsewhere. The Council will safeguard each site from other competing uses unless a development plan review concludes that the site is no longer required or suitable for business and industrial purposes. Scrabster, Forss, Thurso Business Park, Murkle Bay, Wick, Brora, Golspie, Dornoch, Tain, Nigg, Delny, Cromarty Industrial Park, Inverbreakie, Alness Business Park, Highland Deephaven, Evanton Industrial Estate, Dingwall Business Park, Muir of Ord, Kishorn, Lochalsh Business Park, Portree Industrial Estate, Broadford Industrial Estate, Corpach, Blar Mor Industrial Estate, Glen Nevis Business Park / Ben Nevis Industrial Estate, Kinlochleven Business Park, Carse Industrial Estate, Inverness East, Inverness Airport Business Park, Nairn South, Balmakeith.</p> <p>In the first instance, proposals for new business and industrial development will be directed to these sites and other land already</p>

Reference	Title	Summary of Policy
		<p>allocated for or accommodating an existing employment use. However, the Council will also support the principle of business and industrial proposals outwith these sites/areas if the land requirement is from an emerging industry with uncertain size and locational characteristics (such as marine renewables) or there is another unforeseen element to the requirement (such as a large inward investment). Developers will have to demonstrate that their proposals cannot reasonably be accommodated on existing allocated industrial and business sites. Such proposals will also still need to be assessed against other parts of the development plan and should set out and follow principles which accord with the vision and spatial strategy of this Plan.</p> <p>Supplementary Guidance which follows this approach may be prepared where time allows and the complexity of the issue suggests it appropriate.</p>
Policy 43	Tourism	<p>Proposals for tourist facilities will be assessed as to whether:</p> <ul style="list-style-type: none"> • the scale of the proposal is proportionate to its location/settlement; • the site is within a settlement boundary and whether it will complement existing/allocated tourist facilities within that settlement; • the proposal will increase the length of peoples stay, increase visitor spending or promote a wider spread of visitors; • the proposal will safeguard, promote responsible access, interpretation and effective management or enhancement of natural, built and cultural heritage features. • Area local development plans will identify more specific opportunities for enhancement of existing tourism facilities and areas where a co-ordinated approach to tourism is needed.
Policy 52	Principle of Development in Woodland	See Table 6 above for full policy details
Policy 75	Open Space	<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 • development of the open space would significantly contribute to the spatial strategy for the area.
Policy 76	Playing Fields and Sports Pitches	<p>Playing fields will be safeguarded from development and should not be redeveloped, except where:</p> <ul style="list-style-type: none"> • The proposed development is ancillary to the principal use of the site as a playing field; • The proposed development involved a minor part of the playing field which would not affect its use and potential for sport and training; • The playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport in a location which is convenient for its users, or by the upgrading of an existing playing field to provide a better quality facility either within the same

Reference	Title	Summary of Policy
		<p>site or at another location which is convenient for its users and which maintain or improved the overall playing capacity in the area; or</p> <ul style="list-style-type: none"> It can be clearly demonstrated that there is an excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.
Inner Moray Firth Local Development Plan (2015)		
Policy 1	Promoting and Protecting City and Town Centres	<p>The Council will not support any proposal for development that is likely to have an adverse effect on the vitality and viability of any of the centres listed below (includes Inverness, Nairn and Tornagrain) and highlighted on the maps in Section 4 of the LDP.</p> <p>Developers of proposals that generate footfall (visits by the general public) should consider sites that are suitable, in terms of the scale and type of development proposed, within those centres listed below. Developers should also consider how appropriate the scale and type of their proposed development is to the hierarchical scale and function of the centre within which it is proposed. If the Council considers that a proposal may result in an adverse impact on the vitality and viability of any of these centres then the developer will be required to produce a retail impact assessment. If this demonstrates an adverse impact then the development proposal will not be supported.</p>
Policy 2	Delivering Development	See Table 16 above for full policy details
The Moray Local Development Plan (2015)		
Policy ER5	Agriculture	<p>The Council will support the agricultural sector by:</p> <ol style="list-style-type: none"> Presuming against irreversible development on prime agricultural land (classes 1,2 and 3.1) unless the site is required for settlement expansion and there is no other suitable alternative. Supporting farm diversification proposals in principle and supporting business proposals which are intended to provide additional income/ employment on farms. <p>Proposals for agricultural buildings with a locational requirement will be subject to visual, landscape and amenity considerations and considered against the relevant environmental policies.</p>

1.11 Chapter 16: People and Communities: Effects on All Travellers

1.11.1 Key principles of SPP relevant to assessing effects on all travellers including effects on vehicle travellers (e.g. view from the road, driver stress) and effects on pedestrians, cyclists and equestrians are:

- supporting good design and the six qualities of successful places;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment; and
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies.

1.11.2 PANs published by the Scottish Government provide further guidance on specific topics. Details of relevant PANs are summarised in Table 18.

Table 18: National Planning Guidance and Advice

Reference	Title	Summary of Document
PAN 75	Planning for Transport (2005)	Aims to create greater awareness of how linkages between planning and transport can be managed. It highlights the roles of different bodies and professions in the process and points to other sources of information on the overlap of the two sectors.
PAN 77	Designing Safer Places (2006)	Aims to create greater awareness of how linkages between planning and transport can be managed. It highlights the roles of different bodies and professions in the process and points to other sources of information on the overlap of the two sectors.
PAN 78	Inclusive Design (2006)	Refer to Table 15 for full details.

1.11.3 Table 19 provides a summary of the key development plan policies that are of relevance to effects on effects on all travellers.

Table 19: Development Plan Policy for People and Communities: Effects on all Travellers

Reference	Title	Summary of Policy
Highland-wide Local Development Plan (2012)		
Policy 28	Sustainable Design	See Table 2 above for full policy details
Policy 29	Design Quality and Place-Making	See Table 6 above for full policy details
Policy 30	Physical Constraints	See Table 6 above for full policy details.
Policy 43	Tourism	See Table 17 above for full policy details
Policy 56	Travel	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>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.</p> <p>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.</p> <p>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.</p>
Policy 77	Public Access	<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

Reference	Title	Summary of Policy
		<ul style="list-style-type: none"> 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>
Policy 78	Long Distance Routes	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.
The Moray Local Development Plan (2015)		
PP3	Placemaking	See Table 6 above for full policy details

1.12 Chapter 17: Materials

1.12.1 Key provisions of SPP on design and materials are:

- to support sustainable development;
- to encourage the use of sustainable and recycled materials in construction; and
- promote development design that would contribute positively to the built and natural environment.

1.12.2 PANs published by the Scottish Government provide further guidance on specific topics. Details of relevant PANs are summarised in Table 20.

Table 20: National Planning Guidance and Advice

Reference	Title	Summary of Document
PAN 63	Waste Management Planning (2002)	<p>This Planning Advice Note (PAN) complements National Planning Policy Guideline (NPPG) 10: Planning and Waste Management. It also builds on the information given on land use planning for waste management in the National Waste Strategy: Scotland (NWS). The purpose of this PAN is to</p> <ul style="list-style-type: none"> Provide advice on a sustainable approach and change of emphasis from waste disposal to integrated waste management; Assist planning authorities in ensuring that development plans reflect the land use requirements for the delivery of an integrated network of waste management facilities; Provide a basis for more informed consideration of development proposals for waste management facilities; Enable planning authorities to implement the emerging and future Area Waste Plans; and Provide developers seeking planning permission for waste management facilities with advice on the issues taken into consideration when determining applications.

1.12.3 Table 21 provides a summary of the key development plan policies that are of relevance to effects on Materials.

Table 21: Development Plan Policy for Materials

Reference	Title	Summary of Policy
Highland-wide Local Development Plan (2012)		
Policy 28	Sustainable Design	See Table 2 above for full policy details
Policy 54	Mineral Wastes	See Table 12 above for full policy details
Policy 72	Pollution	See Table 2 above for full policy details