

Issue 7	Miscellaneous Policies	
Development plan reference:	Other Policies not included in the Plan	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
245 Crofting Commission 161 Mobile Operators Association 051 Scottish Government		
Provision of the development plan to which the issue relates:	Policies sought which are not currently included in the Plan.	
Planning authority's summary of the representation(s):		
<p><u>Land under crofting tenure</u> Crofting Commission (245) - The LDP should include clear guidance for land under crofting tenure and it would be helpful if this set out the considerations taken into account by the Crofting commission when creating new crofts or decrofting land. Key considerations include:</p> <ul style="list-style-type: none"> • previous history of decrofting and division • ensuring the separated land removed as croft, and remaining as croft are not in conflict by way of the need for long access roads, access of the one through the other • whether the move to decroft or divide is speculative development detrimental to crofting and the crofting community, without any clear benefits for the crofting community or the sustainable development of crofting. • recognition of the need to live and work on the croft, thus creating the need for a dwelling. • Recognition of wider family and community housing requirements which assist in supporting the croft • Options to raise capital to support the croft including investment and /or diversification <p>It is also requested that a policy be included for croft and common grazings creation on land assets held in ownership by the Local Authority which would enable the sustaining and enhancement of the rural population in communities.</p> <p><u>Telecommunications</u> Mobile Operators Association (161) Requests inclusion of a telecommunication policy and supporting text within the Plan (wording supplied).</p> <p><u>Climate change</u> Scottish Government (051) - Concerned plan does not expressly deal with legislative requirements of Section 3F of Town and Country Planning Scotland Act regarding Greenhouse gas emission policy. Question whether proposed sections</p>		

on sustainable design and renewable are sufficient in terms of the legislative requirements. Highlight the approach Perth and Kinross Council have used to deal with this matter (more details provided) suggesting it may be appropriate within CNP.

Modifications sought by those submitting representations:

Land under crofting tenure

Crofting Commission (245) - Add another policy to clarify the position for development on crofting tenure.

Telecommunications

Mobile Operators Association (161) Add policy on telecoms which reads Proposals for telecommunications development will be permitted provided that the following criteria are met: -

- (i) the siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area;
- (ii) if on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building;
- (iii) if proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the (local) planning authority.
- (iv) If proposing development in a sensitive area, the development should not have an unacceptable effect on areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or buildings of architectural or historic interest.

When considering applications for telecommunications development, the (local) planning authority will have regard to the operational requirements of telecommunications networks and the technical limitations of the technology.

And supporting text which read "Mobile communications are now considered an integral part of the success of most business operations and individual lifestyles. With the growth of services such as mobile internet access, demand for new telecommunications infrastructure is continuing to grow. The authority is keen to facilitate this expansion whilst at the same time minimising any environmental impacts. It is our policy to reduce the proliferation of new masts by encouraging mast sharing and siting equipment on existing tall structures and buildings."

Climate change

Scottish Government (051) Request CNP revisit the Greenhouse gas emission policy issue, and clearly set out how the Plan meets the requirements of the legislation.

Summary of responses (including reasons) by planning authority:

Land under crofting tenure

Crofting Commission (245) – The representation seeks additional information be included in the Plan to clarify what will and will not be permitted on land under crofting tenure.

The CNPA accepts that with a number of crofts within the Park there is a need for some clarity to guide crofters in any applications for development they may have. However, the CNPA are of the view that whether a small holding is a croft or not, is not the driving force behind decision making. Any development proposals on land under croft tenure are treated by the planning system as with any other land, and development proposals are considered on their merits, judged against all relevant policies and any other material considerations. The CNPA does however see merit in providing applicants dealing with land under croft tenure with useful information which may help their particular circumstances. As such the CNPA are happy to produce additional information which, while not being part of the Plan or Supplementary Guidance, and not used formally in the decision making process, would provide information along the lines of the representation received. The CNPA therefore would not support a change to the Plan to include such information, but will undertake to produce such additional information following adoption of the Local Development Plan.

Telecommunications

Mobile Operators Association (MOA) (161) – The representation seeks an additional policy be included dealing solely with telecommunications. The objector has helpfully supplied wording which clarifies the issues which they consider need additional guidance. The wording suggested looks at visual impact, design, impact on ecology, landscape impact, and impact on cultural heritage. The CNPA position is that policies in the Plan have been written to provide the appropriate level of guidance for all forms of development, including telecommunications. Text in the introduction (Chapter 1) clarifies the need to ensure applications comply with all relevant policies. Applicants would therefore be expected, for example, to consider the impact of their development against Policy 5 Sustainable Design, Policy 6 Natural Heritage, Policy 7 Landscape, and Policy 10 Cultural Heritage. The CNPA does not consider the inclusion of the wording suggested as being of further help in this regard, and rather consider it could instead provide for a dilution of the direction provided in the individual policies listed above, that would not be helpful.

Climate change

Scottish Government (051) - Section 3F of Town and Country Planning Scotland Act 1997 requires that a planning authority include policies requiring all development to be designed so as to ensure that new buildings avoid a specified and rising proportion for the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the development, through the installation and operation of low and zero-carbon generating technologies.

Paragraph 44 of Scottish Planning Policy goes on to state that in responding to Section 3F, planning authorities should 'Take into account technical constraints which may exist including the availability of appropriate and effective technology and its practical application to different scales of development. Local development plans or supplementary guidance should set out the approach to existing buildings which are being altered or extended including historic buildings, and the approach to applications where developers are able to demonstrate that there are significant technical constraints to using on-site low and zero carbon generating technologies. It is recommended that development plan policies for development involving low and zero carbon generating technologies should accord with the

standards, guidance and methodologies provided in building regulations.’

Policy 5 Sustainable Design requires that all development proposals be accompanied by a design statement which explains how the development has been designed, and how to minimise the effect of that development and design on climate change in terms of siting, construction and on completion. Policy 5 goes on to require, also as part of the design statement, details of the resources to be used in design and construction, for its future maintenance and in any decommissioning, these being considered for their impact on minimisation of energy, waste and water usage.

The CNPA has considered the approach taken by Perth and Kinross, as suggested. It accepts that the approach taken in the CNP does not set such definable standards as set out by Perth and Kinross. The CNPA can see the merit of setting out clear standards which can be measurable, and agrees that a clear link to building standards is an excellent way to achieve this. However, CNPA do not feel that embedding these standards within the Plan is advisable since these regulations are subject to change in a way which could render the text of the Plan outdated. However, CNPA can see the merit in the inclusion of additional text to clarify this is the standard required, and suggests this be added to sub para a) and d) of the policy to read “a) minimize the effect of the development on climate change in terms of siting, construction and once complete, to a minimum standard in compliance with those set out in the Building Standards Technical Handbook”; and “d) make sustainable use of resources, (including the minimisation of energy, waste, and water usage), within the future maintenance arrangements, and for any decommissioning which may be necessary, to a minimum standard in compliance with those set out in the Building Standards Technical Handbook.” In addition, CNPA suggests that in finalising supplementary guidance associated with this policy, additional information could be included to make clear the standards set out in Building Standards and to follow the approach taken in Perth and Kinross Council. This approach would allow the plan policy to remain accurate, with any amendments to supplementary guidance to take account of changes to building standards to occur as necessary.

Reporter’s conclusions:

Reporter’s recommendations: