

CONSULTATION RESPONSES

CONSULTEE

Historic Environment Scotland

Date of response – 17 June 2024

Thank you for your consultation which we received on 11 June 2024. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

Ref	Name	Designation Type
SM1684	St Columba's Church, Aiginis, Uidh	Scheduled Monument
LB19210	Ui Church Graveyard (St Columba's), excluding Scheduled Monument No 1684 'St Columba's Church, Aiginis, Uidh', Aignish, Isle of Lewis	Listed Building

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our [‘Managing Change in the Historic Environment’ series](#). Technical advice is available through our [Technical Conservation website](#).

CONSULTEE

Historic Environment Scotland

Date of response – 18 January 2024

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CONSULTEE

Crofting Commission

Date of response – 11 June 2024

Thank you for your e-mail and an invitation to comment upon a planning application. The Crofting Commission regrets that it is unable to respond individually to such invitations.

Our general position in relation to planning applications concerning croft land is that:

- The siting of any proposed development should not restrict the continuing cultivation of a croft
- The siting of any proposed development should not restrict proper access to all other areas of a croft
- The siting of any proposed development avoids using the better quality land on a croft
- Consideration be given to the number of existing developments relating to a croft to ensure that the croft should retain its identity as a crofting unit

Generally, the Commission is supportive of developments on croft land where there is an operational need that will be beneficial to the croft. For example, the Commission would generally be supportive of an application for a dwelling house on a croft where the applicant is a croft tenant or an owner-occupier crofter who personally wishes to reside on and cultivate the croft.

CONSULTEE

Crofting Commission

Date of response – 12 February 2024

The Crofting Commission wish to make the following observations to assist the Comhairle nan Eilean Siar Planning Authority to determine the application at hand.

The proposed development is being carried out on land which is subject to crofting tenure. Namely Melbost and Branahuie common grazings and Aignish common grazings.

Melbost and Branahuie common grazings consists of three separate areas:

The area where the proposed development is planned amounts to twenty-eight hectares. This area has fifty-eight shareholders from Melbost and Branahuie who have legally recognised grazings rights.

There is a further area of twenty-two hectares, however our records note that particular area pertains to the Branahuie shareholders only.

A third area located on the Western side of Stornoway amounts to 250 hectares. And is of a very rough nature with a limited grazing potential compared to the c.g areas situated around the township.

Aignish common grazing has two separate areas of common grazings.

The township common grazings extends to a total of twenty-five hectares of township grazings.

There is a further area of 37 ha, which is located to the Southwest of Stornoway. This additional area is understood by the Crofting Commission to be also of a very rough nature with limited grazings potential compared to the better-quality township area, where the proposed development is proposed.

Aignish common grazings currently has thirty-three shareholders who have legally recognised grazing rights within the above common grazings areas.

Both these common grazing areas are considered to be vitally important to the crofting activities and active shareholders within both townships due to:

- both its better grazings potential.

- Stock management and rotation.
- accessibility due to being located beside the relevant crofting township.

Both these common grazings are understood to be used actively by shareholders for stock management and grazing purposes, with both grazings always returning a properly appointed and active grazings committee to manage the common grazings areas.

Land Capability for Agriculture

The Commission has used the MacAulay Land Capability for Agriculture (LCA) classification, which is the system which ranks land, based on its productivity and cropping potential as determined by factors such as soil type, climate, and elevation. The LCA is a seven-class system with Class 1 (highest productivity potential) to Class 7 land which is of limited agricultural value.

The proposed development is being carried out on an area designated as being in the 5.1 range, which is described as land capable of use of improved grassland.

Establishment of a grass sward and its maintenance present few problems and potential yields are high with ample growth throughout the season. Patterns of soil, slope or wetness may be slightly restricting but the land has few poaching problems. High stocking rates are possible.

Comhairle nan Eilean Siar - Planning Policy & Guidance

It is unclear, whether the proposed development area would be classed as a rural settlement area by being connected to a crofting township or classed as out with a settlement area.

If the area is designated as a rural settlement, then the Crofting Commission notes that the development on croft land should not adversely affect the operational use and sustainability of the croft unless the development is required for reasons of overriding public interest.

It should be noted that the common grazings are considered as an extension of the individual crofts within the township, and so the development and crofting tenure should be considered in this context.

It is also noted that proposal should be sited to use the least amount of productive croft land where practical and should not fragment the croft in such a way that affects its potential for cultivation or purposeful use. This methodology is considered by the Crofting Commission to be correct and should be applied to the common grazing land which is an extension to the individual in bye crofts within the township. Cultivation within crofting legislation is inclusive of the practice of grazing livestock.

If the area is designated as being out with the settlement area, then the Crofting Commissions understanding is that the development proposal for non-residential use on green field sites must demonstrate a clearly justified need for the proposed development in that location.

Observations and Concerns

Our understanding at this time is that the applicant has no permissions, or any rights to carry out such a development on land which belongs to the Stornoway Trust and where there are a considerable number of crofters who have rights within the areas proposed for development.

There is a concern that if planning permission is granted, that this could be construed to be giving permission for the development to proceed without any further legal process.

If planning permission were to be granted, it should be made clear to the applicant that this does not entitle the applicant to proceed, without first following a recognised avenue within crofting legislation for such a development to proceed with legal certainty and for those with rights to be appropriately compensated.

The Crofting Commissions understanding of the proposal is that it will create a 3m access track within a 6m corridor, which would effectively remove a sizable area permanently from the common grazings and the ability of shareholders to exercise their full legal rights.

Within the application it is noted that the applicant has not provided an exact area of land which would be affected by the proposed development; however, an approximate measurement would indicate that potentially 0.5 hectares would be removed from Melbost and Branahuie common grazings and a further potential 0.4 hectares would be removed from Aignish common grazings.

It should be noted that both these common grazings are relatively small in nature compared to other common grazings and have a considerable number of shareholders, and so the removal of these significant areas would not be considered appropriate.

It is unclear at this juncture, what the justification or the need for the proposed development is, as there is no evidence provided within the planning application.

From the evidence supplied within the planning application photographs, there already appears to be sufficient access and a path for amenity purposes as well as a beach.

The Crofting Commission has received correspondence from the Aignish grazings committee who have expressed a high degree of concern about the proposed development and who have also confirmed there is already adequate access for members of the public to access and enjoy the area.

Given the above uncertainties and concerns, the Crofting Commission does not support the proposed development within this planning application and would request that the application be refused.

CONSULTEE

Scottish Water

Date of response - 18 June 2024

Scottish Water has no objection to this planning application. The applicant should be aware that this does not confirm that the proposed development can currently be serviced.

Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, [the developer should refer to our guides which](#) detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will typically require surface water to be eliminated from any new discharges of trade effluent.

Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus

CONSULTEE

Scottish Water

Date of response – 19 February 2024

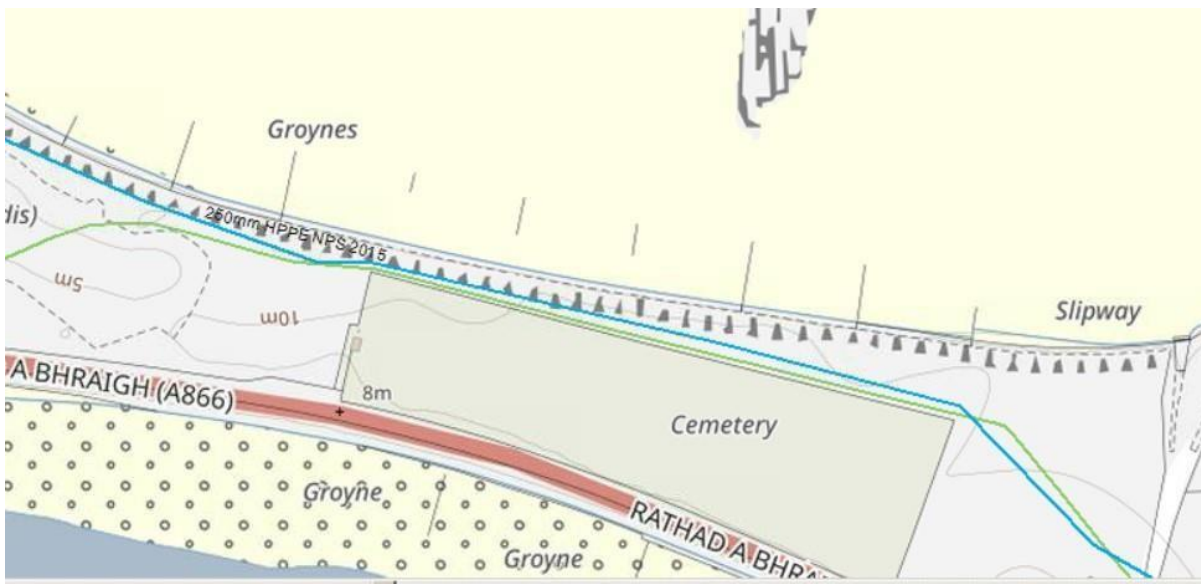
Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

- An abandoned water main.
- 250mm HPPE water main running parallel to your planned route.



The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus.

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

CONSULTEE

Scottish Water

Date of response – 07 November 2023

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

CONSULTEE

SSEN

Date of response – 12 June 2024

With reference the above application, SSEN would register no objections to the proposed works.

The works will be in proximity to existing 11,000V overhead lines, low voltage & high voltage underground cables. All works will need to be in accordance with the HSE guidance notes GS6 & GS47.

I would ask that the applicant or their appointed contractor contact the local depot on either 01851 706922 or email western.isles.depot@sse.com to arrange an on site meeting in advance of works commencing on site to confirm the required safety precautions applicable during the construction phase of the project.

CONSULTEE**SSEN****Date of response – 08 February 2024**

With reference to the above application, SSEN would register no objections to the proposed works.

The works will be in proximity to existing 11,000V overhead lines, low voltage & high voltage underground cables. All works will need to be in accordance with the HSE guidance notes GS6 & GS47.

I would ask that the applicant or their appointed contractor contact the local depot on either 01851 706922 or email western.isles.depot@sse.com to arrange an on site meeting in advance of works commencing on site to confirm the required safety precautions applicable during the construction phase of the project.

CONSULTEE**NATS****Date of response – 06 November 2023**

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

CONSULTEE**Comhairle Archaeology****Date of response – 12 June 2024**

Thank you for consulting the Archaeology Service. The Braighe has several known significant archaeological sites identified on the Historic Environment Record, most indicate significant buried archaeological layers within the machair dunes. It is noted on the submitted plans that no excavation, such as cut, fill, or borrow pits are proposed for the coastal pathway beyond facilitating the topsoil strip for the 300mm foundation layer. If additional excavation beyond this is anticipated, further consultation with the Archaeology Service is recommended.

It is also worth noting that the Scheduled Monument, St Columba's Church, Aiginis (SM1684) and its Category A Listed Graveyard (LB19210), are located approximately 115m to the northeast of the eastern extent of the proposed pathway. Historic Environment Scotland should be consulted regarding this application.

Please be advised that the Archaeology Service has no issues with this proposed application as it is presented.

CONSULTEE**Comhairle Roads, Bridges and Streetlighting****Date of response – 22 January 2024**

No objection.