



24/00182/PPD – CHANGE OF USE OF LAND TO CAMPSITE WITH CONSTRUCTION OF FACILITIES BUILDING AND SERVICES AT 8 RUSHGARRY, BERNERAY, ISLE OF NORTH UIST

Report by Chief Planner

PURPOSE

- 1.1 Since the planning application has been the subject of six or more representations the planning application cannot be determined under delegation and in accordance with the Scheme of Delegation is referred to the Planning Applications Board for decision.

EXECUTIVE SUMMARY

- 2.1 This Report recommends approval subject to conditions of an application for the change of use of land to a campsite with capacity for 17 tent pitches and 14 motorhome pitches. and the construction of associated infrastructure, services and facilities building, at 8 Rushgarry, Berneray, Isle of North Uist.
- 2.2 The Report sets out a description of the proposed development, the site and its context together with the advice of consultees and the contributions from the public; this is followed by an assessment of the proposed development against the policies and provisions of the Development Plan and has regard to all relevant material planning considerations.
- 2.3 The key issues raised by contributors, consultees, and the policy assessment are the principle of the development of a campsite on a coastal machair site, within a rural settlement; residential amenity impacts; road safety impacts; proximity to listed buildings and a conservation area; impacts on landscape; habitats and species; the effects of coastal change upon the proposed development; and the proposed development upon coastal change on a soft coast that has suffered recent erosion.
- 2.4 The conclusion and recommendation for approval is a balanced one and is subject to conditions that will mitigate effects and secure finalised details of layout and management plans. It recognises the justification for a caravan and campsite in the area as well as the constraints and, in particular, those arising from coastal change on the site proposed for development.

RECOMMENDATIONS

- 3.1 **It is recommended that the application be APPROVED subject to the conditions set out in Appendix 1 to this Report.**

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Appendix 1:	Schedule of Proposed Conditions
Appendix 2:	Plans
Appendix 3:	Consultation Responses
Appendix 4:	Representations
Background Papers:	None

IMPLICATIONS

4.1 The following implications are applicable in terms of the Report.

Resource Implications	Implications/None
Financial	None
Legal	None
Staffing	If approved, future discharge of Planning Conditions, construction stage condition compliance/post construction monitoring.
Assets and Property	None
Strategic Implications	Implications/None
Risk	None
Equalities	None
Corporate Strategy	None
Environmental Impact	None corporately
Consultation	None

BACKGROUND AND PROPOSAL

Background

- 5.1 This detailed planning application was registered as valid on 22 May 2024.
- 5.2 This Report sets out an assessment against the policies and provisions of the Development Plan and has regard to all relevant material planning considerations, to inform a conclusion and recommendation as to the determination.

Description of development

- 5.3 The proposed development is for the change of use of land to a campsite with capacity for 17 tent pitches and 14 motorhome pitches. The application also includes the construction of a facilities building and infrastructure and installation of services associated with the proposed use.
- 5.4 The development will include a new formalised access point from the public road and will have an area of hard surfacing at this junction. A type-1 surfaced carparking area will be located adjacent to the proposed facilities building and the remaining vehicular access, circulation and parking areas will be surfaced with a reinforced mesh laid on top of the vegetative layer.
- 5.5 The facilities building is a long building of narrow plan depth, with a low ridge height. It is finished with a turf roof and dark external walls, with a weathered timber feature. The facilities building contains toilets, showers and changing areas; laundry facilities and drying room; kitchen and washing up area; and a small reception/campsite shop.
- 5.6 Surface and foul water drainage treatment and outfall is proposed to be located on the western portion of the site, with outfall to land.
- 5.7 The site is proposed to have a rylock fenced boundary (as required under caravan site licensing) with gated access to the north, east and south for access to the adjacent beach.

Description of site and its context

- 5.8 The application site (the site) extends to 0.84 ha (approx. 2 acres) and forms the coastal edge of a large croft predominantly of machair grassland. The site is within the rural settlement of Rushgarry (also known as Ruisgarry) located at its south-eastern edge, on the island of Berneray, Isle of North Uist.

- 5.9 The site would be accessed from the public road which passes its northern boundary. The site has no immediate neighbouring buildings, with the nearest being a semi-derelict Category A listed building, the 16th Century Macleod's Gunnery, located on the applicant's croft, some 80 metres to the west of the site. Close to MacLeod's Gunnery are a number of other vernacular buildings including a cluster of traditional 'black houses', amongst them the Berneray Youth Hostel, a Category B Listed Building.
- 5.10 The site is to the west of the boundary of the Ruisgarry Conservation Area but is not located within it.
- 5.11 The site sits within an area mapped as Linear Crofting landscape character type. The site is within the South Lewis, Harris and North Uist National Scenic Area (NSA).
- 5.12 There are no existing buildings within the site, and it has been used informally for leisure, including caravanning and camping for many years.
- 5.13 The site comprises predominantly consolidated sandy soil with machair grass vegetation, interspersed with large patches of marram grass, seeded on windblown sand. The land is for the most part gently undulating, with a level change to a slightly higher plateau in the south-western section where the access point and facilities building is proposed.

Variations made prior to determination

- 5.14 Responsive changes were made to the site plan to reduce the amount of hard-surfacing within the site by replacing a portion of proposed Type-1 aggregate access and turning areas with reinforcing mesh across the existing grass surface. Additional signage and passing places were incorporated to improve vehicular circulation.

Environmental Impact Assessment Regulations (EIA)

- 5.15 The proposed development was considered in relation to Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (Column 1 (Category 12(e)) – Permanent camp sites and caravan sites) and on account of the site being located within a defined Sensitive Area (National Scenic Area) triggered a screening under the EIA Regulations. The result of the screening opinion assessment determined that no Environmental Impact Assessment is required. Therefore, the development does not constitute Environmental Impact Assessment (EIA) development.

Habitats Regulations – Appropriate Assessment

- 5.16 Not required.

PLANNING HISTORY

- 6.1 24/00182/SCR_L – Change of Use of Land to Campsite with Capacity for 17 Tent Pitches and 14 Motorhome Pitches. Construction of Associated Infrastructure, Services and Facilities Building – No EIA required.

PLANNING HIERARCHY

- 7.1 In terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, the class and scale of development is such that it falls within the classification of a 'Local Development', therefore in terms of Planning Regulations, the applicant was not required to undertake any formal pre-application consultation with the local community.

POLICY CONTEXT

The Development Plan

- 8.1 Following the enactment of a provision of the Planning (Scotland) Act 2019 on 13 February 2023, the statutory Development Plan for the administrative area of Comhairle nan Eilean Siar is comprised of [National Planning Framework 4 \(NPF4\) \(2023\)](#) and the [Outer Hebrides Local Development Plan \(LDP\) 2018](#) and its supplementary guidances. Section 24(3) of the Act provides that in the event of any incompatibility between a provision of NPF4 and a provision of the LDP that whichever of them is the later in date, is to prevail.
- 8.2 The Development Plan policies with particular relevance to the application are:

NPF4:

- Policy 1 – Tackling the climate and nature crises
- Policy 2 – Climate mitigation and adaptation
- Policy 3 – Biodiversity
- Policy 4 – Natural places
- Policy 5 – Soils
- Policy 7 – Historic assets and places
- Policy 10 – Coastal development
- Policy 14 – Design, quality and place
- Policy 29 – Rural development
- Policy 30 – Tourism

OHLDP:

- Policy DS1: Development Strategy – Rural Settlement
- Policy PD1: Placemaking and Design
- Policy PD2: Car Parking and Roads Layout
- Policy PD4: Zero and Low Carbon Buildings
- Policy ED3: Caravans, Huts and Temporary Buildings
- Policy EI 2: Water and Waste Water
- Policy EI 4: Waste Management
- Policy EI 5: Soils
- Policy EI 6: Coastal Erosion
- Policy NBH1: Landscape
- Policy NBH2: Natural Heritage
- Policy NBH4: Built Heritage
- Policy NBH5: Archaeology
- Policy NBH6: Historic Areas

OHLDP Supplementary Guidance

[Caravans, Huts and Temporary Buildings \(November 2021\)](#)

Other Relevant National Guidance

[Managing Change in the Historic Environment: Setting](#)

[Biodiversity: draft planning guidance](#)

[Developing with Nature guidance](#)

CONSULTATIONS

- 9.1 Statutory consultation was undertaken as required by Regulations. The detailed response of statutory and other consultation bodies can be viewed at Appendix 3 to this Report but is summarised as follows.

- **Historic Environment Scotland**
No comments.
- **Scottish Water**
Scottish Water has no objection to the planning application. There is a freshwater system in the area but no foul wastewater infrastructure.
- **NatureScot**
Iterative responses to evolving details of the proposal. Recommended a Climate Adaptation Plan and Biodiversity Enhancement Statement to provide better detail on the application proposals and impacts. Coastal erosion is of concern and the site is receding at a comparatively quickly – a time-limited consent may be appropriate.
- **Comhairle Environmental Health:**
No objection. The proposed development will require a licence under the terms of the Caravan Sites and Control of Development Act 1960.
- **Comhairle Building Standards:**
A building warrant is required for the drainage provision and will require to comply with relevant Standards.
- **Comhairle Archaeology:**
Required pre-determination investigation works. Subsequent to this, a requirement for a watching brief, to be secured by condition, was considered sufficient to address ongoing archaeology potential on site during construction phase.
- **Comhairle Engineering (Assets):**
Raised comments and suggests pertaining to – the provision of a plan to monitor and manage the coastline; query of parking provision; recommending a passing place on internal track; recommending reduction in hard surface on the vehicular circulation areas; and seeking a revised layout at the access/bellmouth to the site, for better visibility due to bin store location and providing a passing place within the bellmouth. Site design to allow turning within the site at both ends.

REPRESENTATIONS

- 10.1 Twenty eight representations were received, of which 19 objected to the development; 4 provided neutral comments; and 5 supported the proposals. A significant number of issues were raised, which can be grouped and summarised as follows:
- 10.2 Location is unsuitable for the development type
- Scale of the development is too big.
 - Any campsite should be situated away from local residences.
 - The scale of the development could lead to doubling the inhabitants of the Island.
- 10.3 Need
- Has and for some years been used as an informal campsite without any problems.
 - The site is not needed.
 - Will increase number of visitors and will not manage wild campers.
 - The capacity matches the increased demand in visitor numbers.
 - Much needed ... due to the current lack of facilities for motorhomes and tents.
- 10.4 Impact on infrastructure
- local infrastructure would not support this proposal.

- single track roads with pacing places are not suitable for motorhomes.
- roads through Berneray to the East Beach are already busy.
- roads are not suitable for the proposed volume of traffic.
- infrastructure was never designed for the volume of traffic and size of vehicles.
- causing damage to already crumbling roads.
- safety of vehicular or pedestrian road users could become compromised.
- New toilet facilities at the campsite will relieve the pressure on these well used facilities.
- Bins and recycling points... new laundry facilities will be a positive addition to Berneray.
- Campsite will not increase traffic or have a negative impact on the roads.

10.5 Impact on the existing dunes and machair – coastal erosion and ecology

- erosion of the dunes / impact on dynamic dune system.
- nothing in the planning application that addresses the need for significant bolstering or creation of defences.
- compression of the soil structures on the dune edges from vehicular traffic.
- Erosion will be exacerbated by vehicular use on the site.
- It will not be possible to preserve and protect the Machair, as suggested.
- The future risk to flooding by the sea across the proposed site is very high; there are rising sea levels.
- Damaging to ecology.
- The East Beach is the only area on Berneray where several migratory waders nest.
- No impact studies/reports around the environment & birds?
- Why is the West Beach protected, and East Beach is not?
- only nesting site on the island for the migratory wading birds.
- The development will impact on the colony of sand-martins that nest on the beach.
- Otters use East Beach.
- Disruption to birds and mammals including birds of prey.
- Disruption to seed distribution of flora.
- Negative effects of insects and biodiverse reliant creatures.
- It has been designed to protect the Machair whilst providing sustainable tourism.

10.6 Impact on built heritage – conservation area and listed buildings

- will create a commercial campsite in a conservation area [sic – site sits outwith conservation area].
- listed buildings in the area should not be within site [sic] of a camp site.
- Negative impact on conservation area.
- object to a campsite being within close proximity to Grade A and Grade B listed buildings.
- Macleods Gunnery Category A listed building will be affected.

10.7 Environmental Impact

- outfall from septic tank.
- E Coli on the coast and in the sea.
- synthetic, plastic matting will pollute the soil.
- concern over sewage capacity and potential for pollution.
- Biodiversity Enhancement Statement associated with the application fails to acknowledge that the potential ecological damage.

10.8 Public Health

- Concern over leaking of bacteria / e-coli into surrounding soil, coast and waters.
- Noise impacts.
- Light pollution.
- illumination from security lighting will be highly intrusive on this dark island.
- Increase in waste.
- Emissions impacts from motorhomes, which are not low emission vehicles.

- Pollution from brake and tire dust.

10.9 Amenity Impacts

- Detrimental to the environment and the quality of life of local residents.
- invasion of privacy for local residents all of whom enjoy relative peace and tranquillity in the current haven that is Rushgarry.
- valid concern that there might be long-term or permanent pitches of caravans on the site.
- An advertised commercially run campsite will overwhelm the area.
- Will destroy what attracts visitors to East Beach.
- Party nights and bonfire nights can be expected.
- Family activity around a Campsite of this size will be boisterous.
- Anti-social behaviour.

10.10 Security, Privacy

- believe questionable as allowable crofting diversity.
- nothing in the planning application that addresses security on the site.
- The proposals include CCTV – does this indicate that crime is expected?
- CCTV ... doesn't fit with the tranquil, scenic atmosphere of Berneray. What about local residents and hostellers' rights to privacy?
- no mention of security lighting.
- Who policies the number of tourists?
- lack of 24-hour management presence on the site.

10.11 Visual and landscape Impact

- Proposed site is an area of natural beauty – irreversible impact on the natural beauty of Berneray.
- Damaging to the experience of the NSA. [National Scenic Area].
- The size of the site, the facilities block and their position at the entry to East Beach will certainly compromise the overall integrity of the area [ie the NSA].
- Will impact views from nearest unrelated house.
- It will not have minimal visual impact – it will be significant.
- Rylock fencing should not be used in a place of beauty.
- Campsite design and layout has been well thought out and fits in well with the beach area.

10.12 Impact on crofting

- questionable as allowable crofting diversity.
- Concern over livestock welfare due to people bringing dogs to the site.
- A croft should be worked and looked after.

10.13 Economic impact / Island benefit

- little or no benefits to the island or specifically Rushgarry residents.
- no benefit whatsoever to the immediate local area.
- only benefit being profit to the company [the developers].
- job creation ... I would expect to be minimal.
- Is the wc /shower section going to be open all year round for visitors to the beach?
- It will provide suitable facilities for visitors both campervans and tents.
- The local businesses will benefit / Will boost the local economy.
- create much needed employment.

10.14 Alternative sites

- Alternative sites on Ruisgarry/Berneray should be considered.
- Better alternatives available at Clachan Sands on North Uist – existing and proposed.

10.15 Precedent

- sets a precedent for future development that would drastically change the character of the island.
- Could by any chance this project just be the beginning of a bigger or further project at this site?

10.16 Procedural issues

- no notification of the planning application submission to residents living next to site.
- No notice on the proposed site.
- Application form does not identify development as Schedule 3.

10.17 Other

- Site will cause displacement of wild-campers using the area.
- Development will devalue houses / affect property prices.
- the benefits of this will not outweigh the negative impacts it will have on the site.
- Development will deny public access.
- Vehicles also use valuable space on ferries which severely disadvantages the local community.
- Motorhome owners should be actively dissuaded from parking up anywhere else.
- Who is the actual applicant?

10.18 These issues are addressed in the Appraisal section of this Report.

OTHER STATEMENTS SUBMITTED

11.1 Three supporting documents were submitted with the planning application:

- Design Statement.
- Climate Change Adaptation Statement.
- Biodiversity Enhancement Statement.

PLANNING APPRAISAL

12.1 NPF4 and the LDP should be read as a whole, and the weight given to the policies therein decided on a case-by-case basis.

Principle of Development - Development Strategy and Rural development

12.2 The policy intent of NPF4's Policy 29 - Rural Development is to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

12.3 In terms of national classification, the site sits within a Remote Rural area, as defined in the Scottish Government Urban Rural Classification (6-fold) 2020.

12.4 Policy 29 states that development proposals in 'Remote Rural' areas, where new development can often help to sustain fragile communities, will be supported where the proposal will support local employment; supports and sustains existing communities, and is suitable in terms of location, access, siting, design and environmental impact.

12.5 In terms of the Development Strategy of the Outer Hebrides Local Development Plan (OHLDP) the development would be considered within the Rural Settlement of Rushgarry.

12.6 The principal policy objective of the OHLDP Development Strategy – Rural Settlement is to accommodate development to meet sustainable growth for local needs, particularly for residential, agriculture, tourism and service activities. Economic development proposals will be supported provided they are of an appropriate scale and do not threaten residential amenity.

- 12.7 The siting and design should be appropriate to the established rural character and settlement pattern of the local area. Developments on croft land should not adversely affect the operational use and sustainability of the croft, unless the development is required for reasons of over-riding public interest. Development sites 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 to be used for cultivation or other purposeful use. Proposals should ensure access to the croft is maintained and of a suitable width for agricultural machinery to access.
- 12.8 No consultees touched on the principle of development on site.
- 12.9 A significant number of representations highlight their view that the location is not suitable for the development both in terms of its relationship to surrounding residential uses and within the village and island in general.
- 12.10 The scale of the development and number of visitors was raised in comparison to the number of current island residents, indicating that a full capacity site could double the population of the island.
- 12.11 Concerns were also raised that the development would be detrimental to crofting and would not be a reasonable diversification of the croft.
- 12.12 The site is within, though on the edge of the rural settlement of Rushgarry. From a settlement strategy perspective, the site is considered to be appropriately positioned in relation to the village as it sits towards the coastal edge of the settlement, benefits from some natural screening on account of the topography and is not unduly close to the neighbouring residential uses.
- 12.13 It is considered a tourism development which, at the scale shown, would be a sustainable growth in the tourism and economic development of the area. The provision of 14 motorhome pitches and 17 tent pitches is not considered disproportionate to the capacity of the development site, or to the character of the wider area.
- 12.14 The site forms a small part of a large croft, which extends to 17.4ha. The site itself would utilise an area of approximately 0.84ha. The development would not impinge on continued use of the croft, nor would it fragment the croft. Access to the croft is maintained. The provision of tourism developments, commonly caravan and/or campsites, is a frequent diversification proposal for agricultural units. The only built or permanent elements on site would be the facilities building, a comparatively short type 1 access and small parking area, and drainage provision. The provision of motorhome and tent pitches can be ceased should agri-crofting uses be reintroduced on this portion of the agricultural unit. The Crofting Commission have their own separate regulation in relation to crofting matters, and a grant of planning permission would not preclude the Commission from imposing any of their own regulatory considerations on the use of the crofting unit.
- 12.15 The placemaking, residential amenity and impacts upon natural and cultural heritage assets of the site are considered in more detail in the relevant sections below.
- 12.16 Subject to favourable assessment against the detail of these policies, it is considered that the location of the site is consistent with the development strategy for a rural settlement and the national policy on rural development.

Design and Placemaking; and Residential Amenity

- 12.17 In terms, of place and design, the OHLDP Policy PD1 seeks that proposals demonstrate a satisfactory quality of place-making, siting, scale and design that respect and reflect positive local characteristics and will complement or enhance the surrounding built and natural environment. Neighbour amenity

is a consideration and siting, design, landscaping and boundary treatments should ensure reasonable neighbour amenity is retained.

- 12.18 NPF4 Placemaking takes a wide-reaching view on achieving successful places and seeks that development proposals be designed to improve the quality of an area, whether in urban or rural locations and regardless of scale.
- 12.19 No consultees touched on placemaking or residential amenity considerations.
- 12.20 Concerns were raised by contributors over noise and light pollution, anti-social behaviour, and the introduction of CCTV.
- 12.21 The nearest properties are the Youth Hostel at approximately 150 metres to the south-west of the site, and 'Lag a Chealla', 7 Rushgarry, at approximately 200 metres to the north of the site, across the public road. At these distances, it is not considered likely that there would be an immediate impact from a residential amenity impact perspective on these properties.
- 12.22 While the caravan and campsite will by its nature have non-residents travelling to and occupying the area for the duration of their stay, it is not considered that this in and of itself would create undue amenity impacts. Caravan sites of similar and larger scales are present within and in proximity to villages across the islands and their ongoing use has not raised significant concerns in relation to neighbouring amenity impacts.
- 12.23 In terms of wider residential amenity, many representations considered the principle of a caravan site being visible within the settlement as an amenity issue. While the overall visual impact of the site in the context of the village and landscape is a consideration, solely being visible is not a material planning reason to refuse an application.
- 12.24 The facilities building is comparable to an average modern house in scale, with a 20.7m x 4.2m footprint, and a maximum height of 4.2m. The external finishes of black sinusoidal sheeting and weathered larch to the walls, and a green turf roof, are recessive and the design and materials well considered for the location.
- 12.25 Separation and topographic screening are sought when considering appropriate sites and this is achieved in part with the undulating topography across the site and with the rise of ground to the west between the site and the first 'half' of the Rushgarry settlement. From the north, the site will be visible from the public road, beach and housing in that area. This will be at a considerable distance when viewed from residences, though closer from the public road and beach. Overall, and given the historic and continued use of the site for wild camping and caravanning, it is not considered that the caravan and campsite, at the scale proposed, would cause a significant change to the visual amenity of the area.
- 12.26 Representations raise concerns over light pollution, and preservation of 'dark skies'. The area is not a designated Dark Skies area, and the wider area has housing and a degree of streetlighting. A condition to manage the lighting on site, to ensure it is of an appropriate scale and does not create vertical spill from the site, should be applied. As such, the introduction of lighting on site is not considered likely to have significant amenity impact.
- 12.27 Representations raise concerns over noise pollution and the activities of site users, such as anti-social behaviour. Again, the distance from the nearest noise sensitive premises is significant and, under normal usage, it is not considered likely that the development would cause undue noise impacts. However, should there be noise nuisance once a development is operational, there is separate legislation under which this can be addressed. As such, it is not considered that the development is unacceptable on account of noise pollution. The matter of anti-social behaviour is speculative in this

context and is not a definitive characteristic of a holiday campsite. There are separate legislative powers should anti-social behaviour occur.

- 12.28 Should CCTV be installed, it is the developer's responsibility to comply with relevant regulation. CCTV footage, in relation to individual privacy, is regulated by data protection law, generally overseen by the Information Commissioner's Office. Data protection law says that people who capture images or audio recordings from outside their property boundary must have a clear reason for using the CCTV; make sure the CCTV doesn't capture more than they need to; and let people know they are using CCTV (eg. by displaying a sign). It is not unusual to have CCTV on a business premises. An informative reminding the developer of their responsibility to comply with any relevant regulations should be appended to any consent.

Tourism and Caravan Sites

- 12.29 NPF4 Policy 30 – Tourism's intent is *'to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.'* Proposals for tourism related development will take into account the contribution made to the local economy; compatibility with the surrounding area in terms of the nature and scale; impacts on communities, for example by hindering the provision of homes and services for local people; appropriate management of parking and traffic generation; accessibility for disabled people; measures taken to minimise carbon emissions; and opportunities to provide access to the natural environment.
- 12.30 LDP Policy ED3: Caravans, Huts and Temporary Buildings directs development for caravan sites to comply with the Caravans, Huts and Temporary Buildings Supplementary Guidance. It highlights that development proposals must avoid adverse environmental and amenity impacts. The Supplementary Guidance Policy 2: on Holiday Caravans highlights that tourism is a key and growing sector of the economy of the Outer Hebrides. The aim of this policy is to facilitate growth in this sector through sensitive and unobtrusive development without compromise of the amenity and environment of the islands. It keenly notes *'A significant increase in the number of visitors coming to the islands in recent years has brought new infrastructure challenges and development should enable visitors to dispose of their waste responsibly and reduce risks of environmental pollution.'*
- 12.31 All caravan site proposals will be required to demonstrate the provision of satisfactory and safe road access and car parking; the siting and design respect the character and amenity of the surrounding area, is within the capacity of the local environment and infrastructure; acceptable provisions for domestic water, foul drainage and refuse disposal; the development is outwith areas of flood risk and no additional flood risk will arise as a consequence of the development; the development can take place without damage to the foreshore/machair; and be in accordance with the natural and built heritage policies of the OHLDP. Where sites are proposed on machair or other sensitive habitats or where protected species may be present, surveys may be required to inform a management plan.
- 12.32 From the statutory Supplementary Guidance, requirements particular to proposals for touring caravan and camping sites require that they are proportionate in scale to the location and setting, and will not result in an over concentration of sites in any one locality to the detriment of the landscape or residential amenity; that outwith main settlements, the layout should be open plan and without formally defined curtilages between units; access to the site has been designed to allow safe movement of large vehicles and towed units to and from the site and the public highway; hard surfacing across the site should be kept to a minimum; the location of development should enable the responsible disposal of waste without harm to the environment; for sites on coastal, machair or agricultural land, exposed sites or those susceptible to damage, consent will be limited to use between 01 April to 30 September; and that ancillary facilities are sympathetically designed and sited and achieve sanitary provision standards.

- 12.33 The response from Comhairle Environmental Health in relation to the use of the proposed site as a caravan and campsite notes that the proposed development will require a licence under the terms of the Caravan Sites and Control of Development Act 1960 and that it appears the applicant has taken account of such licensing requirements in the proposed development's design, in terms of pitch densities, provision of facilities and services, drainage, waste and perimeter fencing.
- 12.34 NatureScot engaged in a progressive consultation process and provided detailed feedback on natural heritage matters, however their initial and retained comments noted that *'We recognise the positive benefits that a formal campsite can bring to the island of Berneray. Many areas, including the east beach at Rushgarry, are currently subject to the impacts of wild camping.'*
- 12.35 A number of representations referred to the caravan policies and considered the development not to comply with these. Beyond the locational element, concerns were raised over amenity, environmental and infrastructure impacts.
- 12.36 While elements relating to environmental impacts are considered in more detail below, the proposals are considered to meet the requirements of the policy and can be conditioned to ensure compliance.
- 12.37 The site is within an area of machair, an important biodiverse habitat, but in this case is not covered by any habitat designation. Limiting operation of the site to the summer months can be managed via a condition. Further, while bordering the coast, the site is largely at a level above 5m Above Ordnance Datum (AoD) and therefore outwith areas predicted to be at risk of coastal flood. The proposed facilities building, treatment tank, soakaway and the access and refuse bins are all sited between 5 and 6 metre contour lines.
- 12.38 NPF4 Policy 30 requires that development proposals for new tourist accommodation, including caravan and camping sites, be in locations supported by the LDP. As assessed under the settlement strategy policy consideration above, the nature, siting and scale of the caravan and campsite on the edge of a rural settlement, at a reasonable distance from residential receptors is considered acceptable and supported by the Development Plan.
- 12.39 The policy intentions and criteria need to be read as a whole and, overall, the development is considered to meet the policy intentions. The provision of appropriate tourist facilities is important from an economic, community and environmental perspective as increased unauthorised caravanning and 'wild' camping has resulted in degradation of the environment through uncontrolled access by vehicles, inappropriate management of domestic waste and foul waste. The proposal is not intended to be a bar to 'wild' camping in line with the national Scottish Outdoor Access Code but will facilitate management of and provision of facilities for motorhomes which are travelling to the islands in increasing numbers annually, as well as making provision for the walkers and cyclists who are travelling from the Butt to Barra walking and cycling routes.
- 12.40 It is considered that, subject to conditions to manage the layout, parking operation, waste management and occupation of the site, the development meets the intention of providing sustainable tourism facilities within rural communities, to manage the demands and needs of both the visiting and resident populations.

Landscape and Visual Amenity

- 12.41 NPF4 Policy 4 seeks to protect, restore and enhance natural assets, making best use of nature-based solutions. Amongst other matters, it confirms that development proposals that will affect a National Scenic Area will only be supported where either, the objectives of designation and the overall integrity of the areas will not be compromised, or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

- 12.42 LDP Policy NBH1 requires development proposals to relate to the specific landscape and visual characteristics of the local area, ensuring that the overall integrity of landscape character is maintained. It also requires the Western Isles Landscape Character Assessment (LCA) to be taken into account in determining applications. Development proposals should not have an unacceptable significant landscape or visual impact. If it is assessed that there will be a significant landscape or visual impact, the applicant will be required to provide mitigation measures demonstrating how a satisfactory landscape and visual fit can be achieved.
- 12.43 No consultees raised landscape in their response.
- 12.44 A number of representations raised concerns regarding landscape impact. These include impact on the integrity and experience of the National Scenic Area (NSA), and impact on the natural beauty of the area.
- 12.45 The site and surrounding landscape are classed as Linear Crofting in the NatureScot Landscape Character Assessment. This is characterised as a strong linear rectangular field pattern on irregular landform of sweeping slightly concave slopes with rocky knolls, rising to rocky or boggy moor inland and sloping down to rocky shores or broad shallow glens. The landcover dominated by improved and semi-improved grassland fields with a lack of tree cover, limited to a few small mixed and coniferous woodlands. House siting relates to topography, giving overall effect of being dispersed.
- 12.46 Development proposals should relate to the specific landscape and visual characteristics of the local area, ensuring that the overall integrity of landscape character is maintained and should not have an unacceptable significant landscape or visual impact. The site is also located within the South Lewis, Harris and North Uist National Scenic Area.
- 12.47 The development at this location is considered to be acceptable within the context of the landscape and it is assessed and concluded that the facilities building, and caravan and camp site should not have a detrimental impact on the landscape character and landscape integrity would be maintained.
- 12.48 It is considered that the development, at the scale, layout and building-design detailed would not adversely affect the integrity and landscape character of the National Scenic Area. The noted Special Quality of the South Lewis, Harris and North Uist National Scenic Area in relation to Berneray is its representation of 'the Uists in miniature'. This is not affected by the development proposal.

Biodiversity, habitats and species

- 12.49 NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. It requires development proposals to contribute to the enhancement of biodiversity. The policy requires any adverse impacts, including cumulative impacts, to be minimised through careful planning and design.
- 12.50 Developments should conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.
- 12.51 Policy NBH2 Natural Heritage states that development proposals should avoid having a significant adverse effect on, and where possible should enhance, biodiversity and ecological interests of the site.
- 12.52 [NatureScot has produced 'Developing with Nature' guidance](#) to support the implementation of policies on Biodiversity. It is aimed at those making local developments; however, it contains universal advice for development and the integration of nature-based solutions providing multiple benefits. As well as addressing the causes of climate change and supporting biodiversity, it benefits people and enhances our places. In addition to these policy requirements, there are also statutory duty obligations placed on local authorities and decision makers, as referred to above, in relation to biodiversity, protected species, and birds, amongst other matters.

- 12.53 NatureScot provided constructive feedback to the biodiversity enhancement proposals submitted in the supporting statement provided by the applicant's agent.
- 12.54 A number of representations raised concerns regarding and biodiversity and species impacts, adverse impacts upon ecology, with specific mention of certain species including sand martin, otter, various birds of prey and insects, and affecting seed distribution of flora, were also raised.
- 12.55 The developer has submitted a biodiversity enhancement statement that recognises the habitat and species associated with the site and its surroundings. The statement describes a 'minimal intervention' approach to disturbance on site, with excavations around only a portion of the access, the modestly scaled facilities building, and the drainage system.
- 12.56 The principal biodiversity enhancement is the use of a green roof from site-cut turves, and the introduction of a wild-flower seed mix to be sown into disturbed ground on the site to encourage a variety of species to the site for the longer-term enhancement of biodiversity in terms of flora and fauna species. It is intended to secure the final details of planting and restoration of disturbed soils by means of condition.
- 12.57 The site is not designated for habitat or species or natural features, other than Landscape (discussed above). The site displays machair characteristics, with grassed areas displaying some variety in flora, and large patches of marram in wind-blown sand to the eastern edge of the site.
- 12.58 The machair soil is heavily compacted with some disturbance of the turf layer from motorised vehicles over the central and western portion of the site. The grass sward does not appear species rich when compared with some other areas of machair in Berneray and the Uists.
- 12.59 Ecological surveys were not sought, given the site offered no evidence of any protected species being present.
- 12.60 Representations cite the presence of otter more generally at East Beach. There was no evidence of spraints, couches, holts or runs which would indicate that otters are utilising the development site. There are no drains or other water ways crossing the site for otters to use. It is acknowledged, however, that it is not uncommon to see otters come ashore with prey or cross a beach; the latter more likely where fresh water runs into the coast such as is the case slightly further north along the coast. Otters are common within the wider area, but with ample suitable habitat such that the proposal is unlikely to result in disturbance. A condition is proposed seeking a signage scheme encouraging site users to be responsible and aware of the legal implications for EPS when walking dogs along the beach.
- 12.61 Representations noted interest in a sand martin colony known locally to be present in the wider East Beach area. The applicant/agent endeavoured to address this through a proposal to create an additional man-made sandbank to supplement nesting areas; however, in consultation with NatureScot, it was advised that there are sufficient natural nest sites available for this species throughout Uist, and artificial nest sites are not required to support their conservation status. As such, it was determined not to require this proposed addition. The sand martin is Green Listed on the UK Birds of Conservation Concern and is stated as of Least Concern on the IUCN Red List of Threatened Species (global). Nests are protected under the Wildlife and Countryside Act 1981.
- 12.62 The west side of Berneray is part of the North Uist Machair and Islands Special Protection Area, designated for barnacle geese, corncrake, plover, sandpiper and other bird species, and is also the Berneray Site of Special Scientific Interest for the outstanding machair, rich in flowering plants, mosses and liverworts, and supports a wide variety of breeding and wintering birds, including nationally important populations of wintering Greenland barnacle geese. The development would be sufficiently

distant from this protected area to not have an evident impact on the features and species of these designations, with no obvious connectivity.

- 12.63 It is considered that the minimal groundworks, use of mesh reinforcement over grass pitches and proposed appropriate seeding of disturbed soils will, in due course, contribute to the restoration and enhancement of biodiversity in compliance with relevant policies.
- 12.64 It is considered that the development would not have an unacceptable impact on ecology, sensitive habitats, and would not be likely to affect any protected species.
- 12.65 An informative advising the developer of their overall responsibility for protected species should any species be discovered during works, will ensure that the developer's responsibilities are clear.

Coastal Erosion, Coastal development, and Soils

- 12.66 NPF4 Policy 10 states that development proposals in developed coastal areas will only be supported where the proposal does not result in the need for further coastal protection measures or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems.
- 12.67 LDP Policy EI 6 on coastal erosion - development proposals on areas liable to coastal erosion will only be permitted when the applicant can demonstrate that the development will not exacerbate coastal erosion at the development site or elsewhere along the coast and when the applicant can demonstrate that the development meets one or more of the following it will have exceeded its useful life expectancy before natural erosion is likely to occur; it is of a temporary nature; it will not give rise to, or require, defence measures.
- 12.68 NPF4 Policy 5 states that development proposals will only be supported if they are designed and constructed in accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land and in a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.
- 12.69 LDP Policy EI 5 states that development should be designed to minimise adverse impacts on soils caused by ground disturbance, compaction or excavation. Developers should assess the likely effects associated with any development work on soils, particularly machair soil, peat, or other carbon-rich soils and associated vegetation, and aim to mitigate any adverse impacts arising.
- 12.70 Dynamic Coast's webpage reads: *'Scotland's Dynamic Coast website hosts modelled coastal change, including predictions of soft coast erosion, around Scotland under both a high and low (carbon) emissions scenario up to 2100. It advises that its findings are not suitable for assessments at a property level. However, the Coastal Change Assessment including web maps aims to create a shared evidence base to support more sustainable coastal and terrestrial planning decisions in the light of a changing climate.*
- 12.71 [Dynamic Coast Web maps](#) are available which show the position of the soft shoreline in Scotland in the 1890s, 1970s and modern time period. Annual rates of landward erosion and seaward accretion are also shown. Recent erosion has been projected landwards to suggest where the shoreline may be in 2050, if recent rates continue (i.e. no defences installed or erosion quickens). Using the erosion rates combined with a number of socioeconomic datasets, key assets at risk from future coastal erosion can be identified.
- 12.72 *The National Coastal Change Assessment aims to inform existing strategic planning (Shoreline Management Plans, Flood Risk Management Planning, Strategic and Local Plans, National and Regional Marine Planning etc.) and to identify areas which may remain susceptible in future and require supplementary support. NatureScot is the advisory body for coastal erosion.'*

- 12.73 Consultation responses from the Comhairle Engineering (Assets) and NatureScot raised issues relating to coastal change, coastal erosion, and the dune system. Comhairle Engineering (Assets) recommended a plan to monitor and manage the coastline.
- 12.74 NatureScot advise that whilst the Dynamic Coast predictions suggest (in a high emissions scenario) that the proposed development is likely to be impacted by coastal erosion at its southern end between 2080 and 2090, [but acknowledge] such predictions are difficult to make and the actual situation at a specific location can be influenced by many factors.
- 12.75 The advice states that while the Dynamic Coast model predicts impacts between 2080 and 2090 (and is the basis on which NatureScot initially provided advice) the latter advice raises concern that mean high water springs (MHWS) is lower on the model, than it is in reality and therefore that the proposed campsite pitches could be directly impacted by coastal erosion within 15 to 20 years.
- 12.76 NatureScot advised the development of a plan for how the campsite will adapt to climate change, including the management of retreat (and recovery of materials that have been placed in the landscape) from the eroding coastal edge. They also stated there should be a presumption against the use of hard coastal defence structures in this location. Natural and nature-based solutions will provide a more effective and sustainable solution to climate change and coastal erosion – this could include enhancement of the existing sand dune crest by encouraging the development of vegetation along the foreshore adjacent to the proposed development site, best achieved by allowing any naturally deposited storm-cast seaweed to remain at the toe of the dune, allowing strandline vegetation to develop, which will be eroded instead of the dune itself and may allow the dune crest to grow in breadth with time.
- 12.77 The site is predicted to be affected by coastal change over the next 40 to 50 years, with the change anticipated to be one of erosion, limited to the southern tip under a low emissions scenario and subject to extensive erosion to the south and along the east coast (in the northern section of the beach) under a high emissions (do nothing) scenario.
- 12.78 The site is shown to have been in dynamic change for over the last 120 years with periods of progression and regression in erosion. Recent changes have shown undermining and erosion of the dune edge and machair grassland from storm and wave action with potentially up to 2m of the coastal edge lost in some places along the site in October 2024.
- 12.79 The development proposal involves non-permanent development works to areas predicted as subject to erosion in a high emissions scenario, namely grass reinforcement mesh, to areas to have a vehicular access and motorhome pitches. A rylock fence is also proposed, to enclose the campsite, similar to the type of stock proof fence in place across the wider settlement and coastal area.
- 12.80 The more permanent aspects of the development, the facilities building, parking area and sewerage treatment tank and soakaway system are outwith the area of predicted coastal change, to be sited on a slightly higher level, together with some of the grass camping pitches.
- 12.81 The applicant/agent submitted a Climate Change Adaptation Plan, as advised by NatureScot. Upon further engagement with NatureScot on the Plan, it was revised to remove elements that were noted as unlikely to benefit the dune formation and protection of the machair habitat (a proposal for regular pitch rotation; dune renourishment; and marram planting). The revised Climate Change Adaptation Plan focusses on monitoring and management of the pitches, the access routes, the coastal edge, including the NatureScot advised encouragement of development of vegetation along the foreshore by allowing any naturally deposited storm-cast seaweed to remain at the toe of the dune. No hard coastal defences are to be used. The Statement concludes that: *'looking to the future, it will be prudent to carry out planned, regular surveys of the coastal extent on the site to monitor any changes to the*

coastline. This will be carried out annually and also following any significant storms/coastal events. Access points to the beach should also be closely monitored and regularly assessed for indications of erosion. Information boards will be provided within the facilities building to highlight to visitors the access routes on the site and the biodiversity within the area and how to best encourage cohabitation on the site.'

- 12.82 It is considered that there is the potential to accommodate some movement of the pitch layout landwards, within the area of predicted change. This will, however, require active monitoring and management of the edges of the development site and a condition to this effect is recommended for application to any consent.
- 12.83 The monitoring and management plan should detail the methods for review of the change of the coastal edge, proposals for resubmission of alternative pitch layout and proposals for resubmission of a reduction in pitch numbers to the Comhairle as Planning Authority for agreement as necessary.
- 12.84 In terms of soils, while mapped as Peaty Gleys on the National Soils Map of Scotland, the on-site conditions show a dry sandy soil, most likely wind-blown sand deposits overlying what is likely to be gneiss bedrock. The development is acknowledged as a pressure on the habitat but would result in the pressure being managed, something it is not at present with evidence of multiple tracks and use of the site by vehicles including caravanning and camping.
- 12.85 The development will allow for a degree of management of the ground within the site, monitoring of the processes of the coastal dune system where currently none exists, and potential for managing of species such as rabbits, geese and sheep that may be contributing to over-grazing of the machair sward and reducing the biodiversity of the plant community it has potential to support.
- 12.86 Conditions attached to any consent will require monitoring and intervention where appropriate.
- 12.87 Potential flood-risk and coastal change, arising from climate change present challenges for development certainty in all soft coast areas of the Outer Hebrides including Berneray. The uncertainties of climate change are a key issue in the determination of this planning application. There is therefore a need for Planning to seek a balance between the risks arising from the development to the environment with the risks from the changing environment to future development.
- 12.88 The proposal sets out an appropriated scaled development and measures for its responsible development minimising and reversing existing harms and securing some biodiversity benefits.
- 12.89 The uncontrolled use for caravanning and camping and potentially over-grazing is causing damage to the machair soil. A regulated development can ensure the manoeuvring and parking of vehicles is managed and restricted in number and that measures can be put in place and monitored, to allow future adaption to coastal change as required.
- 12.90 Policy EI6 states that development proposals on areas liable to coastal erosion will only be permitted where the development will have exceeded its life expectancy before natural erosion is likely to occur. The dynamic coast models provide best and worst case scenarios for coastal change but it is noted that these are designed for strategic use and not for use at property level. The Uists and Benbecula have a significant extent of soft coast and the factors and rate of change at any particular site are not fully understood. At the same time there is a need to facilitate development to meet demands for tourism infrastructure for those visiting the area. The purpose of the Development Plan is to ensure that development can be responsibly facilitated.
- 12.91 This site has been in use for caravanning and camping for many years with no formal consent or management in place and the pressures on the machair in recent years dictate that informal use can no longer be tolerated.

12.92 The nature of the development as proposed is such that the land identified as being at risk of coastal change, up to the end of the century, is primarily a use of land which can be monitored through a management plan, secured by enforceable condition. The at-risk land is proposed for use for pitches and the use facilitated by only modest infrastructure (matting, water and potentially power) that can easily be removed should the worst-case erosion be realised. The proposed facilities building is the only permanent structure, and it is proposed to be sited on higher ground. On balance, it is considered that the proposal can be accommodated. The impact on coastal change arising from the proposed use has been minimised by the siting and design; planning controls will manage pressure of uncontrolled number of users; and site-specific monitoring of coastal change is subject to further control through a 40 year time limitation on any planning permission.

Climate Mitigation and Adaptation

12.93 NPF4 Policy 1 seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crises. It requires significant weight to be given to the global climate and nature crises when considering all development proposals.

12.94 Policy 2 looks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Development proposals are required to be sited and designed to minimise lifecycle greenhouse gas emissions, as far as possible, and to adapt to current and future risks from climate change.

12.95 LDP Policy PD4: Zero and Low Carbon Buildings requires all planning applications for new buildings to demonstrate that the carbon dioxide emissions reduction target, as required by Scottish Building Standards, has been met, including using low or zero carbon technology.

12.96 NatureScot did not raise direct concerns on climate matters but provided advice in relation to mitigation and adaptation in relation to resultant coastal change in relation to the site.

12.97 Representations raised comments regarding hydrocarbon emissions from motorhomes.

12.98 The climate crises, mitigation and adaptation policies apply to all development and needs to be viewed not as a prohibitor to development but an overarching policy, complementary to the other policy, regulatory and consenting regimes which should work together to continuously address and reduce root causes of climate impacts. NPF4 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises, and that developments should be designed to reduce, minimise or avoid greenhouse gas emissions.

12.99 The proposed building would require to meet modern insulation and heat loss standards, which will largely be achieved as a result of the requirements of the Building Standards process. However given the modest scale of the new building, it is considered likely to result in a neutral impact on global climate change. The proposal to utilise air source heat-pumps to provide heating and hot water to the building as energy efficiency and low carbon technologies would be positive.

12.100 The development of the caravan and campsite, while having the potential to attract motorised vehicles, will also support many visitors walking, cycling and wheeling through the islands and at the proposed scale would not be a key contributor to additional emissions such that the development could be attributed to having a direct effect on the climate crises. The emissions from vehicles are managed through the Road Vehicle Emission Performance Standards regulations. The site is accessed from the public road, where those who have an MOT and Vehicle Excise Duty can legally drive. The development is not of a significant scale such that there are additional, reasonable, material planning concerns regarding vehicle emissions.

12.101 Concerns in relation to the impact on the natural environment are considered in detail in the coastal erosion, soils and biodiversity section, and the physical elements of development and use of caravan and tent pitches as detailed is not considered to have a material impact on the climate crises.

Historic Areas/Places, Built Heritage/Assets and Archaeology

12.102 Policy NBH4: Built Heritage supports all development which preserves or enhances the architectural, artistic, commemorative or historic significance of built heritage assets. Where there is clear evidence of historic significance, development which would have a substantial adverse impact on this significance will only be permitted where it can be demonstrated that all reasonable measures will be taken to mitigate any loss of this significance; and any lost significance which cannot be mitigated is outweighed by the social, economic, environmental or safety benefits of the development. In relation to listed buildings, it seeks to manage the special architectural and historical interest of listed buildings and their settings.

12.103 Policy NBH6: Historic Areas requires that development should preserve or enhance the settings of Historic Areas. There is a presumption in favour of the preservation of individual historic assets and the pattern of the wider historic environment.

12.104 LDP Policy NBH5: Archaeology looks to support development proposals which preserve, protect, or enhance the archaeological significance of heritage assets. Development which would affect unscheduled sites of archaeological interest or potential will be permitted where the significance of the remains does not justify their physical preservation on site. Where archaeological features provide potential for amenity, cultural tourism, place-making, or as an in situ educational or research resource, the Comhairle will support proposals for long term management, access and interpretation of the historic environment assets on the site.

12.105 NPF4 Policy 7 intent is to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts.

12.106 Historic Environment Scotland were consulted on the settings of the historic assets but provided no comment. Comhairle Archaeology noted that, given the considered approach of the finish of the facilities building, the scattered nature of the campsite itself and the listed building types themselves 'negative impacts on setting are considered low'. Further *'The Berneray Conservation Area boundary is located approximately 190m to the southwest and again negative impact on the setting of this designated area is considered low.'*

12.107 A number of representations raised concerns about impacts on built heritage, specifically in relation to the conservation area and the setting of surrounding listed buildings would be affected. Some stated that caravan sites should not be visible from listed buildings.

12.108 The development site is visible from the edge of the Ruisgarry Conservation Area (CA), though the area of largest permanent intervention, the new facilities building, is only partially visible and is a low rise building with a turf roof finish. While the siting of the campervans will be visible from the eastern edge of the Conservation Area, its concentration to the west of a rocky promontory located to the west of Macleod's Gunnery, means the experience of the Conservation Area and the characterful thatched buildings will not be affected by the development proposal. It is considered that the development would not be detrimental to the overall character of the Conservation Area.

- 12.109 There are numerous listed buildings within the wider area, some sited within the adjacent Conservation Area. The buildings with intervisibility with the site area are the Category A listed 'Macleod's Gunnery' Barn And Byre, Including Retaining Wall (LB46108) and to a limited degree only the Category B listed Berneray Hostel Including Annexe (LB46103) to the southwest; to the north, the Category B listed Berneray Former Parliamentary Manse (LB46107) and Category B listed Berneray Former Parliamentary Church (LB46106) both located outwith the Conservation Area.
- 12.110 The church and manse to the north are, by design, situated on higher prominent ground as was customary for presbytery buildings in the rural communities they served. The proposed caravan site is 300 metres and 350 metres south of the manse and former church, respectively, on lower ground. With the low-lying nature of the proposal site, the intervening ground and other built development, it is considered that the proposed use and development of the land for a camping and caravanning site would not unduly affect the setting of these listed buildings.
- 12.111 Both the Category A listed 'Macleod's Gunnery' Barn and Byre and Category B listed Berneray Hostel have extensive, detailed listings. These include consideration of the setting of each building.
- 12.112 Taking the furthest away property first, the Hostel, it is noted that its setting is within an area of built heritage importance: *'The Baile area of Ruisgarry is situated at the eastern tip of Bays Loch. Baile translates from Gaelic as village and is characterised by a cluster of cottar's homes dotted around Port Ludaig. The scattered layout of these vernacular buildings at Baile has remained remarkably unchanged since the turn of the 20th century (as shown on the 2nd Edition Ordnance Survey map). The hostel and annexe contribute to this landscape. They are part of the history of this area and complement the nearby clusters of traditional thatched cottages at Cnoc an Dudain and Laimhrig Ruadh.'* It is considered that the listed building is most strongly read in relation to the surrounding buildings, predominantly to their west, within the Conservation Area. Intermittent views of the proposed facilities buildings or caravan site is thus not considered to affect the character of the building or its setting, given the distance, and as it does not interfere with its relationship to surrounding character-buildings.
- 12.113 The Category A listed 'Macleod's Gunnery' Barn and Byre is a complex of buildings listed as a *'rare 18th and 19th century agricultural complex, with elements of possibly earlier domestic use associated with Norman Macleod of Berneray. The barn is considered to be the oldest building on the island.'* At its time of listing, the building had a thatched roof and other intact heritage building styles of interest. Unfortunately, the building is now in an advanced stage of decline. The building sits approximately 80 metres from the proposed soakaways for the development site, on the wider croft area within the applicant's control. The listing states that: *'The immediate setting of the barn and byre is well-retained. There are a number of other vernacular buildings that have thatched roofs, or remnants of thatched roofs, within the settlement of Baile and the wider Ruisgarry Conservation Area. These include the renovated Berneray Hostel and its annexe (LB46103), and a group of three cottages close-by (LB46104 and LB46105). ... The grouping of these buildings enhances our understanding of the functional relationship of a croft, and the historical progression of this area. Ruisgarry was, and remains, the largest settlement on Berneray.'*
- 12.114 It is considered that the low, turfed roofed facilities building will sit at a sufficient distance from the Macleod's Gunnery Barn and Byre such that it would not impact on the setting of the listed building, or its appreciation in the built and natural landscape. The caravan site is located on an area already informally utilised for this use. It is not considered that its formalisation, at the scale proposed, would affect the setting of the listed building such that it would affect its character or its relationship with other key buildings and spaces in its setting.
- 12.115 The initial response from Comhairle Archaeology required pre-determination work in order to consider the impact of the development on the potential for unknown archaeology in the wind-blown sandy soils.

- 12.116 The pre-determination work was undertaken and the archaeological report confirmed that no archaeological material was identified. However, it is also noted in the report that given the topography of the site and the nature of wind-blown sand deposits, areas requiring deeper ground works still have a potential for unknown archaeological deposits to be present. Comhairle Archaeology recommends that, in line with the program of archaeological works, all areas requiring deep groundworks (facilities block, soakaways, treatment tank, and associated drains) should be archaeologically monitored in terms of a watching brief. This can be secured by condition.
- 12.117 It is therefore considered that the development will not have an unacceptable impact on the historic environment, subject to relevant conditions to manage the appearance of the proposed facilities building and to secure suitable archaeological monitoring and recording.

Infrastructure including Carparking & Roads Layout, Water and Waste Water and Waste Management

- 12.118 Policy PD2: Car Parking and Roads Layout seeks road design and car parking suited to the type, location, scale and circumstances of the development. Carparking for caravan sites is detailed in the Supplementary Guidance – however, it should be noted that the proposed site is specifically for motorhomes and there is no specified ratio for tent pitches, and it will be considered on a case-by-case basis. Car parking spaces should be a minimum of 2.5m x 5m and accessible bays should be a minimum of 4.8 metre long and 2.4 metres wide.
- 12.119 Policy EI 2: Water and Waste Water requires new developments to adopt the principles of Sustainable Drainage Systems (SuDS). Private waste water systems should discharge to land. New developments in areas with public water supplies will be required to connect to the public water supply.
- 12.120 Policy EI 4: Waste Management requires developments to include space to accommodate the provision of recycling facilities must be designed and built into all new industrial, commercial, retail and residential development.
- 12.121 Representations raised concern over roads infrastructure and also concerns bacteria (specifically e-coli) leaching into soils and water.
- 12.122 Comhairle Engineering (Assets) were consulted on the application and, while acknowledging that the roads network is single width with passing places, have raised no specific concerns in relation to the capacity or integrity of the public road which serves the area. The majority of roads in the islands are single track and have seen an increase in the volume and scale of vehicles travelling on them as tourism has increased. Given the already frequent use of the roads for these types of vehicles, and the comparatively small scale of the development in the context of the roads network as a whole, it is considered that it would not have an unacceptable or irreversible impact on the roads network.
- 12.123 The development proposes 14 motorhome bays and nine parking bays, ancillary to the 17 tent pitches. The pitches are to be restricted to motorhomes (no towing caravans), the nine parking bays, including one accessible bay, would be available for tent-pitch users and staff. The site would appear to host one on-site staff member to man the facilities building office, leaving eight parking bays. It is reasonable to assume that a number of tent pitch users would arrive on foot or bicycle. It is considered the proposed parking numbers are proportionate to the nature and scale of the site. Their provision would be conditioned to and thereafter retained for parking purposes.
- 12.124 The proposal states it will connect to the public water supply.
- 12.125 The proposal is to install a new foul water treatment plant. The treated discharge shall be discharged to a dispersion soakaway. The location of the site and visible nature of the ground conditions are such that it is not anticipated that groundwater will be encountered. The development is not within a

Drinking Water Protection Area, nor does it discharge to a Shellfish Water Protected Area. The proposed drainage system will require a building warrant and a license from SEPA. These regulations consider the capacity, design and outfall of such systems in relation to functionality and environmental management.

- 12.126 There is also a surface water soakaway proposed to direct any surface water run-off from the built areas, including the parking area, building and surround hard surfaces.
- 12.127 The application details a bin storage area, including with recycling provision. The scale and make-up of the waste management provisions will be managed through the caravan site license process. The nature of the development is such that any operational phase waste will be able to be managed through standard Comhairle waste collection. It is considered a suitable approach for the scale of the development and will meet the aim of waste management intentions in policy.
- 12.128 Overall, it is not considered that the development would have an undue impact on the infrastructure of the area, provided compliance with relevant conditions.

Matters raised in representations

- 12.129 Additional matters raised in representations which are not readily addressed in the above sections include economic impacts, alternative sites, precedent and procedural concerns. These are considered below.
- 12.130 The economic impact and lack of benefit to local residents was raised in numerous representations, with comments made regarding the lack of 'local' benefit. The development is not of a scale where policy or regulation require it to demonstrate a specific economic benefit to be considered acceptable. There is no requirement in planning for a development of this scale to have a direct benefit to local residents.
- 12.131 Representors differed on what they considered to be the economic impact, with those objecting considering it likely to be minimal and those supporting considering it likely to create needed jobs and ancillary economic opportunities for the area. Again, at this scale, there is no requirement to quantify economic benefits/loss.
- 12.132 Nevertheless, the provision of tourist accommodation on the island of Berneray is likely to make a contribution to economic benefit in terms of spending in local galleries, shops, café etc and in turn support the viability of services for residents year-round. On the whole, the development is considered likely to have a modest positive economic benefit in that it is an additional business asset in the area. The planning process can take no consideration of what individuals may benefit from any economic gain.
- 12.133 The planning application requires to be assessed and determined as proposed by the developer. The application is not of a scale or nature where an alternative site assessment can be required. As such, this is not a material consideration for this application.
- 12.134 Representees raised concern over the precedent the development might set for future development that 'would drastically change the character of the island.' Also, concern that the 'project is just the beginning of a bigger or further project at this site?' Precedent is a material planning consideration but, as this application is considered to comply with policy, consenting the proposals would not set an undesirable planning precedent. In terms of extending the development proposal, this would require planning consent and would be considered, subject to public engagement and assessed against policy current at that time should there be a future application.
- 12.135 Some comments raised concerns over procedural issues. One comment was concerned over receiving no notification of the planning application submission for residents 'living next to site.' The regulatory

requirements require notification of a postally addressed property with an area or plot of land (other than land forming part of a road) which, or part of which, is conterminous with or within 20 metres of the boundary of the land for which the development is proposed. There were no notifiable neighbours for this application. A representor noted that the applicant's agent had not identified the development as Schedule 3 development (as per The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013). The requirement for a Schedule 3 development is that it is advertised, and this is undertaken by the Planning Authority. It was accordingly advertised in the Stornoway Gazette on 30 May 2024. Lack of a site notice was raised – for a Schedule 3 development, a site notice is only posted if a consent is granted and while the works are ongoing.

- 12.136 A concern was raised that the development will deny public access, but there is no evidence that this would be the case, as there are pedestrian gates to allow continued access to the site and the beach beyond.
- 12.137 The following matters raised in representations are not material planning considerations and cannot be considered further: site will cause displacement of wild-campers using the area; development will devalue houses/affect property prices; vehicles also use valuable space on ferries which severely disadvantages the local community; motorhome owners should be actively dissuaded from parking up anywhere else; querying the 'actual' applicant.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 13.1 Planning Authorities are required to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise. An assessment has been carried out against the provisions of the Development Plan, and consideration has been given to all material planning considerations.
- 13.2 The planning application was publicised in accordance with the relevant regulations and was made available to inspect in person and on-line throughout the application period. The required period for public comment has been provided and those making representation were notified of additional submissions from the applicant/agent to allow for additional or revised comment. Responses given to consultations and public comments received from representations on the proposal, were reviewed and considered as part of the application assessment.
- 13.3 Some mitigation measures are considered necessary to enable the development to proceed satisfactorily and these mitigations can be managed by planning conditions.
- 13.4 This assessment and recommendation for approval is a balanced one. It recognises the justification for a caravan and campsite in the area, and in particular the constraints arising from coastal change on the coastal land proposed for development. Coastal change has been considered in detail and conditions proposed to manage the site in a responsive manner. It is considered that the site can accommodate the development as proposed without compromising the special qualities of the NSA and is sufficiently distant from neighbouring houses so as to avoid unacceptable impacts on residential amenity.
- 13.5 The conclusion and recommendation are therefore that the development should be approved subject to conditions that will mitigate effects and secure finalised details of layout and management plans, prior to the commencement of development.

PLANNING OBLIGATION

- 14.1 None.

DIRECTIONS

15.1 None.

RECOMMENDATION

16.1 It is recommended that the Planning Application be approved subject to the conditions set out in Appendix 1 to this Report.