

CONSULTATION RESPONSES

CONSULTEE

Historic Environment Scotland**Date of response – 04 June 2024**

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.

CONSULTEE

NatureScot**Date of response - 18 December 2024**

Further to our formal response dated 19 July 2024 and our telephone conversation this morning, I can confirm that NatureScot is not objecting to the proposed development, because it does not raise any natural heritage issues of national interest. However, the location does pose significant risks in terms of coastal erosion. For example, the recent Storm Ashley on 20 October 2024 resulted in the loss of up to 2 metres of the coastal edge at this specific location.

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, such predictions are difficult to make and the actual situation at a specific location can be influenced by many factors. Whilst the model predicts impacts between 2080 and 2090 (and the basis on which our previous advice was based), it is now clear that this appears to be based on an assumption that mean high water springs (MHWS) is lower than it actually is at present at this site. Comparing the two maps attached, it can be seen that baseline from which the Dynamic Coast predictions are made is much lower than MHWS in reality, which is more accurately shown by the orange line drawn on the OS map. In this case, it is best to look at the contour lines of the model (at 10-year intervals) rather than the date labels on the contour lines themselves. This suggests that the proposed campsite pitches could be directly impacted by coastal erosion within 15 to 20 years, by 2040 to 2045. In this case, a time-limited consent for 20 years may be appropriate, with a restoration condition to restore and remove any materials placed on the land at the end of that period.

This advice is provided by NatureScot, the operating name of Scottish Natural Heritage.

CONSULTEE

NatureScot**Date of response - 26 November 2024**

Thank you for early sight of these revised proposals for our informal comment. There seems to be some overlap between the documents in terms of measures that are meant to address coastal erosion vs biodiversity, but I will comment on the proposed measures in relation to each document as presented.

COASTAL EROSION – Climate Change Adaptation Plan

We note that, except for the concrete bell-mouth and Type 1 parking immediately adjacent to the facilities building, all areas accessed by vehicles, including motorhome/campervan pitches, will now be surfaced with **plastic grass reinforcement mesh/matting**. We are unclear what plans are in place to recover materials placed on land from the foreshore as the coastal edge erodes, to avoid plastic and other materials polluting the local and marine environment.

A **Pitch Rotation Plan** has been proposed, although without explanation of how the rotation will operate, i.e. periodicity of rotation etc. From the drawings provided, it appears that twice the land area previously required for pitches will now be utilised for motorhomes/campervans and tents, increasing the area impacted by the pitches. If consented, the integrity of the machair habitats within the site will inevitably be diminished as a result of traffic and trampling. It is unlikely that “the machair [will] replenish between seasons” as the habitats will only be free of such effects through the winter months when little vegetation growth occurs. Only those species able to tolerate such effects will persist, reducing species diversity, height and flowering

of the sward. It might be preferable to have fixed pitches without a rotation, so that the effects of traffic and trampling are confined to a smaller area of land.

It is proposed that pitches could **retreat to higher ground** in response to future coastal erosion, but there is no further ground within the red line planning application boundary for the site to retreat to. It would be better if, from the outset, the proposed development was located on higher ground further from the coast, which would be secure in the longer-term than to be forced to react to coastal erosion in 55-65 years (based on current predictions), but there is no scope for this within the current red line boundary as submitted. Alternatively, the applicant might consider time-limited planning permission (to 50 years for example) in this location with a condition for restoration at the end of that period.

We note that a **new gate** is now proposed to the eastern (n.b. submitted document states “west side”) boundary, giving access to a **boardwalk** (outwith the red line boundary). In our view, this additional gate would be undesirable as it is likely to create pedestrian pressures on the limited dune habitats on the coastal fringe in this location and the boardwalk will become another liability to be managed as the coastal edge retreats. Maintaining a secure perimeter fence without any access from the eastern boundary, and the provision of visitor information and signage should be sufficient to manage and reduce pedestrian impacts on the vulnerable dune habitats.

We would advise that the proposed “**dune re-nourishment**”, i.e. the deposition of excavated material behind the dunes, is unlikely to result in the formation of functional dune habitat, could damage existing habitats and will only be undermined as the coastal edge retreats. Our advice remains that reinforcement of the dune ridge will be best achieved in a seaward direction by the retention of storm-cast seaweed that will allow the establishment of strandline vegetation and embryonic dune on the foreshore (which is presented within the plan).

Similarly, **marram planting** is not necessary where marram grass is already present and would only be effective in mobile dune habitats, which are not found on the site, rather than the fixed dune/dune grassland/machair that are present. The focus should be on encouraging the active growth and development of the marram grass and associated dune habitats already present on site. This is best done by allowing natural growth of the dune ridge from the foreshore and giving them space to evolve and migrate landward.

Our advice is that this remains a **vulnerable location** for development, which will be subject to the impacts of coastal erosion by 2080 to 2090, not just as a result of storm damage and/or tidal events, but as an inevitable effect of coastal change (based on current predictions). As proposed, the development constraints the ability of the existing dune ridge (the only natural protection against coastal change) to evolve and migrate landwards in response to coastal erosion and making such effects more likely in the future.

BIODIVERSITY – Biodiversity Enhancement Statement

Sowing wildflower seeds into turves used for the **green roof** is unlikely to be necessary or successful. Seeds need disturbed ground to germinate and for young plants to establish, which won't be present in the closeknit sward of the turves. Reusing the turves removed from the development footprint will be sufficient, ensuring that they are stored and managed correctly during the construction process, including:

- ensuring a minimum soil depth of c. 20cm;
- not stacking them on top of each other;
- placing them vegetation side up; and
- watering them if the weather is dry.

In our view, the availability of nesting sites is not currently a limiting factor in the distribution and abundance of **sand martin** in Uist. There are sufficient natural nest sites available for this species throughout Uist, and artificial nest sites are not required to support their conservation status. However, we recognise that the creation of an artificial sand martin nesting bank might be desirable as a community-focussed measure, but

it does raise some technical questions. There would need to be careful consideration of its siting, design and maintenance, including:

- where it will be located (with no space – see below – within the current red line boundary to accommodate it) in order to avoid impacts on important habitats that may be present;
- measures to avoid disturbance of the nesting birds during the breeding season; and
- annual maintenance requiring the removal of 0.5-1 metre of material from the face of the nesting bank each year (therefore, to provide nesting sites for a period of 10 years would require a construction of c. 5-10 metres depth).

The proposal to add enriched soil to the excavations for the **drainage systems** is unnecessary in this location, with machair soils characteristically nutrient-poor by their nature. Similarly, we are not convinced of the need for a secondary reedbed treatment system (which brings its own design and maintenance issues) and, unless required by SEPA to whom we defer in respect of such matters, we would consider this to be unnecessary in biodiversity terms at this specific location.

I hope these comments are helpful, but if you have any questions, please get in touch on the details below.

CONSULTEE

NatureScot

Date of response - 19 July 2024

Thank you for seeking the views of NatureScot in respect of the above proposal. 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. Other than the public WCs/shower at the harbour and a chemical toilet disposal point at the ferry terminal, there are no formal facilities provided for campers at present. Whilst the proposal does not impact on any natural heritage features of national or international interest, we note that you have consulted us because of potential impacts highlighted by the Dynamic Coast modelling. We provide the following advice. Coastal Erosion The site is in a coastal location, and whilst in a Western Isles context this is a relatively low energy coast it does comprise of soft sediments. 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. The specific location and layout of the proposed campsite infrastructure limits any opportunity for the sand dunes, the only natural defence against sea level change and coastal erosion, to grow or migrate landward, as is likely to happen in any future scenario. We suggest that the following mitigatory/adaptive measures might be considered:

- A plan for how the campsite will adapt to climate change could consider how the on-site infrastructure might address resilience and adaptation to changing sea levels and coastal erosion in the future, including the management of retreat (and recovery of materials that have been placed in the landscape) from the eroding coastal edge.
- There should be a presumption against the use of hard coastal defence structures in this location, now and in the future. Natural and nature-based solutions will provide a more effective and sustainable solution to climate change and coastal erosion.
- Best practice management of sand dunes within and immediately adjacent to the site should be implemented, including managing access to the sand dunes by visitors. See Sand Dunes: a practical guide published by BTCV for more guidance on this subject.
- Enhancement of the existing sand dune crest by encouraging the development of vegetation along the foreshore adjacent to the proposed development site. This is best achieved by allowing any naturally deposited storm-cast seaweed to remain at the toe of the dune, allowing strandline vegetation to develop, which 1) will be eroded instead of the dune itself and 2) may allow the dune crest to grow in breadth with time.

National Planning Framework 4 We note that the applicant has not detailed any measures that will improve biodiversity in line with the expectations and policies of the National Planning Framework (NPF4). The Scottish Government has recently published draft planning guidance setting out the Scottish Ministers' expectations for implementing NPF4 policies, which support the cross-cutting NPF4 outcome 'improving biodiversity'.

NatureScot's guidance Developing With Nature has been published in support of NPF4, including examples of often very simple ways to integrate nature within developments, as well as other information we provide on nature-based solutions. This advice will help applicants to deliver against the general requirement that NPF4 places for all development to contribute to the enhancement of biodiversity. Such measures may include management options available through the Scottish Governments Agri-Environment & Climate Scheme (AECS) implemented on the adjacent croft land, for which financial support may be available (noting that AECS is a competitive scheme).

CONSULTEE

Scottish Water

Date of response – 27 May 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:

Water Capacity Assessment

- This proposed development is within the Lochmaddy Water Treatment Works catchment. To allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via our Customer Portal Waste Water Capacity Assessment
- According to our records there is no public waste water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works. When planning permission has been granted and a formal connection application has been submitted, we will review the availability of capacity at that time and advise the applicant accordingly.

CONSULTEE

Comhairle Building Standards

Date of response – 29 May 2024

Suitable access for sewage treatment plant servicing vehicles must be provided to within 25.0m of the sewage treatment tank, and able to support an axle loading of 14 tonnes. All parts of the drainage system, including any soakaway, must be at least 5.0m from a boundary and 10.0m from coastal waters or road, to comply with 3.9.4.

A Building Warrant will be required.

CONSULTEE

Comhairle Archaeology

Date of response – 09 December 2024

Please find attached the Data Structure Report for the pre-determination archaeological evaluation works at the 8 Rushgarry. Following on from this report; the Archaeology Service notes 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. The Archaeology Service recommends that in line with the program of archaeological works, all areas requiring deep groundworks (WC/shower block, soakaways, septic tanks, and associated drains) should be archaeologically monitored in terms of a watching brief, during the construction phase of this project.

To that end please can you attached the following condition.

Condition: - Watching Brief

A method statement for enabling an archaeological watching brief on all ground-breaking relating to the development boundary shall be submitted to and approved by the Comhairle as planning authority. Such method statement shall include:

- a) identification of the organisation or person(s) that would be employed to undertake the watching brief (including their archaeological qualifications);

- b) provisions to be made to allow access to the development site and to enable investigation recording and recovery of finds; and
- c) terms for notification of the commencement of development and access arrangements to the site.

No part of the development to which this planning permission relates shall commence until the method statement has been approved in writing by the Comhairle as planning authority. The approved method statement (or any subsequent variation to it that may be agreed in writing by the Comhairle as planning authority) shall then be implemented to the satisfaction of the Comhairle as planning authority throughout the period of all ground-breaking works.

Reason - To ensure proper recording and protection of items of archaeological interest.

CONSULTEE

Comhairle Archaeology

Date of response – 30 October 2024

Please find attached the Written Scheme of Investigation for the archaeological evaluation works at 8 Rushgarry. The Archaeology Service has reviewed this document and is content with the methodology set out within it.

CONSULTEE

Comhairle Archaeology

Date of response – 03 June 2024

This application proposes to construct a campsite comprising of campervan and tent pitches with associated access tracks, a facility building and associated services and septic tank. The site is located along the coastal edge with a sandy beach to the east; the wider environment comprises of grassy crofts over machair dunes of significant depths. While the overall proposal has been designed to have limited impact on the area, certain aspects of the development will require excavation.

Balds, Map of Harris (1805) indicates a settlement in this general area, annotated '*Rissigarry / Poul Baigh*'. The 6" 1st edition Ordnance Survey map sheet (1878) shows a farmstead comprising of enclosures and four roofed buildings. Some of the current upstanding ruins in the area correspond to this plan; however, these are all southwest of the proposed development boundary.

The Historic Environment Record (HER) indicates that there are no known archaeological sites within the development boundary. It also shows that most recorded archaeological sites in this area relate to the postmedieval era; however, there are several sites and a find spot that indicate that this was potentially an important area in the Early Medieval period. The nearby location of Cill Aiseam (a chapel and burial ground) and dun site, as well the find of a Norse whale bone plaque fragment attest to wider settlement activity at this time. Machair areas throughout the Outer Hebrides are seen to be locations for settlement from prehistory through to the present day.

There are four Listed Buildings in the nearby vicinity, three of which are Category B. 'Macleod's Gunnery' Barn & Byre is Category A listed. 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. 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.

The Archaeology Service has concerns that there is a potential for unknown buried archaeological material or structures to be encountered during ground works for this development.

Therefore, to ensure that the archaeological potential of the site is taken into consideration by the developer the Archaeology Service recommends a program of archaeological works. This should take the form of a limited number of pre-determination evaluation trenches on the proposed development footprint. The subsequent evaluation report will inform what further archaeological mitigation if any, is required. Pre-determination work is recommended to permit investigation at an early stage; allowing the developer an opportunity to revise plans before projects become to advanced.

However, if the Planning Service is content to move straight to a full planning application, this investigative work can be covered by the following condition.

Historic Environment Scotland should be consulted for their opinion on this development.

Condition

A written scheme for the archaeological investigation of the site shall be submitted for approval by the Comhairle as planning authority. Such scheme shall indicate how:

- a) the extent, character, and significance of any archaeological remains within the site will be identified and evaluated;
- b) any archaeological remains would be preserved in situ or, where their preservation in situ cannot be achieved, how they would be investigated, recorded, and recovered and the findings published ;
- c) access to the development site to enable archaeological works and investigation recording and recovery of finds would be achieved; and
- d) notification of the commencement of development and access by an archaeologist to the site would be given.

No part of the development to which this planning permission relates shall commence until the Comhairle as planning authority has issued, in writing, its approval of the scheme; any consequential programme of archaeological works to be undertaken; and terms for the submission of a Data Structure Report that includes an assessment of the impact of the development on the archaeological remains.

This scheme and programme (or any subsequent variation to it that may be agreed in writing by the Comhairle as planning authority) shall then be implemented to the satisfaction of the Comhairle as planning authority.
Reason – To ensure proper recording and protection of items of archaeological interest.

CONSULTEE

Comhairle Environmental Health

Date of response – 16 January 2025

I have reviewed the proposal and would raise no objection from an environmental health perspective.
I would though make the following comments:

- The proposed development will require a licence under the terms of the Caravan Sites and Control of Development Act 1960.
- It appears that 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.
- As such there would be no reasonable grounds for a licence to be refused.

CONSULTEE

Comhairle Roads, Bridges and Streetlighting

Date of response – 20 June 2024

Application and related policies

This planning application is for a new campsite at the Rushgarry machair on the Isle of Berneray. The campsite will have an access (with a cattle grid and pedestrian gate) from the existing public road onto the campsite area. The campsite will be fenced off with gates for beach and croft access. The access road within the campsite will be constructed by imported gravel.

There is a shower block, toilet area with treatment tank and soakaway, a decking area around the centre of the camp and to the east and 14 no campervan pitches (with green rubber lattice matting accesses to the pitch site from the campsite access road) to the south and south west with 17 no tent pitches to the

remainder of the campsite to the east and further north east and west. There are parking areas shown at the campsite entrance (4 no) and at the shower block area (5 no + 1 no accessible bay).

The Dynamic Coast Basic Map indicates that the machair here has built up through accretion from 1901 to 1970 to 2017 but is forecast to suffer coastal retreat in the decades to come (see [Dynamic Coast Basic Map](#)). The SEPA Coastal Flood Risk Map shows that there is potential coastal flooding along the coastline near to the site but not along or at the site itself.

The project design statement advises that this is a popular area for wild camping and during the summer months the area is busy with campervans and tents. Historically there has never been a formal licensed campsite in this area and the proposal will address the need for facilities for campers who wish to enjoy this area of the island.

It also advises that the landscape on the proposed site is predominantly sandy with areas of shorter grass and distinct areas of longer marram grass by the dunes. The proposal is to retain the marram grass areas and the campsite layout has been designed around the existing undulations and to avoid vehicles encroaching on the marram grass areas.

Images on Bing Maps, Google Maps and Google Streetview show that the site already attracts visitors and has a level of ad hoc campervan parking in the summer. Vehicular trafficking has left tracks along the site running to the south, trafficking seems to be exacerbating track and coastal erosion to the east and north beyond the site boundary. There are also areas of ground where there is little or no marram growth presumably because of the level of trafficking on the ground.

[Outer Hebrides Local Development Plan.](#)

Please refer to the following sections of the plan in particular:

Policy PD2: Car Parking and Roads Layout (Page 19 of plan)

Policy EI 6: Coastal Erosion (Page 44 of plan)

Appendix 3: Car Parking and Road Layouts (Page 88 of plan)

[Outer Hebrides Local Development Plan Supplementary Guidance: Caravans, Huts and Temporary Buildings.](#)

[The Dynamic Coast website](#) has a summary providing context on existing policy in relation to coastal erosion.

Comments

This is a substantial development with 14 no campervan pitches, 17 no tent pitches, shower block and parking on an area of potentially vulnerable coastal land and partially along a single track public road.

The campsite will provide a designated area to cater for the existing demand for campervan and camping pitches at this location. It will also increase the beach's appeal to visitors potentially increasing overall traffic to the site, including those who visit the beach independently of the campsite. We ask that the applicant consider the impacts on traffic and coastal / machair ground management and maintenance as outlined below and consider what can reasonably be done to counteract or limit these impacts.

The fence line at the access and along the bend in the public road is too close to the public road (refer to the Site Layout drawing). The fence line should (1) allow pedestrians to have a reasonable space for stepping off the road if required, (2) not restrict visibility from the access and (3) not hamper drivers in vehicles driving along the adjacent public road. There are no passing places along this section of the public road and the campsite side of the road appears to be used as an improvised passing area. There must be provision for suitable passing places for vehicles accessing or driving past the site and this area should not be fenced off so close to the road.

The cattle grid at the access should be set back further along the access road (see roads layout advice on Page 20 of our local plan). The first 3m of the access should be bitmac surfaced (alternatively a concrete surface would be acceptable).

We suggest constructing the road through the campsite on the existing vegetative layer to minimise excavation of machair ground. There may be alternative road construction methods that better maintain the vegetative layer and drainage (for example grass reinforcement mesh). The green rubber lattice matting accesses to campervan sites appears to allow drainage and to be able to be uplifted during the off season (could more information be provided on this product?).

Going by aerial images on Bing and Google Maps, part of the access road being constructed to the south of the site is over ground that is already broken up (by vehicle traffic to the shore) exposing the sand. This area may be best not being used for access or for tent pitching sites until the vegetative layer has recovered. The applicant may wish to stop pedestrian and vehicular trafficking in this area to try and reestablish vegetative growth. In addition to this we would ask if one or two of the campervan pitches are too close to the coastal edge (there appears to be space to pull them further away from the marram grass areas)?

Care must be taken during the construction works as excavation of the vegetative layer / sand and trafficking of the ground will increase susceptibility to erosion. Any sand excavated as part of the works should be reused on site to counteract the effects of coastal erosion (for example, reusing sand for dune renourishment – possibly placing sand to the back of existing dunes).

It would be useful to have a passing place along the track within the campsite so that vehicles can pass each other. The project should include for signage to advise oncoming traffic of the campsite and could also make provision for bicycle parking.

Please advise further on the provision of parking on the site. It is assumed no parking is needed for campervan pitches but that there are a total of 9 parking spaces for 17 no tent pitch sites, campsite employees and other campsite visitors.

At the moment, again going by aerial images, there appears to be significant undermining of marram grass by sporadic access onto the beach either by vehicular or pedestrian trafficking. Fencing off the site will help reduce vehicular and pedestrian traffic to the dunes. Note that the visualisation image does not show a fence to the beach side although it may not be in view from the point of the visualisation. It may be useful to have a designated access point and to consider whether a boardwalk or other access structure is needed. Areas affected by trafficking could benefit from marram replanting.

We recommend that the developer put forward a plan to monitor and manage the coastline (regular measurement or surveys of coastal extent, marram planting, specific walkways for access points to the beach, information boards, etc).