

The Highland Council
Planning, Environment and Development Committee
11th August 2010

Agenda Item	8
Report No	PED 59/10

Highland wide Local Development: Proposed Plan

Report by Director of Planning and Development

Summary

Following the report approved by Members in May 2010, which outlined the draft Vision and Spatial Strategy element of the Highland wide Local Development Plan (HwLDP) this report summarises the content of the Proposed Plan (the Plan). The full text is available as Appendix 1 and a copy of the Proposals Map is available in the Members Library. Members are asked to approve the proposed plan for public consultation.

The work outlined in this report contributes to our commitments within 'Strengthening the Highlands' to produce new development plans which will enhance the conditions for balanced and sustainable economic growth. In doing so it aims to strike a balance between the potential development of the areas with the need to protect and enhance the environment. The work therefore contributes to the Single Outcome Agreement local outcomes for Sustainable Highland Communities and for Safeguarding Our Environment.

1. Background

- 1.1 In February 2009, the production of the Highland wide Local Development Plan (HwLDP) was formally launched as part of the Scottish Government's pilot on Delivering Planning Reform. Since the launch there has been significant engagement with the Key Agencies, the development industry, statutory consultees and the wider community to progress to this proposed plan. The Council's response to issues raised during consultation can be found in Appendix 2 to this report which is available to view on the Council's website and in the Members' library. The Proposed Plan (the Plan) is the Council's firm view on the future planning policies for the area and has been significantly influenced by infrastructure studies by Scottish Water, transport modelling by Transport Scotland and the Council's Capital Programme.
- 1.2 The Plan sets the context for the sustainable development of the Highlands as a whole through a Vision and Spatial Strategy. This plan, once adopted, will replace The Highland Structure Plan (Approved 2001) and the general policies of each of the following Local Plans:
- Caithness Local Plan (Adopted 2002)
 - Inverness Local Plan (Adopted 2006)
 - Nairnshire Local Plan (Adopted 2001)

- Ross and Cromarty East Local Plan (Adopted 2007)
- Sutherland Local Plan (Adopted 2010)
- West Highland and Islands Local Plan (to be Adopted 2010)
- Wester Ross Local Plan (Adopted 2006)

The HwLDP will also replace the general policies of the Badenoch and Strathspey Local Plan (Adopted 1997) in the areas which have not already been updated by the West Highland and Islands Local Plan and the Cairngorm National Park Local Plan. The land allocations in the above plans will continue to have relevance until such time as the new area Local Development Plans are produced.

2. Content

- 2.1 The Plan represents The Council's view on what it believes should be contained within the final version of the plan. Once agreed by Committee the Plan will be a material planning consideration in the decision making process.
- 2.2 The Plan is attached to this report as Appendix 1. The draft Vision and Spatial Strategy, which was approved by Members in May, has been completed and some aspects have been expanded to ensure clarity and provide greater certainty for both the community and the development industry. The remainder of this document sets the policy context for assessing planning applications across The Highland Council area.

3. Vision and Spatial Strategy

- 3.1 The Vision and Spatial Strategy in the Plan considers the development of the area as a whole. The Plan re-affirms the allocations for expansion sites within the City of Inverness which would aid in the consolidation of the city. The Proposed Plan supports development of settlements across Highland through the visions for each area which set the context for the forthcoming area local development plans. Within the A96 Corridor where there is significant development pressure, the Plan seeks: to allocate major strategic sites at East Inverness, Tornagrain, Nairn and Whiteness; re-affirm land allocations in the smaller settlements of Croy, Ardersier and Culloden Moor which were safeguarded for expansion in the Inverness Local Plan and allocate land for a planned expansion of Cawdor. The Spatial Strategy also identifies allocations for development in the areas where the current local plans are becoming out of date. Allocations in these areas are intended to stimulate economic growth including allocations at Nigg Yard, Dounreay, and John O' Groats. Outwith these sites it is the intention to support the ongoing development of existing business and industrial sites.
- 3.2 There are no specific land allocations identified in the Sutherland, West Highland and Islands, or Wester Ross Local Plan areas through the HwLDP, as these areas are covered by up to date Local Plans. An updated position on land allocations in these areas and the rest of the Inner Moray Firth area will be brought forward through the area Local Development Plans.

- 3.3 To ensure that development in the area is balanced with appropriate infrastructure the Plan indicates the need for development of improved infrastructure and allocates specific sites for waste infrastructure, as identified in the Council's Waste Strategy.
- 3.3 For each of the areas where land allocations are being proposed, there will be a reference on the Proposals Map (copies of which can be found in the Members' library) which corresponds to detailed mapping and text within the Plan itself.

4. General Policies

- 4.1 One of the aims of producing the HwLDP was to ensure consistent planning policy across Highland. The policies contained within the Plan should be read as a whole and not in isolation. In developing a new suite of planning policies we have taken into consideration a range of Highland Council policy and guidance, including the recently adopted local plans, and the updated national planning approach set out in Scottish Planning Policy and National Planning Framework 2.
- 4.2 Many of the policy areas remain the same albeit with an updated position reflecting the publication of Scottish Planning Policy, outcomes of the public consultation and key agency working. However, there are significant areas of new policies including; gypsy/travellers, crofting, coastal development, peats and soils, geodiversity, water environment and green networks.

5. Supplementary Guidance

- 5.1 The Planning Etc. (Scotland) Act 2006 gave local authorities the opportunity to give Supplementary Guidance the same status as an adopted Local Development Plan where it:
- Covers topics specifically identified in the Local Development Plan as being topics for supplementary guidance; and
 - Be limited to the provision of further information or detail in respect of policies or proposals set out in the Local Development Plan.

There are a number of steps which need to be taken in order to meet with the Town and Country (Development Planning) Regulations 2008 for adoption of statutory Supplementary Guidance and these have been followed for every piece of Interim Supplementary Guidance (or Supplementary Planning Guidance) produced by the Council since the publication of the regulations in December 2008.

- 5.2 Members will notice that it is the intention to prepare a number of pieces of Supplementary Guidance to the HwLDP. Some of these have already been brought before this Committee for approval, others will be brought forward in the coming months. We also intend to bring forward a number of cross-service Council policy and strategy documents as Supplementary Guidance to ensure they have significant weight in the decision making process for planning applications. This includes both the Local Transport Strategy and Highland

Housing Strategy.

- 5.3 In Appendix 6.3 of the Highland wide Local Development Plan there is a list of existing, and future Supplementary Guidance and development briefs with timescales for their production where appropriate. In due course this will form part of the Action Programme of the Highland wide Local Development Plan.
- 5.4 It has not been possible to complete the Onshore Wind Energy Supplementary Guidance in time for this meeting of Committee as had been intended, given the effort required by the whole team to bring the Proposed Plan to this meeting. However, progress continues to be made with the intention that draft guidance will be reported to Committee at its meeting on 22 September 2010. This should still enable some dovetailing of consultation and consideration of issues arising for the guidance with that on the Proposed Plan.

6. Determination of Planning Applications in the A96 Corridor

6.1 At Committee on 18 March 2009, members:

- (i) agreed that the all current major development schemes in East Inverness, Tornagrain, Delnies and South Nairn (and any which are subsequently submitted) which are identified in the A96 Corridor Framework are taken forward in the context of the ongoing local development plan work and should not be determined in advance of the preparation of the Proposed Plan;
- (ii) agreed that this will not affect consideration of those schemes which benefit from existing adopted Local Plan allocations, or the proposed Campus site at Beechwood, which was specifically promoted as a priority development area at the time the A96 Corridor Framework was approved by Council.

Members restated this position in November 2009 and March 2010. Officers believe that this should remain the case for all allocations which do not have support, either in part or in full, through the adopted Local Plans until the time that the Examination of the HwLDP is completed and the findings have been published.

- 6.2 If Members wish to agree this recommendation, this would mean no decision would be made on applications for Tornagrain New Town, Cawdor Masterplan, Nairn South Masterplan or any other major application which may come forward on proposed land allocations in the A96 corridor and which do not have a measure of adopted Local Plan support. Officers will continue to work with the developers involved however, given that the principle of development in these named locations is supported in line with the strategy set out in the Plan.
- 6.3 This approach will mean that the planning applications at East Inverness and Delnies at Nairn can be progressed, albeit in line with the guidance set out in the Proposed Plan. In addition, other proposals, which have a measure of Local Plan support are also capable of being supported in the period before the Examination.

- 6.4 By postponing the determination of the planning applications outlined above, this will allow the wider community to have additional input into the HwLDP and once the plan has been through the Examination process it will give all parties greater certainty on how the city-region will develop over the life of the next 20 years and beyond. Members should of course be aware that any developer has a right of appeal against non-determination of a planning application in the interim.

7. Assessments of the Plan

- 7.1 In preparing the HwLDP the Council have carried out a Strategic Environmental Assessment (SEA) to ensure that the plan does not have significant negative impact on the environment and where positive impacts are identified that they have been maximised. These impacts are demonstrated through a Revised Environmental Report which will be subject to the same public consultation period as the Plan and will be sent on to the Consultation Authorities for comment. The SEA has been key to the decision making process influencing policy wording and developer requirements for particular land allocations.

- 7.2 Officers are currently revisiting the Equalities Impact Assessment Screening which was carried out at the Main Issues Report Stage to ensure it fully reflects the contents of the proposed plan. This will be available on the Council's website in due course.

- 7.3 The Planning and Development Service are working in partnership with Scottish Natural Heritage on the production of a Habitats Regulation Appraisal of the proposed plan. This will be published alongside the proposed plan and will continue to be a live document until the time of the examination of the plan.

8. Gaelic

- 8.1 Prior to publication the headings, sub-headings and foreword of the Plan will be translated into Gaelic and incorporated into the document in line with the Council's Gaelic Language Plan.

9. Financial Implications

- 9.1 There are no financial implications directly arising from this report.

10. Next Steps

- 10.1 It is the intention that following this Committee the document will be prepared for public consultation. The public consultation will last a total of 10 weeks commencing in September 2010. The public consultation will include a number of drop in sessions and the document will be on deposit in all service points, libraries (including mobile libraries) and Highland Council planning offices. Individual copies will be sent to each community council in the area and a letter explaining that the Plan has been published will be sent to all those who

responded at the Main Issues Report stage. To ensure best use is made of Council resources the public consultation on the Plan will be accompanied by consultation on a number of pieces of supplementary guidance.

- 10.2 There are specific guidelines for making representations to the Plan. The Plan will set these out clearly at the front of the document and they will also be included on the Council's website and in adverts in local newspapers advertising the publication of the Plan.
- 10.3 The Council are required to prepare a Schedule of Landownership for all sites which the plan is proposing to allocate, this will form an appendix to the final consultation version of the plan. Once this is complete the Planning and Development Service are required to inform these land owners that their land is being allocated for development and also inform any neighbouring land owners.
- 10.4 Following public consultation there are two options. The preferred options to make minor non-material changes to the plan prior to the plan being submitted to Scottish Ministers for an independent examination of any unresolved issues. The second option is that the Council could make notifiable modifications (such as significant changes to the Spatial Strategy) although this method would delay the examination process by up to 3 months.

11. Conclusion

- 11.1 The publication of the Plan represents a significant step towards The Highland Council's first local development plan produced under the Planning Etc. (Scotland) Act 2006. The Highland wide Local Development Plan will facilitate the move to a more effective, efficient and fit for purpose planning system in Highland.

Recommendation

Members are asked to agree that:

- i. the Proposed Highland wide Local Development Plan is subject to a 10 week public consultation commencing in September 2010;
- ii. minor changes to the Highland wide Local Development: Proposed Plan, including non-material changes, such as formatting and insertion of gaelic language sections can be made prior to the commencement of public consultation in discussion with the Chairman of this Committee;
- iii. all proposals in the A96 Corridor which have a measure e of adopted Local Plan support (in full or in part) may be determined in advance of the Local Development Plan Examination in line with the updated guidance in the Proposed Plan; and
- iv. all current major development schemes at Tornagrain, Cawdor and South Nairn (and any which are subsequently submitted) which do not have adopted Local Plan support in full or in part, and which are identified in the Highland wide Local Development Plan, are taken forward in the context of the ongoing Local Development Plan work and no decisions will be taken on these schemes until the results of the examination of the plan are known.

Signature:

Designation: Director of Planning and Development

Date: 2 August 2010

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Background Papers:

Appendix 1 – Proposed Highland wide Local Development Plan