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Our Ref: AJMCAJMC\BAL0169.1\CAOC
 Your Ref: LDP-270-3
 Date: 30 September 2011

Dear Sir,

**Highland Wide Local Development Plan
 Proposed Development Plan Examination- DPEA Ref. LDP-270-3
 Ross Estates Company (Balnagown Estate) ("Objector") - Objector Reference 229
 Issues 71, 84 and 90 - Waste Strategy/Policy
 The Town and Country Planning (Development Planning) (Scotland) Regulations 2008
 Scottish Planning Series: Planning Circular 1 2009: Development Planning**

We refer to the letter dated 16 September 2011, from Morag Smith, Development Plan Assistant, containing notice under Regulation 22 of the Town and Country Planning (Development Planning)(Scotland) Regulations 2008, that you seek further information from the Objector regarding Issues 70, 84 and 90 of the Proposed Highland Wide Local Development Plan ("HWLDP").

We refer to our letters dated 24 June 2011 ("Letter 1") and 23 August 2011 ("Letter 2") in relation to the Development Plan Examination ("DPE") relating to the HWLDP. We act for the Objector who stands by the terms of both letters, the terms of which are incorporated herewith. Letter 1 is appended as Annex 1 and Letter 2 as Annex 2. We refer you specifically to the terms of each letter. We note that you propose to take Letter 1 and Letter 2 into account, when giving consideration to the waste-related aspects of the proposed plan.

Read together, Letter 1 and Letter 2 address the following critical points, as set out below:

- The Planning Authority has submitted a proposed local development plan that does not take full and proper account of the Zero Waste Plan, and Revised

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Annex B of the Zero Waste Plan, therefore rendering the proposed plan inconsistent with National Policy (including SPP) and the National Planning Framework 2. S.16 of the Town and Country Planning (Scotland) Act 1997 requires that planning authorities, in preparing an LDP, take account of the National Planning Framework.

- The Planning Authority have also failed to fully take account of the changes brought forward by the pending Zero Waste (Scotland) Regulations 2011. The pending Zero Waste (Scotland) Regulations 2011, which are to be laid before the Scottish Parliament in late 2011, will come into force within the lifetime of the HWLDP and are therefore of direct relevance.
- Significant policy and regulatory changes have occurred which significantly alter the principles upon which waste strategy must be formulated. These changes must be addressed in the context of the DPE and ought not to be postponed until a later amendment.
- The Planning Authority have acknowledged its failure to integrate these significant regulatory and policy changes in the HWLDP, and have requested that you facilitate a degree of integration in the course of the DPE. The Planning Authority, in its Schedule 4 Response in relation to Issue 71, has accepted the long term requirement for the full integration of the Zero Waste Plan and Revised Annex B into the Development Plan. There is therefore disagreement over the timing of intergration. We consider that the changes introduced by the Zero Waste Plan and the Revised Annex B require to be addressed in the context of the DPE and ought not to be postponed until a later amendment. Given that the HWLDP, under the Highland Development Plan Scheme is to be used as a plan of a "strategic nature", the Objector considers that it would be inappropriate for changes of such strategic significance set out in the Zero Waste Plan and Revised Annex B, to be dealt with under the three site specific Local Development Plans.
- Given that the waste facility symbol detailed in Figure 3 of the HWLDP was not an allocation but was rather representative of a planning permission that was at that time extant but has now been quashed under s.239 of the Town and Country Planning (Scotland) Act 1997, and is now subject to the ongoing Planning Appeal, we consider that it is appropriate for Figure 3 to be deleted.
- Given the dispute between parties on complex and technical matters, including on the timescale during which the above statements of National Policy, and legislative changes must be integrated into the Development Plan, we believe that it would be helpful for that evidence to be tested by way of cross-examination.


In conducting the DPE, the Reporters must primarily examine the appropriateness and sufficiency of the content of a proposed plan. We maintain that only following the integration

of these significant regulatory and policy changes into the HWLDP will the proposed plan be appropriate and sufficient.

Should you require further information or clarification of any of the above, please do not hesitate to contact me.

Copies of this letter have been emailed to SEPA and the Highland Council.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Alastair McKie', with a long horizontal line extending to the right.

Alastair McKie
Partner
Head of Planning and Environment
for and on behalf of Anderson Strathern LLP

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