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Our Ref: HWLDP-EX1:4
Your Ref: LDP-270-3/13
Date: 14 September, 2011

Dear Ms Smith,

HIGHLAND WIDE LOCAL PLAN - REQUEST FOR FURTHER INFORMATION – SUPPLEMENTARY GUIDANCE

In reference to the reporters request for further information regarding the above issue the Council offer the following response; The Council has retained the wording of the original request below.

DPEA Reporters request:-

Please note that in your response to our previous requests, in setting out the main principles of supplementary guidance you have provided a concise account of the objectives and general scope of the guidance, and these should be included similarly in responding to these new questions. The matters raised in this request refer to issues where the text in the proposed plan may not achieve this to the extent referred to in the Scottish Government representation. The questions therefore cover those references to supplementary guidance that have not already been dealt with.

In response to the above Reporters request to provide further references to Supplementary Guidance on issues not previously dealt with in other requests the Council submit the following comments, commended text amendments and additions in respect of these further policy areas.

The Council's comments below relate to Policies 4, 6, 16, 24, 28, 30, 31, 32, 33, 42, 59, 60, 61, 65 and 75.

Item 1

Policy 4 Longman Core Development

The Council commend the rewording of this policy to incorporate the main principles of the related supplementary guidance;

"The Council will support the development of office, leisure, service and retail uses in the Longman Core, as indicated on Map1. These uses must be presented within the context of an updated development brief or masterplan. The objective of this supplementary guidance will be to co-ordinate redevelopment of land and property at the "core" of the Longman estate, and set the context for development in this key urban transport corridor, examining the contribution that this location can make. Any proposal in this area must be accompanied by a transport appraisal.

The main principles of the guidance will be to;

- *provide improved linkages to the city centre,*

The main principles of the guidance will be to;

- provide improved linkages to the city centre,
- guide the enhancement of design in this important gateway to the City,
- provide improved transport improvements on the A82 and
- develop effective pedestrian and cyclist movement throughout the area."

Item 2

Policy 6 Muirtown and South Kessock

The Reporters will recall from the Council's response to the 6 July DPEA Request for Further Information (concerning which elements of the old local plans are proposed to be superseded) that the Council wishes the provisions of the Inverness Local Plan 2006 to continue to have effect for the Muirtown and South Kessock site (as delineated on Map 3 of the Highland wide Local Development Plan (HwLDP)).

The Reporters will also recall that in the event that the Reporters believe there is a conflict in purpose of the two development plans applying to the same geographic area then the Council's view is that the provisions of the Inverness Local Plan 2006 should take precedence and that the HwLDP references should be deleted and/or downgraded to supporting text sufficient only to explain the site's regeneration role in the wider City strategy. If this logic is followed then the Muirtown / South Kessock Development Brief should also be deleted from the list in Appendix 6.3.

If the Reporters feel the two plans can co-exist and not conflict in purpose for this area but that the HwLDP itself must contain the guiding principles of future supplementary guidance then the Council would suggest the following re-wording of Policy 6:

"The Council will support development proposals for the Muirtown / South Kessock area (as indicated on Map 3) which fit with the provisions of the existing Inverness Local Plan. The Council intends to adopt as Supplementary Guidance, a future developer led masterplan or produce its own development brief for part or all of the area.

This masterplan or brief will be guided by the following principles and objectives:

- *net improvement of the local transport network including the junction at Telford Street Retail Park;*
- *maximum employment potential from commercial use of the waterfront frontage at the Muirtown Basin;*
- *safeguarding and if possible enhancement of navigation, heritage features and public pedestrian access;*
- *greater diversification of housing tenure and renewal of housing stock within the area."*

Item 3

Policy 16 Sandown

The Council will support development at Sandown (as shown on Map 9) in the short term subject to a suitable development **masterplan**, to be adopted as supplementary guidance. The masterplan will need to address issues relating to the successful delivery of the site addressing issues relating to design, layout and infrastructure provision.

The Highland Council will prepare a Sandown Development Brief based on the principles of;

- an appropriate housing density including an adequate level of affordable housing provision
- a co-ordinated phasing strategy
- a consideration of the location and context of the site
- provision of appropriate access solutions, including setting out linkages and shared arrangements to the adjoining land at Delnies

Item 4

Policy 24 Nigg

In relation to the adoption of supplementary guidance in relation to Nigg, the Nigg Development Masterplan public consultation was carried out and all other procedures in line with Section 22 of the Planning Etc. (Scotland) Act 2006 and Regulation 27 of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 were followed. This piece of supplementary guidance has not been submitted to Scottish Ministers as The Highland Council considered it appropriate to wait until the time that the Highland wide Local Development Plan is adopted.

Public Consultation on the Nigg Development Masterplan was carried out initially between 1 December 2008 and 16 February 2009, with a further round of consultation from 1 June 2009 to 7 August 2009. At this time the guidance was on deposit in local Libraries, Highland Council Service Points, Highland Council Planning Offices and online. Following the consultation period the responses were considered and a report of consultation was prepared. This Supplementary guidance has also been subject to Strategic Environmental Assessment and Appropriate Assessment).

The policy in relation to Nigg has been informed through the development of the development masterplan and it is the Council's intention to adopt the masterplan as statutory Supplementary Guidance beyond the adoption of the HwLDP.

Item 5

Policy 28 Masterplanned Proposals in Caithness

This policy seeks to respond to development opportunities for settlement expansion and provides for the possibility of statutory Supplementary Guidance being prepared in the interests of good planning. As the specific development opportunities for settlement expansion are not known at this stage, it is not possible in the Plan to detail specific principles for individual items of supplementary guidance.

The Council therefore suggests that within Policy 28 the following wording should be inserted after the second sentence:

"Such proposals will still need to be assessed against other parts of the development plan and should set out and follow principles which accord with the vision and spatial strategy of this Plan."

Furthermore, the Council suggests that the final sentence of Policy 28 be reworded as:

"Suitable masterplans which follow this approach will be adopted by the Council as Supplementary Guidance to this Plan, subject to the statutory procedures for preparation of Supplementary Guidance being met and possible amendment of the masterplans prior to adoption."

Item 6

Policy 30 Design Quality and Place-Making -

The Council have identified the need for reference to Supplementary Guidance to be prepared to support the aims of this policy. The Council commend the inclusion of further supporting text and amendments to policy wording.

The Council commend insertion of additional supporting text after paragraph 18.6.1;

"The Council intends to produce supplementary guidance on "Residential Layout" and a "Public Art Strategy for the Highlands" to provide more detailed guidance on how developments can help create new and better places; places that are distinctive and reflect the Highland context."

The Council's "Residential Layout" guidance will draw heavily from the Scottish Government's key policy statements on design and place-making – "Designing Places" and "Designing Streets" – and

will require that proposals consider and address the six qualities of successful places to produce new developments that are:

1. *distinctive;*
2. *safe and pleasant;*
3. *easy to get around;*
4. *welcoming;*
5. *adaptable;*
6. *resource-efficient.*

In addition, the Council's "Public Art Strategy for the Highlands" will seek the inclusion of public art in new developments to help produce well-designed, locally distinctive built environments, with a clear sense of identity and place. Developer contributions may be sought to fund public art where it is considered that a site would benefit from public art being included as an intrinsic element of the development proposal – see Policy 32 Developer Contributions."

It is further commended that the first paragraph of the policy is amended with the inclusion of a further second paragraph the redrafted policy in its entirety as commended to read;

Policy 30 Design Quality and Place-Making

"New development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located, and should consider the incorporation of public art as a means of creating a distinct sense of place and identity in line with the Council's "Public Art Strategy for the Highlands". Applicants should also demonstrate sensitivity and respect towards the distinctiveness of the local architecture, design and layouts in their proposals.

The design and layout of new residential development proposals should focus on the quality of places and living environments for pedestrians rather than movement of vehicles, and should incorporate all of the six qualities of successful places. Further guidance on this policy topic will be provided in the Council's "Residential Layout - Supplementary Guidance

Where relevant, the Council will judge proposals in terms of their contribution to place-making. Proposals should have regard to the historic pattern of development and landscape in the locality and should, where relevant, be an integral part of the settlement. The Council will examine proposals to ensure that people of all abilities can move safely and conveniently within the development and, where appropriate, to facilities in other parts of the settlement."

Item 7

Policy 31 Physical Constraints

Since the publication of the Proposed Plan the Council has prepared and consulted on the Physical Constraints Supplementary Guidance referred to in Policy 31.

The Council suggest that the following revision to the Plan (Policy 31 and preceding paragraph) would be appropriate to outline the principles of the guidance as well as to provide more detail on the scope of the guidance given the content now established:

The Council commend the replacement of paragraph 18.8.1 with;

"18.8.1 There are a range of physical and technical factors, including those that affect public health and safety that need to be assessed when considering development proposals. These will be listed and (where practicable) mapped in the Physical Constraints: Supplementary Guidance and will cover sites, installations, infrastructure and other areas."

Further the Council commends the redrafting of policy text to read;

Policy 31 Physical Constraints

“Development proposals must consider whether they would be located within areas of constraints as set out in Physical Constraints: Supplementary Guidance. The main principles of the guidance are;

- *To provide developers with up to date information regarding physical constraints to development in Highland and;*
- *To ensure proposed developments do not adversely affect human health and safety or pose risk to safeguarded sites*

Where a proposed development is affected by any of the constraints detailed within the guidance, developers must demonstrate compatibility with the constraint or outline appropriate mitigation measures to be provided”.

Item 8

Policy 32 Developer Contributions

It is the intention that existing guidance will be subsumed into the emerging Developer Contributions: Supplementary Guidance in accordance with the supporting text of Policy 32 – Developer Contributions of the Highland wide Local Development Plan.

“The principles that will guide the preparation of the Developer Contributions: Supplementary Guidance will be:

- *Fair and proportionate developer contributions for all developments on sites allocated in either the Highland wide Local Development Plan or one of the Area Local Development Plans or in terms of windfall development.*
- *Developer contributions will be sought where create a need for new or improved services, facilities or infrastructure has been identified.*
- *Flexibility in approach to ensure that development can be brought forward in difficult economic circumstances while ensuring that the development has no net detriment.*
- *Facilitate informed decision making by those involved in the development process, allowing potential financial implications to be factored into development appraisals prior to commercial decisions and actions being undertaken.”*

The Council also suggest a minor text replacement in the table of paragraph 18.10.3 in reference to Public Art. The existing text restricts developer contributions to public art to only where it is “an intrinsic element of the development’s design”. This would likely preclude temporary public art initiatives which will form part of the PA Strategy. A minor change to the text wording in the table in relation to public art is commended to read;

“Whether a development of a site would benefit from public art being an intrinsic element of the development proposal, and where the delivery of the Public Art Strategy will be enabled.”

Item 9

Policy 33 Affordable Housing

The Council commend the removal of the 2nd sentence of the 1st paragraph and insertion of new paragraph after the existing final paragraph;

“Further guidance on the delivery of these contributions is detailed in the Council’s Supplementary Guidance: Affordable Housing.

The main principles contained in the supplementary guidance are to;

- *provide guidance on where and when affordable housing contributions will be sought*
- *define acceptable forms of affordable housing contribution*

- provide further guidance on the mechanisms for securing affordable housing
- provide advice on the type, design and layout of affordable housing
- indicate the mechanisms for the retention of affordable housing stock

Item 10

Policy 42 Business and Industrial Land

This policy seeks to respond to the requirements of emerging industries and provides for the possibility of statutory Supplementary Guidance being prepared in the interests of good planning. As the specific requirements of emerging industries are not known at this stage, it is not possible in the Plan to detail specific principles for individual items of supplementary guidance.

The Council therefore suggests that within Policy 42 the penultimate sentence should be reworded as follows:

“Such proposals will still need to be assessed against other parts of the development plan and should set out and follow principles which accord with the vision and spatial strategy of this Plan.”

Furthermore, the Council suggests that the final sentence of Policy 42 be reworded as:

“Supplementary Guidance which follows this approach may be prepared where time allows and the complexity of the issue suggests it appropriate.”

Item 11

Species and Habitats

Policies 59 Protected Species, 60 Other Important Species and 61 Other Important Habitats

Since publication of the Proposed Plan, the Council has prepared and consulted upon its Draft Supplementary Guidance relating to “Highland’s Statutorily Protected Species”. This is technical guidance the parameters of which are set by the statutory duties relating to the protected species in question. The Council considers therefore that the reference in the Plan to the guidance (and related checklist) is sufficient, albeit that it would benefit from updating. The Council also considers that a further reference be added, indicating the potential preparation of further technical Supplementary Guidance in respect of Other Important Species and Other Important Habitats. The Council therefore suggests that the second paragraph of the supporting text (21.3.2) be reworded as:

“The Supplementary Guidance ‘Highland’s Statutorily Protected Species’ provides advice on establishing which biodiversity issues may be found on a particular site and how to address these issues. A Biodiversity Checklist for Protected Species on Development Sites is appended to the guidance and any issues that the checklist highlights, directly pertaining to protected species, should be addressed prior to submission of a planning application. The guidance, including checklist, will be incorporated into the determination of planning applications where appropriate. General biodiversity advice relating to development will be contained within a Sustainable Design Supplementary Guidance. In addition the online [Biodiversity Toolkit](#) should be consulted. The Council may also prepare further technical Supplementary Guidance in respect of Other Important Species and Other Important Habitats.”

Item 12

Policy 65 - Flood Risk

The Council intends to issue a draft of the technical guidance referred to in para. 21.14.3 of the HwLDP in October 2011. It will be entitled Flood Risk and Drainage Impact Assessment and is intended for later adoption as statutory Supplementary Guidance to the HwLDP. This name and timing change will require a factual correction to Appendix 6.3. The guidance is very technical and

aimed at engineers and sets out checklists and standards for the production of flood risk assessments and drainage impact assessments.

If the Reporters feel that the HwLDP wording is insufficient, then the Council would suggest a re-wording of para. 21.14.3 as follows;

"The Council intends to produce further Supplementary Guidance in the form of technical standards and checklists for the production of flood risk assessments and drainage impact assessments to ensure the implementation of the principles of the policy below and Policy 67 Surface Water Drainage."

Item 13

Policy 75 - Green Networks

The Council commend the inclusion of the following wording in Policy 75 in relation to the principles followed within the supplementary guidance, after existing policy text insert;

"The main principles of the guidance are to;

- *help promote greenspace linkages and to safeguard and enhance wildlife corridors in and around new and existing developments;*
- *set out a methodology for identifying the Highland Green Network;*
- *enable new development to take advantage of the outstanding landscape in the area while also preserving areas of significant landscape value; and*
- *set out mechanisms for delivery of projects to maintain and enhance the existing green network."*

I trust this response meets the requirement set out in the original request.

Yours sincerely

Brian MacKenzie
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Development Plans Team