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Your ref:
Our ref: LDP-270-3/14

25 August 2011

Dear Mr McKenzie

I am writing regarding Highland Wide Local Development Plan which has been submitted to DPEA for examination by Scottish Ministers. Under Regulation 22 of the Town and Country Planning (Development Planning)(Scotland) Regulations 2008 the appointed reporters can request, by way of notice, further information in connection with the examination. This letter is a notice under Regulation 22.

The reporters have identified that further information, as listed below, should be provided by the Highland Council. It would be helpful if you could send this information to me, to pass on to the reporter, by 8 September 2011.

1. Issue 1 – policy 1 Completing the Unconstrained City Expansion Areas

Policy 1 includes a reference to revised supplementary guidance regarding developer contributions, but it is unclear from appendix 6.3 what already exists, as opposed to what is proposed. Is the latter reference to developer contributions what is intended? There is also a reference to developer contributions in paragraph 9.1 that suggests some of these could already be in place. In any event, the main principles of the guidance should be set out in the policy.

Item 1 – please clarify the position regarding the guidance, and submit text setting out the main principles of this guidance.

2. Issue 2 – policy 2 Inverness City Vision

Introductory paragraph 9.5.2 to policy 2 refers to the adoption of the Inverness City Vision as supplementary guidance. It is referred to in appendix 6.3 as having been to

committee in August 2010, but its present status is unclear. This should be clarified, and the plan should set out the principles that have been followed in the preparation of the guidance.

Item 2 – please clarify the status of the Vision, and submit text setting out the principles that were followed during its preparation (as opposed to just the outcomes that are referred to in the council’s response to policy 2 representations).

3. Issue 3 – City Centre Development

Supplementary guidance is proposed to highlight specific opportunities for redevelopment and enhancement in the city centre. Appendix 6.3 suggests this will be part of the Inverness City Vision, but the preparation of the two are out of step with each other according to the information in the appendix. This relationship should be clarified. If it is part of the City Vision it may be more appropriate for supplementary guidance specifically for the city centre to concentrate on the manner in which each identified opportunity is to be implemented.

Item 3 – please clarify the relationship between the supplementary guidance for the city centre and the Inverness City Vision. If it is part of the latter, should it be covered by the principles referred to under item 2? Does the council consider it would be appropriate to make the guidance a clear part of the City Vision, and produce clear supplementary guidance as to how development opportunities should be implemented? If so please provide principles as to how this would be achieved.

4. Issue 5 – Former Longman Landfill Site

There is a lack of clarity between the reference to the master plan as supplementary guidance in introductory paragraph 9.12.1 to policy 5 which refers to viability and suitability – logic would suggest the latter would be part of the preparation of the master plan. Appendix 6.3 refers to the overall framework and guidelines for design and other standards, but the policy should set out principles for these.

Item 4 – please clarify the relationship between the master plan and detailed design/standards guidance. Are these the same document? Please provide text setting out the main principles the guidance will follow.

5. Issue 7 – Inshes and Raigmore

Policy 7 refers to a new development framework/land use strategy and this is referred to in appendix 6.3. However the policy needs to set out the principles that will guide the preparation of the document.

Item 5 – please provide text setting out the principles that will guide the preparation of the development framework/land use strategy for the area.

6. Issue 8 – Ness-side and Charleston

Policy 8 refers to the preparation of master plans for these areas, and reference is made to these in appendix 6.3 as a development brief. However the policy needs to set out the principles that will guide the preparation of the document.

Item 6 – please provide text setting out the principles that will guide the preparation of the master plans for the area.

7. Issue 9 – A96 Corridor – Phasing and Infrastructure

Introductory paragraph 10.6 to policy 9 A96 Corridor – Phasing and Infrastructure refers to a revised A96 developer contributions protocol to be adopted as supplementary guidance. Appendix 6.3 suggests this has already been to committee.

The council's response on supplementary guidance to representations on issue 9 does not make it clear that the supplementary guidance refers to developer contributions (rather than physical planning issues). Policy 9 itself refers to developer contributions but does not make any reference to the supplementary guidance. This is also relevant to policy 32, where the only reference to it being none A96 corridor development is in the appendix, but there is no cross referencing. In any event, the main principles of the guidance should be set out in the policy.

Item 7 – Please clarify the position with regard to this guidance. Should reference be made to it in policy 9, and should there be a cross reference to policy 32, which may not apply here? Please provide text for the principles that will underpin the production of the guidance, and state whether this should be in the policy or its preamble.

8. Issue 10 – Beechwood Campus

The section on green networks and open space in policy 10 refers to open space requirements being set out in supplementary guidance. Appendix 6.3 says this is existing guidance dated 2009. As such it is too late to set out principles that will guide the preparation, so the text should make clear the relationship between the plan and the guidance. Section 22 of the town and Country Planning (Scotland) Act 1997 as amended also sets out procedures for adopting supplementary guidance, including public consultation. It is not clear if this was followed for existing guidance.

Item 8 – please provide text to show the relationship between the proposed plan and the existing supplementary guidance, and whether appropriate consultation was carried out as part of its preparation.

The section on education refers to existing supplementary guidance, so the same comments just set out above apply, except that in this case it refers to developer contributions. These are also referred to in policy 32, where the council's response to representations suggests the educational developer contributions guidance may

remain as at present. Are the educational developer contributions to remain stand alone, or will they be incorporated in the policy 32 guidance, which refers to education at paragraph 18.10.3?

Item 9 – please clarify the situation regarding the existing developer contributions for educational development and those proposed under policy 32. If necessary please provide text for the principles that will underlie the preparation of the guidance. Was appropriate consultation carried out as part of existing guidance’s preparation?

9. Issue 12 - Stratton

As under issue 10 Beechwood Campus, there are references to supplementary guidance for educational and open space contributions, the latter at paragraph 11.10.2, and both under policy 12 Stratton. The council’s response to representations for issue 12 refers to the open space guidance. The same considerations apply as in issue 10.

Item 10 – please respond to the issues raised in items 8 and 9 in relation to issue 12.

10. Issue 13 - Tornagrain

As under issues 10 Beechwood Campus and 12 Stratton, there are references to supplementary guidance for educational and open space contributions, in this case under policy 13 Tornagrain. The same considerations apply as in issues 10 and 12.

Item 11 – please respond to the issues raised in items 8 and 9 in relation to issue 13.

11. Paragraph 18.10.2 refers to supplementary guidance and subject areas are listed in the table at paragraph 18.10.3. However there is no mention of the guidance in policy 32. It would be helpful if the text could clarify the potential different types of guidance – A96 corridor, Highlands outwith the corridor, and possibly education. The plan should set out the principles under which the guidance will be prepared, and there may be benefit in this being framed as part of the policy rather than the preamble.

Item 12 – please clarify the different types of guidance, giving its status in terms of existence or preparation. In the latter case please provide text setting out the principles under which guidance will be prepared. Should this be contained within the introductory preamble or the policy itself?

12. Issue 34 - Houses in Multiple Occupation

Paragraph 19.3.2 and policy 34 refer to supplementary guidance, and appendix 6.3 confirms this as existing, but says it will be updated. The plan should make clear the

exact status of the guidance, and if necessary set out the principles under which it will be prepared/updated.

Item 13 – please confirm the status of the supplementary guidance referred to and, if appropriate, whether necessary consultation has been carried out under section 22 of the Act and regulation 27. Please provide text for the principles guiding preparation of the guidance where this is to be new or updated.

13. Issue 41 - Retail Development

Section 1 ii) of policy 41 refers to supplementary guidance relating to specific settlements, but does not provide any further clarity. Whilst it is understood that such guidance would not be prepared under policy 41 it would be helpful if the text of part 20, possibly in the introductory paragraphs to the policy.

Item 14 – please confirm the status of the supplementary guidance referred to, and provide text for the plan to fully explain its relationship to the policy, possibly for inclusion within the introductory paragraphs.

Please acknowledge receipt of this letter and confirm that it and, in due course, the council's responses, have been posted on the council's website. Please do not hesitate to contact me if there is anything you would like to clarify.

Yours sincerely

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