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Our ref: LDP-270-3

Wednesday, 27 July 2011

Dear Mr McKenzie

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)
(SCOTLAND) REGULATIONS 2008
HIGHLAND COUNCIL
HIGHLAND WIDE LOCAL PLAN
NOTICE: REQUEST FOR FURTHER INFORMATION**

I am writing regarding Highland Wide Local Plan which was submitted to DPEA on the 6 May 2011 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 August 2011.

Supplementary Guidance

You will be aware that the Scottish Government representation (reference 324) in relation to Policy 2 of the proposed Highland-wide Local Development Plan (HWLDP) invited the reporters to examine whether, for each instance where the plan states that supplementary guidance is to be prepared, there is a sufficiently full and clear policy objective on which it is to be based. In response to that invitation, Mr Mahony, the appointed reporter for those issues listed below, has made a preliminary examination of those issues and requests further information.

It is suggested that in setting out the main principles of supplementary guidance, as requested below, a concise account of the objectives and general scope of that guidance are likely to be helpful. In relevant instances, it may be possible to draw from the material in your existing draft guidance.

Issue 25 – Policy 25: Dounreay

Policy 25 refers to an updated Planning Framework for Dounreay, which is in course of preparation. The Highland Council states that it intends to adopt this updated Framework as supplementary guidance. The reporter considers that the main principles of the Framework require to be stated within the policy. You are therefore invited to submit text setting out those principles.

Issue 26 - Policy 26: John O’Groats

Policy 26 refers to a masterplan which has been prepared in draft for John O’Groats. The council states that it intends to adopt this masterplan (with possible amendment following consultation) as supplementary guidance following adoption of the local development plan. The reporter considers that the main principles of the masterplan require to be stated within the policy. You are therefore invited to submit text setting out those principles.

Issue 27 - Policy 27: Castletown

Policy 27 refers to a masterplan which has been prepared for Castletown. The Highland Council states that it intends to adopt this masterplan in its existing form as supplementary guidance following adoption of the local development plan.

It appears from the Local Context section of the masterplan that it was prepared in the context of the Caithness Local Plan. In that respect, your attention is drawn to paragraph 98 of Circular 1/2009 which states: “Guidance adopted in connection with a plan falls when that plan is replaced, but if it remains up-to-date, authorities may readopt it in connection with the replacement plan after limited reconsultation, provided a proper connection with the plan remains.”

Would you therefore confirm that it is the council’s intention to readopt the masterplan in connection with the HWLDP, in accordance with the above arrangements?

If that is the case, the reporter considers that the main principles of the masterplan require to be stated within the policy. You are therefore invited to submit text setting out those principles.

Issue 29 - Policy 29: Sustainable Design

Policy 29 states that “some development proposals must also demonstrate compatibility with the Sustainable Design Supplementary Guidance through submission of a Sustainable Design Statement.” That supplementary guidance is

available in consultation draft form. The reporter considers that the main principles of the supplementary guidance require to be stated within the policy. You are therefore invited to submit text setting out those principles.

He also seeks clarification as to which development proposals would be required to demonstrate compatibility with the guidance and which not.

Issue 36 - Policy 36: Housing in the Countryside (Hinterland Areas)

Policy 36 refers to siting and design guidance for housing in the countryside. In Appendix 6.3 this is listed under proposed supplementary guidance. Mr Mahony considers that the main principles of the proposed guidance require to be stated within the policy. You are therefore invited to submit text setting out those principles.

The policy also refers, at bullet point 7, to supplementary guidance for housing in the countryside. The reporter considers that the main principles of the proposed guidance require to be stated within the policy. You are therefore invited to submit text setting out those principles.

Issue 37 - Policy 37: Wider Countryside

At paragraph 19.7.3, the plan indicates that development proposals in the wider countryside (for housing) will also have to accord with supplementary guidance on housing in the countryside. The reporter considers that this requirement should be stated within policy 37. You are therefore invited to submit text stating that requirement.

Issue 50 - Policy 50: Coastal Development

Policy 50 states the council's intention to adopt the existing Coastal Development Strategy as supplementary guidance in its present form. The reporter considers that the policy and supporting text give only partial indication of the purpose and scope of the guidance. He therefore requests the council's view on incorporating paragraphs 2.1 and all except the last sentence of paragraph 2.2 of the Strategy into the policy in order to provide the relevant context.

Issue 51 - Policy 51: Aquaculture

Policy 51 states the council's intention to adopt its Aquaculture Framework Plans and its Integrated Coastal Zone Management Plans as supplementary guidance in their present form.

Some of the Aquaculture Framework Plans and the Two Broom Coastal Plan appear to pre-date preparation of the HWLDP. In that respect, the above-quoted paragraph of Circular 1/2009 would apply. For those plans, the reporter requests confirmation that the council intends to readopt them in connection with the HWLDP, in accordance with the above arrangements.

If that is the case, the reporter considers that the policy and supporting text give only a partial indication of the principles underlying those documents. He therefore invites the council to submit text setting out the main principles of each type of document with a view to its incorporation into policy 51.

Issue 53 - Policy 53: Principle of Development in Woodland

Policy 53 refers to Trees, Woodland and Development Supplementary Guidance. The reporter requests confirmation as to whether it is the council's intention to adopt such guidance as statutory. He notes that guidance entitled Development and Trees is listed in appendix 6.3 under the heading Future Supplementary Guidance. He would appreciate confirmation as to whether this is the same as that referred to in the policy and, if so, which is the correct title.

If the council's intention is to adopt the guidance on a statutory basis, it is invited to submit text setting out the main principles of the document.

General

For each issue, the parties who made representations on that issue will be invited to comment on your response.

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 faithfully

Brian Archibald

BRIAN ARCHIBALD
Development Plan Officer
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