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Our Ref: HWLDP-EX1:3
Your Ref: LDP-270-3
Date: 10 August, 2011

Dear Mr Archibald,

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

I write in response to the request for further information 27 July 2011 seeking additional text in regard to supplementary guidance in this respect I enclose the Council's response to the various issues. The Council has retained the wording of the original request to provide context with the Council's response following below.

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.

Council Response

The Council submits the following text setting the main principles to be delivered in supplementary guidance for the reporters' consideration;

"The main principles of the Framework will be:

- *the timely, safe and environmentally acceptable decommissioning, restoration and after use of the Dounreay site*
- *phasing through to the interim end point, setting out the developments required for decommissioning and restoration towards achieving the site end state, including new build, adaptation, demolition and remediation*
- *sufficient flexibility to respond to changing constraints whilst not placing undue restrictions on the site operator*
- *indication of potential new interim uses and end uses for parts of the site in support of economic regeneration of the area."*

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.

Council Response

The Council submits the following text setting the main principles to be delivered in supplementary guidance for the reporters' consideration;

"The main principles of the Masterplan will be:

- *good quality building design*
- *identification of the focal "destination point"*
- *regeneration of the existing hotel site supplemented by additional accommodation*
- *retention of valued assets*
- *provision of a visitor centre and space for enhanced food and drink facilities*
- *car parking around the periphery of the core harbour-side area*
- *interconnection and improvement of the coastal paths*
- *maximise the attraction of the natural flora, fauna and landscape assets*
- *physical improvements to public parts of the harbour area*
- *setting out phasing as a guide to growth, taking into account deliverability and key components for a first phase."*

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.

Council Response

The Castletown Masterplan document in its current form refers to the Caithness Local Plan as part of the current development plan context for it, the Masterplan was not prepared by the Council and has not been adopted by the Council as supplementary planning guidance. Nevertheless there was significant community engagement in preparation of the Masterplan by the Prince's Foundation for the Built Environment. Therefore the position is not that of the Masterplan being existing guidance of the Council that would fall if not readopted. Rather, the position is that the Masterplan will be taken forward by the Council and, subject to an appropriate level of further consultation and possible amendment, will be adopted as Supplementary Guidance to the HwLDP in accordance with statutory procedures.

The Council therefore submits the following text setting the main principles to be delivered in supplementary guidance for the reporters' consideration;

"The main principles of the Masterplan will be:

- *protecting and enhancing the character of the village*
- *establishing a stronger connection between Castletown and Castlehill*
- *setting out phasing as a guide to growth and providing a clear steer on the direction(s) and emphasis for long term growth proposals*
- *reusing and adapting redundant building stock*
- *rejuvenating the harbour area and improving key streets*
- *providing opportunities for jobs and facilities for local people*
- *providing opportunities for affordable housing."*

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.

Council Response

In response to the first point raised in respect of the main policy principles of supplementary guidance the Council. The Sustainable Design Guide: Interim Supplementary Guidance is based on four key policy principles (paragraph 1.5.1, p4/p5):

- Conserving and enhancing the character of the Highland area;
- Using resources efficiently;
- Minimising the environmental impact of development;
- Enhancing the viability of Highland communities.

As to the second point, all developments should demonstrate compatibility with the SG, but not all developments are required to produce a Sustainable Design Statement. The SG limits this requirement to National and Major Developments, plus Local Developments where a Design Statement is required. The remainder of the Local Developments will be *encouraged* to do so.

The Council therefore submits the following text amendments to incorporate the main principles to be delivered in supplementary guidance for the reporters' consideration;

As a consequence of the above, the revised Policy wording would require deletion of the second sentence of the third paragraph (after bullet points). Replacement with additional paragraph to read;

"All development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, which requires that all developments should:

- *Conserve and enhance the character of the Highland area;*
- *Use resources efficiently;*

- *Minimise the environmental impact of development;*
- *Enhance the viability of Highland communities.*

Compatibility should be demonstrated through the submission of a Sustainable Design Statement where required to do so by the Guidance."

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.

Council response

The Council has only just adopted a combined Interim Supplementary Guidance document merging the Housing in the Countryside and the Siting and Design Guidance to provide a single reference for proposals relating to development under both policy 36 Housing in the Countryside and Policy 37 Wider Countryside. The Council intend to adopt this Supplementary Guidance in this revised form. References within the HwLDP to the 2 separate documents will require to be revised to reflect this change.

The Council submits the following text setting the main principles to be delivered in supplementary guidance for the reporters' consideration;

"The Housing in the Countryside and Siting and Design: Supplementary Guidance will identify the main principles for housing proposals in all countryside areas. In particular, it will

- *identify wider development factors to be considered*
- *provide advice on the identification of development opportunities*
- *define exceptions to the policy*
- *provide advice in relation to location, siting and design*
- *highlight environmental and landscape issues"*

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.

Council response

The Council notes and accepts the Reporters comments in this regard. As indicated above it should be noted that the Council has only just adopted a combined Interim Supplementary Guidance document merging the Housing in the Countryside and the Siting and Design guidance to provide a single reference for proposals relating to development under both policy 36 Housing in the Countryside and Policy 37 Wider Countryside. The Council intend to adopt this Supplementary Guidance in this revised form. References within the HwLDP to the 2 separate documents will require to be revised to reflect this change.

The Council submits the following suggested text for inclusion within Policy 37 Wider Countryside indicating the requirement to accord with the *Housing in the Countryside and Siting and Design: Supplementary Guidance*.

*“Development proposals for housing in the wider countryside will be determined in accordance with the *Housing in the Countryside and Siting and Design: Supplementary Guidance*.”*

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.

Council response

Policy 50 Coastal Development should be supplemented to include the principles of the Coastal Development Strategy within this policy. It is considered that the contents of paragraphs 2.1 and 2.2 set out the principles of this Supplementary Guidance.

The Council further submits the following text setting the main principles to be delivered in supplementary guidance for the reporters' consideration;

“Proposals will be assessed against the requirements of the Highland Coastal Development strategy. The principle aims of the strategy are to;

- *guide the sustainable development and use of Highland's coastal zone whilst safeguarding its natural and cultural heritage assets;*
- *provide a strategic planning framework for the coast and nearshore area of Highland which takes account of national policy guidance and the need for more detailed plan coverage in appropriate areas;*
- *complement the statutory, terrestrial elements of the evolving Highland-wide Development Plan, the new Scottish Planning Policy and the implementation of the Marine (Scotland) Act 2010. This recognises that the use of nearshore waters (particularly the more sheltered water) is relevant and often closely related to the use of the land adjacent.*
- *provide strategic vision and guidance for development on and around the Highland coast i.e. development in the planning sense*
- *provide a classification of the Highland coast relevant to development in the near shore area”*

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.

Council response

The Council does intend to adopt as appropriate its second series of Aquaculture Framework Plans and existing coastal plan; also any further aquaculture framework plans or integrated coastal plans which it produces as supplementary guidance.

The Council further submits the following text setting the main principles to be delivered in supplementary guidance for the reporters' consideration;

"The core principles of Highland Council's Aquaculture Framework and Coastal Development Plans are similar, however, coastal development plans cover all sectors and are relevant to proposals for all types of installations in coastal waters. ;

- *guide the location and scale of aquaculture development*
- *to ensure that development is environmentally sustainable*
- *identify both opportunities and constraints so that developers have a realistic idea of the development potential and the other interests which should be taken into account.*
- *to provide an overview for the use of the coastal waters and to promote a balanced approach which can safeguard the area's core natural assets and sustain or enhance its productivity over the longer term*
- *aim to guide investment, help in the evaluation of development proposals, and help to minimise conflicts of interest."*

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.

Council response

The Council does intend to adopt the Trees, Woodlands and Development Supplementary Guidance as statutory Supplementary Guidance. It should be noted that in addition to Policy 53 Principle of Development in Woodland that Policy 52 Trees and Development is also supported by the Trees, Woodlands and Development Supplementary Guidance as per 20.23.1.

The Council supports adding a reference to the Supplementary Guidance within Policy 52 also adding to Policy 53 the principles of the Highland Forestry and Woodland Strategy.

The Council further submits the following text setting the main principles to be delivered in supplementary guidance for the reporters' consideration;

For addition to Policy 52 Trees and Development

"The Council provides further detail and information on the application of these principles of both Policy 52 and 53 in its Trees Woodlands and Development Supplementary Guidance.

“The Trees, Woodland and Development Supplementary Guidance will identify the main principles for the protection and management of trees and woodland in relation to new development, it will;

- *identify the key relevant legislation and regulation;*
- *establish the key factors for assessment of development sites in relation to presence of trees;*
- *give guidance on preparation on tree protection, management, planting and landscape plans;*
- *for developments involving a significant element of woodland give advice on the need for a woodland management plan;*
- *provide advice for developments within existing woodland on the potential for woodland removal and need for compensatory planting;*
- *generally support well planned developments which are designed to create and coexist with significant areas of new woodland.”*

For addition to Policy 53 Principle of Development in Woodland

“The current Highland Forest and Woodland Strategy will be considered as a material consideration. It is the intention that future reviews of the strategy will be adopted as Supplementary Guidance.

The Highland Forest and Woodland Strategy reflects the strategic directions of the Scottish Forest Strategy developing its priorities for action at the regional level and through its key principles seeks to;

- *ensure sustainability*
- *increase the community benefit from forestry and woodlands;*
- *identify opportunities for forest and woodland expansion compatible with other interests;*
- *improve existing forests and woodlands to enhance forestry's contribution to the economy and environment of Highland;*
- *work with partners to address economic and infrastructure issues;*
- *retain and enhance the level of funding for forestry in Highland.”*

Subsequent reviews of the Highland Forest and Woodland Strategy will continue to reflect extant national strategy.

The Council also suggests that in Appendix 6.3 the title of the supplementary guidance should be amended to read; *“Trees, Woodland and Development”*.

THC believes the responses indicated above offers sufficient clarification in respect of the information requested by the reporter.

Yours sincerely

Brian MacKenzie
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