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Our Ref: HWLDP-EX1:4
Your Ref: LDP-270-3
Date: 15 August, 2011

Dear Ms Smith,

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

I write in response to the request for further information 29 July 2011 seeking additional text in regard to supplementary guidance, in this respect I enclose the Council's response to the various issues. In my response I have retained the wording of the original request to provide context with the response which is given underneath.

General

Item 1

In setting out the main principles of supplementary guidance, a concise account of the objectives and general scope of the guidance should be included.

Council response

We accept the requirement to set out the main objectives and principles for supplementary guidance and sets out the following text amendments and modifications to meet the requirements.

Appendix 6.3: Supplementary Guidance

Item 2

(a) Is it the intention of the council to go through a re-adoption process regarding the existing supplementary guidance?

Council Response

This is the first Local Development Plan that the Council is preparing under the new regulations. We have prepared a number of Supplementary Guidance documents alongside the LDP, and these have been consulted on during the LDP preparation period. It is intended that these Supplementary Guidance documents will be adopted alongside the LDP at the appropriate time in line with Paragraph 98 of Circular 1/2009.

It is not the Council's intention to readopt all of the "Existing Supplementary Guidance" we have in place (as set out in appendix 6.3 of the Proposed Plan) as statutory Supplementary Guidance – rather we will be readopting only those that are referenced within the Plan policies. The rest of the supplementary planning guidance that we have in place will remain

as non-statutory supplementary planning guidance until such time as they are replaced or updated by subsequent Local Development Plans.

- (b) If this is the council's intention, please provide text that may be inserted in Appendix 6.3 to make this clear.**

Council Response

The Council suggests that at the end of the first paragraph the following text is added:

"In line with paragraph 98 of Circular 1/2009, any existing up to date Supplementary Guidance connected to a plan that will be replaced by the Highland wide Local Development Plan, will be readopted and subject to limited re-consultation, where consultation has not taken place during the plan preparation period".

Issue 38: Accommodation for an Ageing Population

Item 3

Please submit text setting out the main principles of this guidance, in accordance with item 1.

Council Response

The Council submits the following suggested text setting the main principles to be delivered in supplementary guidance add after existing policy text;

"The main principles of the Accommodation for an Ageing Population: Supplementary Guidance will be to;

- *consider the current and future housing requirements for older people*
- *clarify the main issues in the delivery of appropriately located and designed housing*
- *seek the delivery of housing suitable to meet lifetime needs*
- *recognise the characteristics of housing for older people*
- *identify the role and requirement for specialist accommodation".*

Issue 57: Travel (1)

Item 4

(a) Does the Council agree with, or have any other views on, the reporters' identification of the two categories of proposed supplementary guidance and the way in which they apply in the present instance?

Council Response

The Council agree with Reporter view that the Local Transport Strategy (LTS) is a finalised document that is not capable of being amended and could only be adopted as stands or rejected dependent on representations.

(b) What is the Council's view regarding the suggestion that the plan might refer to the *Local Transport Strategy* as a material consideration?

Council Response

The Council agree with the Reporter that the LTS should be referred to as a material consideration. Para 20.31.3 should be reworded to read, *"Regard will be had to the Regional Transport Strategy, national transport policies and priorities and the Local Transport Strategy and any relevant guidelines produced by the Council in implementing the Plan."*

Issue 57: Travel (2)**Item 5**

(a) Does the Council agree that, with respect to core paths, policy 57 should make reference to policy 78?

Council Response

The Council agree with the suggestion that Reporter that Policy 57 should make reference to Policy 78: Public Access.

(b) If the answer to (a) is yes, please submit text that might be included in policy 57 for this purpose.

Council Response

The Council submits the following reworded text for inclusion in Policy 57 Travel (final paragraph) for the reporters' consideration;

"In assessing development proposals the Council will also have regard to any implications arising from the relevant Core Path Plan (see Policy 78: Public Access). The Council intend to adopt all the Highland Core Path Plans as Supplementary Guidance to this Plan."

Issue 58: Natural, Built and Cultural Heritage**Item 6**

(a) Was the guidance prepared in connection with an existing adopted plan?

Council Response

The guidance was prepared in connection with the Highland wide Local Development Plan.

(b) Is it the intention of the Council that the guidance be readopted?

Council Response

It is the Councils intention to adopt this as supplementary guidance as soon as practical after the HwLDP has been adopted and the Historic Environment Strategy has been finalised.

(c) If the guidance is to be readopted, please submit text setting out its main principles, in accordance with item 1 and in a form suitable for possible inclusion in policy 58.

Council Response

There is a need to set out the principles of the Highland Historic Environment Strategy within the policy. Suggested text to add to the end of Policy 58;

'The Highland Historic Environment Strategy Supplementary Guidance principles ensure that;

- *Future developments take account of the historic environment and that they are of a design and quality to enhance the historic environment bringing both social and economic benefits.*
- *It sets a proactive, consistent approach to the protection of the historic environment".*

Issue 59: Protected Species**Item 7**

(a) Please confirm whether the guidance is technical in nature.

Council Response

The Council is currently undertaking consultation of the Supplementary Guidance relating to Policy 59: Protected Species, this draft guidance is entitled "Highland's Statutorily Protected Species: Supplementary Planning Guidance (Consultative Draft)" The guidance is technical in nature referencing existing legislation, protocols and procedures already in place to deal with Protected Species.

(b) If the answer to (a) is no, and the guidance is policy-orientated, please submit text setting out its main principles, in accordance with item 1, and suggest in which policy the text might be inserted.

n/a

Issue 62: Landscape (1)**Item 8**

(a) Is the guidance mentioned in policy 62 the same as the guidance listed in appendix 6.3? If it is the same, what is the correct title of the guidance?

Council Response

The guidance mentioned in Appendix 6.3, "Designing for Sustainability" is not the same guidance. The Council does not intend to readopt the Designing for Sustainability guidance as statutory Supplementary Guidance. The Council's has recently adopted a new Sustainable Design Guide as Interim Supplementary Guidance, developed to accompany and support the approach within the HwLDP. This new guidance should now be included within the appendix.

(b) Please submit text setting out the main principles of the guidance, in accordance with item 1.

Council Response

It is the Council's intention to adopt the Supplementary Guidance on Sustainable Design as statutory Supplementary Guidance. The principles of this policy will be established in Policy 29 Sustainable Design as suggested changes have already been made to highlight the key principles of this Supplementary Guidance within this policy. It is therefore considered that the cross reference within Policy 62 may be sufficient. However the Council suggests that the principles suggested for Policy 29 could be reiterated within Policy 62 if the reporter feels this is necessary.

Issue 62: Landscape (2)**Item 9**

(a) Will the proposed guidance be technical in nature, or will it be policy-orientated?

Council Response

The Wild Areas Supplementary Guidance will include detail on policy and as such the Council have suggested appropriate wording at b) below.

- (b) If the guidance will be policy-orientated, please submit text setting out the main principles of the guidance, in accordance with item 1, and suggest where in the plan such text should be inserted.**

Council Response

Since it is suggested that the principles of our Wild Areas Supplementary Guidance need to be set out within the policy it is recommended that the following is added to the end of Policy 58 Natural, Built and Cultural Heritage since this is where the feature is given policy protection.

Suggested text for insertion;

“The Council intends to adopt Supplementary Guidance for Wild areas in due course. The main principles of this guidance will be;

:

- *to provide mapping of wild areas;*
- *to give advice on how best to accommodate change within wild areas whilst safeguarding their qualities;*
- *to give advice on what an unacceptable impact is;*
- *to give guidance on how wild areas could be adversely affected by development close to but not within the wild area itself”.*

Issue 71: Waste Management Facilities

Item 10

- (a) Is the supplementary guidance to which reference is made in paragraph 22.5.2 the same guidance as that listed in appendix 6.3?**

Council Response

The guidance referred to in paragraph 22.5.2 is the same as that listed in Appendix 6.3, there is a slight discrepancy in the name that requires amendment

- (b) If the answer to (a) is yes, what is the correct title of the supplementary guidance?**

Council Response

The correct title of the guidance is ‘Managing Waste in New Developments’

- (c) Does the Council agree that, to give the supplementary guidance the weight described in paragraph 22.5.2, it should be mentioned in policy 71?**

Council Response

The Council agrees that, to give the supplementary guidance the weight described in paragraph 22.5.2, it should be mentioned in Policy 71 (see answer to d) below)

- (d) Please submit text that gives the main principles of the proposed supplementary guidance, in accordance with item 1.**

Council Response

Suggested text for insertion;

“To help meet recycling targets outlined by Scottish Government, all new developments involving the creation of additional residential, commercial, retail or industrial units will be expected to comply with the requirements for waste management (such as provision of

bins and recycling points) set out in the Council's supplementary guidance 'Managing Waste in New Developments'.

Policy 73: Pollution

Item 11

(a) Is it the intention that the guidance note be adopted as supplementary guidance?

Council Response

The Guidance Note *Construction Environmental Management Process for Large Scale Projects* is not intended to be adopted as supplementary guidance; rather it commends a 'best practice' Project Environmental Management Process to developers, particularly for use on large-scale, EIA projects. (paragraph 3 of the Guidance Note)

(b) If the answer to (a) is yes, is the proposed guidance policy-orientated?

n/a

(c) If the answer to (b) is yes, please submit text setting out the main principles of the guidance, in accordance with item 1.

n/a

Policy 76: Open Space

Item 12

Please submit text setting out the main principles of the guidance, in accordance with item 1.

Council Response

Suggest redrafting the existing policy text to read;

"The Council's long term aim for open space provision is for;

- *the creation of sustainable networks of open space of high quality,*
- *areas of local open space that are accessible by foot and linked to a wider network*
- *fit for purpose greenspaces and sports facilities that support and enhance biodiversity*
- *open spaces that improve the quality of life of residents and visitors.*

To achieve these aims any new residential development of 4 or more dwellings are required to provide publicly accessible open space in line with the quantity, quality and accessibility requirements of the Open Space in New Residential Development: Supplementary Guidance.

High quality, accessible and fit for purpose open spaces will be safeguarded from inappropriate development and enhancement will be sought, where appropriate. All sites identified in the Highland Council's Audit of Greenspace will be safeguarded unless:"

- *it can be suitably demonstrated that the open space is not fit for purpose;*
- *Substitute provision will be provided meeting the needs of the local area; or*
- *Development of the open space would significantly contribute to the spatial strategy for the area".*

Issue 78: Public Access**Item 13**

(a) Please submit text setting out the main principles of the Access Strategy guidance, in accordance with item 1.

Council Response

Suggested text for insertion;

“The principle aims of the Access Strategy are to;

- *develop a comprehensive access network for a wider range of abilities and interests*
- *encourage local communities and user groups to work in partnership with land managers in the development of better facilities and to support rural economies.*
- *provide access opportunities which conserve and enhance local character and*
- *provide clear economic, environmental and social benefits compatible with the themes of the Community Plan.*
- *remove barriers to the exercise of general access rights and build links so that everyone is able to enjoy and explore the Highlands to the best of their ability.”*

(b) Please submit text setting out the main principles of the aspirational routes guidance, in accordance with item 1.

Council Response

It is not the intention to produce an individual piece of supplementary guidance on the deliverable aspirational routes as identified in the Core Path Plans, this will be part of the Developer Contributions: Supplementary Guidance. The Council suggest that that the second sentence of paragraph 23.7.3 be amended to read;

“Guidance on how these aspirational routes could be delivered will be contained within the Developer Contributions: Supplementary Guidance with further detailed guidance available from the Green Networks: Supplementary Guidance, where appropriate.”

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

Yours sincerely

Brian MacKenzie
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Development Plans Team