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Brian MacKenzie
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Your ref:
Our ref: LDP-270-3

6 July 2011

Dear Mr McKenzie

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)
(SCOTLAND) REGULATIONS 2008
HIGHLAND COUNCIL – HIGHLAND WIDE LOCAL DEVELOPMENT PLAN**

1. The reporters have not yet studied all of the material placed before them, but so far they have noted three representations (numbers 183, 229 and 488) that express concern about the clarity of the plan. In these representations there is reference to a belief that the current plan approach will cause confusion, a suggestion that all site-specific policies and mapping be deleted from the plan and a request that chapters 9, 10, 11, 12, 13, 14, 15, 16 & 17 be deleted from the plan.
2. The reporters note the council's response to these representations. This includes recognition that the plan is an unusual hybrid of strategic and site-specific policies and the statement that this will be a one-off process aimed at streamlining planning policy. The council points out that there is to be one set of general policies along with site-specific updates for areas where there is high development pressure.
3. In the context of the foregoing, the reporters note the terms of paragraph 3.3 of the proposed Highland-wide Local Development Plan. This paragraph makes it clear that the new plan will replace the whole of the existing approved structure plan.
4. Paragraph 3.3 also says that the proposed Highland-wide Local Development Plan will update the General Policies in eight existing adopted local plans.

The paragraph does not say that the existing local plans will be replaced by the new plan.

4. The wording of paragraph 3.3 gives a clear impression that, after adoption of the proposed Highland-wide Local Development Plan, the existing local plans will continue in force, either with their “general policies” updated, or with such policies replaced by certain policies in the Highland-wide Local Development Plan.

Item 1

The reporters request confirmation of what the council is envisaging in relation to the existing adopted local plans. Is it the council’s intention that these plans, or parts of them, will continue in force after adoption of the Highland-wide Local Development Plan?

5. If the answer to question 1 is ‘yes’, it appears to the reporters essential that there be no doubt as to what parts of the existing plans are to continue in force, what parts are to be amended and what parts are to be superseded.

Item 2

If the answer to the question in item 1 is ‘yes’, the council is asked produce a document that specifies (with reference to individual paragraphs, policies, proposals, proposal maps, etc) precisely which parts of each of the existing adopted local plans are to be: superseded; retained but updated; and retained without alteration.

Please clarify what is envisaged by “updated”. What process will be used to implement updating? How will users of the plans know which parts have been updated?

It would be helpful if any document produced in response to this request were to be in a form which could be attached as an appendix to the Highland-wide Local Development Plan.

6. In connection with the above, the reporters wish to draw attention to the terms of Schedule 1 of the Town and Country Planning (Scotland) Act 1997, as amended.
7. Schedule 1 refers to “old development plans”. It seems to the reporters as follows:
 - (a) The eight local plans listed in paragraph 3.3 of the proposed Highland-wide Local Development Plan are “old development plans” as defined in paragraph 1 of Schedule 1.

- (b) By virtue of paragraph 6 of Schedule 1, the eight local plans will cease to have effect when the proposed Highland-wide Local Development Plan is adopted.
- (c) If the local plans, or parts of them, are to remain in force, it will be necessary for the Council to seek from the Scottish Ministers a direction in terms of paragraph 7 of Schedule 1.

Item 3

Is it the intention of the council to seek a direction in terms of paragraph 7 of Schedule 1 of the Town and Country Planning (Scotland) Act 1997, so that existing local plans, or parts of them, may continue in force after adoption of the Highland-wide Local Development Plan? If the council is intending to seek a direction, when will the request for a direction be made?"

It would be helpful if you could send this information to me, to pass on to the reporter, by 20 July 2011.

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

Morag I Smith

Morag I Smith
Development Plan Assistant