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Our ref: LDP-270-3

4 August 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 18 August 2011.

The reporters note representations made in connection with need for a Habitats Regulations Appraisal, in particular representation 118 from Scottish Natural Heritage. This representation refers to a large number of matters, in relation to many of which it says:

We await the outcome of the HRA before coming to a final position on.....

The reporters note that, in disk 2 of the set of three disks provided by the Council, there is an item entitled "The Habitats Regulation Appraisal of the Highland-wide Local Development Plan". This item consists of:

- an e-mail from Scottish Natural Heritage to the Council;
- an explanatory note (page 1 of 10);
- table 1, showing proposed changes to the “Vision” (pages 2 and 3); and
- table 2, showing proposed changes to policies (pages 4 to 10).

The e-mail from Scottish Natural Heritage includes the following.

The Council has still to complete the Habitats Regulations Appraisal Record of the plan and to formally consult SNH on it, particularly in terms of the elements of the plan for which an appropriate assessment is required.

A key consideration for the HRA in terms of Policy 9 A96 Corridor - Phasing and Infrastructure is the in-combination assessment of recreational impacts of development in the A96 corridor on European sites. This also requires to be considered in combination with the Council’s Green Networks Draft Supplementary Guidance Document. However we understand this element of the HRA of the Highland-wide LDP is being taken forward through the HRA of the Green Networks Draft Supplementary Guidance Document, which is being assessed in combination with the Highland-wide LDP. It should be noted that this other associated HRA work has not yet been completed, and so mitigation will also in due course require to be cross-referenced through this document.

The explanatory note includes the following.

The Council intends to complete the Habitats Regulations Appraisal Record (HRAR) for the Highland-wide Local Development Plan, including the necessary cross-referencing to mitigation contained within the related HRAR for the Council’s Green Networks Supplementary Guidance, by early-mid summer 2011. Once finalised, these documents will be provided to the Reporter in both electronic and hard-copy formats.

Circular 1/2009: *Development Planning* was issued in February 2009. Appendix 1 to this circular was issued in August 2010. The appendix gives guidance on the application of the Habitats Regulations to the development planning system. Among other things, it makes reference to the need for a Habitats Regulations Appraisal Record (paragraph 11). Such a record is to accompany proposed plans submitted for examination.

The reporters note the reference to supplementary guidance in the above extract from the explanatory note. They would observe that their examination of the proposed Highland-wide Local Development Plan does not extend to consideration of the actual content of supplementary guidance. Thus, for the purposes of the examination, it appears to them that they do not need to see this guidance. This

observation is made as it may help avoid any unnecessary delay in the Council responding to the following request.

**The reporters request the following.**

- 1. Submission of the Habitats Regulations Appraisal Record in respect of the proposed Highland-wide Local development Plan.**
- 2. If the Appraisal Record is not yet ready for submission, the date by which it will be submitted.**
- 3. Regarding tables 1 and 2 in the item on disk 2 mentioned above:**
  - (a) particulars of any consultation with persons and bodies (other than Scottish Natural Heritage) carried out as part of preparing tables 1 and 2; and**
  - (b) confirmation that the Council wishes the proposed plan to be modified in accordance with tables 1 and 2.**

A copy of this request for information is being sent to Scottish Natural Heritage, for information. When they have received the information, the reporters will ask Scottish Natural Heritage for its views, and for it to finalise all those parts of its representation where it has not yet come to a final position