

**THE HIGHLAND COUNCIL**

HIGHLAND wide LOCAL DEVELOPMENT PLAN EXAMINATION:

**STATEMENT OF FURTHER INFORMATION****SUPERSEDED ELEMENTS OF OLD LOCAL PLANS**

The following statement sets out The Highland Council's (THC) interpretation of the evidence pertinent to this issue. THC wishes to refer to the following documents in this statement. All these documents are linked via the Council's web-site at

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/>

References to documents are shown in the text as follows, [THC 1]. Quotes from documents are shown as follows, "extract".

- THC 1: Highland wide Local Development Plan: Proposed Plan: September 2010
- THC 10: Adopted Inverness Local Plan: March 2006
- THC 11: Adopted Nairnshire Local Plan: December 2000
- THC 12: Adopted Ross and Cromarty East Local Plan: February 2007
- THC 13: Adopted Sutherland Local Plan: June 2010
- THC 14: Adopted Caithness Local Plan: September 2002
- THC 15: Adopted West Highland and Islands Local Plan: September 2010
- THC 16: Adopted Wester Ross Local Plan: February 2007
- THC 17: Adopted Badenoch and Strathspey Local Plan: September 1997

## 1. Background

- 1.1 The Reporters have sought greater clarity from THC as to whether (and if so which parts of) the old local plans within Highland will be superseded or retained when the Highland wide Local Development Plan (HwLDP) is constituted. There is no doubt or dispute that the Highland Structure Plan March 2001 will be superseded in its entirety.
- 1.2 THC sets out its response below (within that providing the three particular items of further information sought by the Reporters) on the assumptions that:
- there will no wholesale changes (for example deletions of whole policies) to the content of the HwLDP Proposed Plan draft following Examination, and;

- that the supplementary guidance issued in connection with the HwLDP will be adopted and clear the Ministerial “veto” period without similar wholesale changes.
- 1.3 THC wishes to retain parts of its old local plans pending preparation and constitution of its three “area” local development plans for Highland. These will fill in the “local detail” for almost all parts of Highland. THC is discussing with the Scottish Government the procedural mechanism to achieve this aim. Our discussion with Scottish Government is ongoing and THC will provide the Reporters with further information when we are in a position to do so but we do not currently envisage the formal direction being required until at or just before the Intention to Adopt draft of the HwLDP.
- 1.4 The information provided in this response to the Reporters therefore sets out THC’s current thinking about which parts of the existing local plans should be retained, but on the basis of the above would be checked and if necessary amended in the light of any Reporter-recommended modifications to the HwLDP before submission by the Council of any request to Scottish Ministers for a direction in respect of retention.

## 2. General Approach

- 2.1 THC agrees that clarification would be beneficial. As a general principle, it wishes to retain the “local detail” from its old local plans unless more comprehensive and/or up to date policy is available through the HwLDP and its associated supplementary guidance. It also wishes to ensure that no gaps in, duplication of, or conflict between policy coverage will exist.
- 2.2 To achieve a logical and consistent approach, THC suggests that the HwLDP should supersede the old local plans in terms of their general policies plus all other policies, allocations and map notations that specifically apply within the boundaries of the allocations delineated on Maps 1 to 24 inclusive of the HwLDP [as listed on page 3 of **THC1**].
- 2.3 Two exceptions to this approach should apply. Policy 3 of the HwLDP, City Centre Development and Policy 6, Muirtown and South Kessock cross reference and rely upon the provisions of the adopted Inverness Local Plan for their application. However, both are also important to the HwLDP strategy of consolidating the City of Inverness. Accordingly, THC believes both plans should have force concurrently for these geographic areas. However, if the Reporters believe that only one plan should provide site-specific policy/proposal information in respect of each site, then THC suggests that in this instance the Inverness Local Plan be relied upon for the site detail and the following changes be made to the HwLDP:

- The City Centre specific allocation be removed from Map 1 and that Map 3 be deleted in its entirety;
- Paragraphs 9.7.1, 9.8.1, 9.15.1 and 9.16.1 be retained but downgraded to supporting text not policy;
- Textual references to the maps be deleted;
- A web link to the relevant provisions of the Inverness Local Plan is added.

2.4 THC is therefore currently minded to retain the eight old local plans (**THC 10-17**) with the exception of those parts identified in Section 3 below.

### 3. Detailed Response

3.1 Within the Adopted **Inverness Local Plan [THC 10]** the following material should be superseded by the HwLDP and its associated supplementary guidance.

#### Written Statement

- Pages 1-28 inclusive except the Settlement Policies table on Page 23 and its related emboldened text in para. 1.49 on Page 22
- Chapter 2: Policies 7, 13 and 8(v) as they relate to land within the Longman Core allocation as delineated on Map 1 of the HwLDP
- Chapter 2: Policies 8(iv), 32, 41(vi), and 42 as they relate to land within the Longman Landfill Site allocation as delineated on Map 2 of the HwLDP
- Chapter 2: Policies 7, 10, 16, 20, 31, 41(v), 42 and 85 as they relate to land within the Inshes Raigmore allocation as delineated on Map 4 of the HwLDP
- Chapter 2: Policies 7, 15(i), 22, 23, 29, 38(iv), 42, 46 and 70(i) as they relate to land within the Charleston and Ness-side allocations as delineated on Map 5 of the HwLDP
- Chapter 2: Policies 7, 8(vii), 9, 11, 12, 17, 19, 22, 23, 28, 31, 32, 33, 34, 41(v), 42, 44, 46, 101, 107 and 109(i) as they relate to land within all of the respective East Inverness allocations as delineated on Map 6 of the HwLDP
- Chapter 3: Policy 1 and Chapter 4 as it relates to land within the Tornagrain allocation as delineated on Map 7 of the HwLDP
- Chapter 3: Policy 6 as it relates to land within the Whiteness allocation as delineated on Map 8 of the HwLDP
- Chapter 6
- Chapter 9: Policies 11 and 12 as they relate to land within the Ardersier allocations as delineated on Map 12 of the HwLDP
- Chapter 10: Policy 11 as it relates to land within the Croy allocation as delineated on Map 10 of the HwLDP
- Chapter 20: Policy 6 as it relates to land within the Culloden Moor allocation as delineated on Map 11 of the HwLDP

- Chapter 23: Policy 2
- Pages 103-107 and 111-115 inclusive.

#### Inset Maps

- City of Inverness Inset: all allocations, notations and referencing within the allocations delineated on Maps 1, 2, 4, 5, 6, 7, 8, 10, 11 and 12 of the HwLDP
- City of Inverness Inset: all Background Policies notations and referencing
- Insets Booklet: all Background Policies notations and referencing
- Insets Booklet: the Ardersier Fabrication Yard Inset in its entirety
- Insets Booklet: the Tornagrain Inset in its entirety
- Insets Booklet: Ardersier Inset: all allocations, notations and referencing within the allocations delineated on Map12 (Ardersier) of the HwLDP
- Insets Booklet: Croy Inset: all allocations, notations and referencing within the allocation delineated on Map10 (Croy) of the HwLDP
- Insets Booklet: Culloden Moor Inset: all allocations, notations and referencing within the allocation delineated on Map11 (Culloden Moor) of the HwLDP.

#### Proposals Map

- All Background Policies notations and referencing
- All Hinterland/Housing in the Countryside and Housing Group notations and references
- The General Policy 19 (Culloden Battlefield) notation and referencing
- The Ardersier and Tornagrain Inset notations and referencing.

3.2 Within the Adopted **Nairnshire Local Plan [THC 11]** the following material should be superseded.

#### Written Statement

- Pages 1-24 inclusive except the Settlements Policies (S1-S7) on Page 17 and Chapter 3: Policy 4 Delnies Business / Tourism allocation
- Chapter 4: Nairn: Policies S3, S4, S5, S6, 11(a), 12(b), 13, 16(ii), 22(b), 22(c), 22(e), 22(f), 22(g), 22(i), 22(j), 22(k), 22(l), 27(a), 27(b) and Actions 17, 20, 25 and 28 as they relate to land within all of the respective Nairn allocations as delineated on Map 9 of the HwLDP
- Chapter 6: Cawdor: all policies except Policy 3(a) which lies outwith the Cawdor allocation delineated on Map 13 of the HwLDP.
- Chapters 4-11 inclusive: all references to the general ENV (environment) Policies and Structure Plan General Development Control Policies

- Local Plans General Policies Annex and Appendix 1: Structure Plan General Development Control Policies and all references to these documents.

#### Inset Maps

- Nairn Inset: all allocations, notations and referencing within all of the allocations delineated on Map 9 (Nairn) of the HwLDP
- Insets Booklet: all general ENV (environment) Policies notations and referencing
- Insets Booklet: Cawdor: all allocations, notations and referencing within the allocation delineated on Map13 (Cawdor) of the HwLDP

#### Proposals Map

- All general ENV (environment) Policies notations and referencing
- All Housing in the Countryside, Housing Group, Resource Based Opportunity, notations and references
- All Landward Area Policies and Actions notations and references except Policy 4 (Delnies).

- 3.3 Within the Adopted **Ross and Cromarty East Local Plan [THC 12]** the following material should be superseded.

#### Written Statement

- Chapters 1-4 inclusive on Pages 1-26 inclusive
- Chapter 5: General Policies: except the first sentence and the section setting out the Settlement Policies on Page 27
- Chapter 6: Landward Area: with the exception of the following policies/paragraphs: 4 – 30 inclusive (various settlements); 34 Highland Deephaven; 35 Alness Point Business Park; 36 Delny; 40 Fendom; 41 Fearn Airfield; 42 Hilton of Cadboll; 43 Balmuchy; 45 Ardross; 46 Fettes by Kilcoy; 47 Tarvie; 48 former PoW camp; 49 Rhives Steading; 50 Ardross; 51 Nigg; 52 Fearn; 73 Tain bombing range: but with all general policy cross references for all retained policies deleted.
- Appendix I except the part defining the Settlement Policies
- Appendices III and IV
- Glossary

#### Inset Maps

- All Inset Maps: all Background Policies notations and referencing
- All notations and references of policies indicated above as being superseded, except for the boundaries of settlements (to which HwLDP Settlement Development Area policy and other general policies will apply)
- Insets Booklet: Nigg Point Inset
- Insets Booklet: 'Spatial Elements of the Strategy' map

#### Proposals Map

- All Background Policies notations and referencing
- All notations and references of policies indicated above as being superseded, except for the boundaries of settlements (to which HwLDP Settlement Development Area policy and other general policies will apply)
- All Hinterland/Housing in the Countryside and Housing Group notations and references
- The Nigg Point Inset notation and referencing.

3.4 Within the Adopted **Sutherland Local Plan [THC 13]** the following material should be superseded.

#### Written Statement

- Chapter 3: Plan Objectives
- Chapter 4: Section A: Key Forecasts
- Chapter 5: General Policies except the Land Allocations section on Page 33 and Policy 17: Commerce, in so far as that policy sets the local retail hierarchy
- Pages 56-71 inclusive (Appendices)

#### Inset Maps

- All Inset Maps: all Heritage, Wider Countryside and Hinterland general policies notations and referencing including all background mapping on Pages 49 to 77 inclusive

#### Proposals Map

- All Heritage, Wider Countryside and Hinterland general policies notations and referencing.

3.5 Within the Adopted **Caithness Local Plan [THC 14]** the following material should be superseded.

#### Written Statement

- Chapters 1 and 2 on Pages 1 to 16 inclusive (and Strategy Map on un-numbered page between Pages 16 and 17)
- Chapter 3: General Policies: Primary Policies PP1-PP4 and heading
- Chapter 4: Landward Area with the exception of the following: 5(c) Dunnet in so far as it relates to specific identified development sites; 8 Mill and Mains of Forss; 13 in so far as it relates to specific identified development land at Mey; 16 and 17 Thrumster; 20 Dunnet; 22 John O' Groats; 23 Dounreay (as it provides context for relevant content in the HwLDP); 24 Oil and Gas; 25 Murkle Bay; 26 Forss; 32 Gills Bay; 33 Georgemas; 39 Former Mill at Westerdale.
- Chapter 5: Castletown except the allocation at East of Stangergill Burn covered by Policy 15(a)
- Appendices I, II, IX and the Glossary

- References in Appendices III to VIII inclusive to supporting policies and standards (the Local Plans General Policies Annex)
- The Local Plans General Policies Annex (although it arguably never formed part of the statutory Caithness Local Plan)

#### Inset Maps

- All Primary Policies notations and referencing
- All notations and references of policies indicated above as being superseded, except for the boundaries of settlements (to which HwLDP Settlement Development Area policy and other general policies will apply)
- Map Booklet: Hinterland/ Countryside Around Towns maps on pages 32 and 33, in so far as they indicate hinterland areas in respect of housing in the countryside policy
- Inset 5 Castletown except the allocation at East of Stangergill Burn covered by Policy 15(a)

#### Proposals Map

- All Primary Policies notations and referencing
- All notations and references of policies indicated above as being superseded, except for the boundaries of settlements (to which HwLDP Settlement Development Area policy and other general policies will apply)
- All Housing Group notations and references
- The Castletown Inset notation and referencing

3.6 Within the Adopted **West Highland and Islands Local Plan [THC 15]** the following material should be superseded.

#### Written Statement

- Chapter 4: Plan Objectives
- Chapter 5: Lochaber: Section A: Key Forecasts
- Chapter 6: Skye and Lochalsh: Section A: Key Forecasts
- Chapter 7: General Policies except the Land Allocations section on page 33 and Policy 16: Commerce, in so far as that policy sets the local retail hierarchy
- Chapter 8: Fort William Policy B6
- Chapter 9: Portree Policy I1
- Pages 83-97 inclusive (Appendices)

#### Inset Maps

- All Inset Maps: all Heritage, Wider Countryside and Hinterland general policies notations and referencing including all background mapping on Pages 165 to 193 inclusive
- Inset 30: Fort William: Allocation B6 and its notation
- Inset 183: Portree: Allocation I1 and its notation

#### Proposals Map

- All Heritage, Wider Countryside and Hinterland general policies notations and referencing.

3.7 Within the Adopted **Wester Ross Local Plan [THC 16]** the following material should be superseded.

#### Written Statement

- Chapters 1-8 inclusive on Pages 1-11 inclusive
- Chapter 9: General Policies except Policy 4: Other Development Considerations, in so far as that policy indicates under “8. Development factors” that developers must take account of the details set out in the Proposals Maps.
- Appendices 1-3 inclusive, the Glossary and the Background Mapping Booklet

#### Inset Maps

- All Inset Maps: all Countryside (including heritage and “no local designation” areas) general policies notations and referencing and all general policies wording

#### Proposals Map

- All Countryside (including heritage and “no local designation” areas) general policies notations and referencing and all general policies wording except Policy 4: Other Development Considerations, in so far as that policy indicates under “8. Development factors” that developers must take account of the details set out in the Proposals Maps.

3.8 Within the Adopted **Badenoch and Strathspey Local Plan [THC 17]** the following material should be superseded. It should be noted that the vast majority of the Badenoch and Strathspey Plan area is now outwith the HwLDP boundary and has already been superseded by the Adopted Cairngorms National Park Local Plan October 2010 (albeit this Plan is currently subject to a legal challenge) and by the West Highland and Islands Local Plan (see paragraph 3.6 above). This leaves a small area on the northern fringe of the former district.

#### Written Statement

- All except Chapter 2: Landward: paragraph 2.2.6 in so far as it relates to Tormore distillery and Chapter 3: Grantown-on-Spey: Advie village section on page 28

#### Proposal Map Insets

- All except the Tormore distillery industry/business allocation on Inset: Strategy Landward: Sheet 1 and Settlement Inset 3 in so far as it relates to Advie.

3.9 With respect to **all eight local plans** identified above it should be noted that parts of the local plans to be retained may contain cross-references



to parts of the local plans or to the Structure Plan which are to be superseded. Clearly such cross-references will no longer be operative and the retained parts of the local plans should be read alongside the HwLDP and its associated Supplementary Guidance.

#### **4. Conclusion**

- 4.1 THC believes the list in section 3 above, which could be included as an appendix to the HwLDP, will offer sufficient and useful clarification of what will comprise the Council's development plan post constitution and adoption of connected supplementary guidance. In addition, the electronic version of each of the eight local plans referred to (THC 10-17) on the Council's website could have an explanatory front cover note attached to it, based on the contents of that HwLDP appendix. The same notes could be attached to any paper copies of those eight local plans subsequently provided by the Council and to any paper copies of those eight local plans held for public reference by the Council's Planning Offices, Public Libraries and Service Points. With respect to the Council's intention that the proposals mapping of heritage features and wider countryside areas in the HwLDP should supersede similar proposals mapping in the eight Local Plans, it may be noted that the online version of the HwLDP enables the user to 'zoom in' on those features and areas and hence view them on a map base at a scale larger than that of the paper version of the Proposals Map. Moreover the online version will be updated as new features are added - for example new natural heritage designations.
- 4.2 It should be noted that the list in section 3 may need to be amended to accord with any post Examination modifications (as referred to in paragraphs 1.3 and 1.4 above). This will only be done to ensure that no gaps in, duplication of, or conflict between policy coverage will exist.