

THE HIGHLAND COUNCIL

PLANNING, ENVIRONMENT & DEVELOPMENT COMMITTEE

18 SEPTEMBER 2013

Agenda Item	11
Report No	PED 60/13

TORVEAN AND NESS-SIDE DEVELOPMENT BRIEF

Report by Director of Planning and Development

SUMMARY

This report seeks a decision to statutorily adopt and issue the Torvean and Ness-side Development Brief as Supplementary Guidance to the Highland-wide Local Development Plan.

This is in exercise of powers delegated to the Planning, Environment and Development Committee by Full Council at its meeting on 13 December 2012.

1. Background

1.1 Over a period of time the Council has prepared the Torvean and Ness-side Development Brief (here in referred to as the Development Brief) to support the implementation of Policy 8 of the Highland-wide Local Development Plan. Throughout the preparation of the document there has always been the intention to adopt the final document as a statutory part of the development plan. Following approval of the Development Brief at the City of Inverness and Area (CIA) Committee on 12 August 2013 the document is now ready for the final step, which is for Committee to make the decision to statutorily adopt and issue the Development Brief.

A copy of the finalised Development Brief is at Appendix 1 and has also been placed in the Members' Library.

1.2 Members are reminded that the document has previously been the subject of a number of steps including:

1. Charrette held in September 2012 to inform the content and direction of the brief;
2. Agreement of a draft version by the CIA Committee;
3. Publication of the agreed draft version for public consultation;
4. Subsequent consideration of consultation responses and approval of a revised version as a material consideration by the CIA Committee, pending statutory adoption.

The development brief does not carry full weight as part of the development plan in decision-making on planning applications until it has been adopted in accordance with the legal requirements for Supplementary Guidance (SG).

- 1.3 The Highland-wide Local Development Plan (HwLDP), which provides the necessary individual 'hook' for the Development Brief, was adopted by Full Council on 5 April 2012. This has cleared the way for finalisation and adoption of the SG documents, including this Development Brief, related to it.
- 1.4 In accordance with legal requirements for the adoption process for SG, the finalised development brief referred to above, together with associated documentation relating to Strategic Environmental Assessment (SEA), Habitat Regulations Assessment (HRA) and Publicity and Consultation, were submitted to Scottish Ministers on 13 August 2013. The law requires that a 28 day period must elapse from that date before the planning authority may adopt the Development Brief as SG. During this period Scottish Ministers have power to issue a direction to lengthen that period and have power to issue a direction for the authority to consider modifying the SG if they consider it to be unsatisfactory. Subject to no such directions of either type being received in respect of the Development Brief, it may now be adopted and issued.
- 1.5 The Development Plans Team monitor the outcomes and effectiveness of our Development Plan, including associated SG. This monitoring provides the baseline for any future review as part of the cycle of plan preparation.

2 Fit with the Programme for the Highland Council 2012 – 2017

- 2.1 The work outlined in this report contributes to our commitments within 'Working together for the Highlands' regarding the production of a comprehensive economic recovery and development plan.

3 Resource implications

- 3.1 There is resource provision for publication and issuing of the adopted Development Brief as Supplementary Guidance.

4 Equality implications

- 4.1 The Council has screened the Development Brief for equalities issues. No issues have been identified.

5 Climate Change and Carbon Clever

- 5.1 The Council has complied with SEA and HRA requirements in preparing the SG and no strategic effects have been identified with regard to climate change. The Development Brief will be a potential major contributor to the Council's Carbon Clever initiative through its approach to transport and travel and in terms of promoting high quality design & layout including sustainable low carbon homes.

6 Legal and Risk implications

- 6.1 Statutory adoption of the Development Brief will make it part of the

development plan, meaning it will carry enhanced weight in decision-making which will reduce legal and risk implications to the Council as planning authority, as they are now among the strongest material considerations in the determination of planning applications.

7 Gaelic Language

7.1 The SG documents contain Gaelic headings and sub-headings.

Recommendation

That Committee agrees to statutorily adopt and issue the Torvean and Ness-side Development Brief as Supplementary Guidance to the Highland-wide Local Development Plan.

Signature:

Designation: Director of Planning & Development

Date: 26/08/2013

Author: Simon Hindson, Planner

Background Papers:

Torvean and Ness-side Development Brief and associated documentation relating to SEA, HRA and Publicity and Consultation.

Letter of submission to Scottish Ministers.