

Agenda Item	17
Report No	HC/25/18

HIGHLAND COUNCIL

Committee: The Highland Council

Date: 28 June 2018

Report Title: Caithness and Sutherland Local Development Plan (CaSPlan)

Report By: Director of Development and Infrastructure

1. Purpose/Executive Summary

- 1.1 This report seeks a decision by Council to adopt and constitute the final version of the Proposed Caithness and Sutherland Local Development Plan (i.e. the 'Intention To Adopt' version of CaSPlan). That version incorporates all of the modifications recommended in the Examination Report, together with any necessary consequential modifications. The Reporters' recommendations for modifying the Plan are binding upon the Council except in very exceptional circumstances defined in law which, Officers advise, do not apply in this case. At this advanced stage there is no opportunity, in the legal process for development plan preparation, for the Council to introduce other modifications.

2. Recommendations

- 2.1 Members are asked to agree that following the expiration of the requisite period for consideration by Scottish Ministers and unless directed by them otherwise, the final version of the Proposed Caithness and Sutherland Local Development Plan (i.e. the 'Intention To Adopt' version of CaSPlan) will be adopted and constituted as part of the Development Plan.

3. Background

- 3.1 The Caithness and Sutherland Local Development Plan (CaSPlan) is the second of three Area Local Development Plans that will sit alongside the Highland-wide Local Development Plan in providing the land use planning framework for the determination of planning applications. The process of preparing CaSPlan is almost complete. The Report of Examination into outstanding issues was received by the Council on 11 April 2018 and published on 13 April 2018; it is available at www.highland.gov.uk/casplan. Officers subsequently prepared and circulated to Ward Members for the plan area a note of 'highlights' of the report and met with and briefed them on the outcomes and next, final steps. Those highlights are reproduced as **Appendix 1** to this report.
- 3.2 In accordance with the two relevant sets of planning regulations (referred to in the list of Background Papers below), Officers have incorporated all of the modifications recommended in the Examination Report, together with any necessary consequential modifications which arise from these modifications, to form the final version of the Proposed Caithness and Sutherland Local Development Plan (i.e. the 'Intention To Adopt' version of CaSPlan). The Reporters' recommendations for modifying the Plan are binding upon the Council except in very exceptional circumstances defined in law which, Officers advise, do not apply in this case. At this advanced stage there is no opportunity, in the legal process for development plan preparation, for the Council to introduce other modifications. A copy of the final version of the Proposed Plan, together with a list of the modifications made, is available in the Members' Library and at www.highland.gov.uk/casplan and Full Council is asked to agree that that version proceed through the final steps to adoption and constitution.

4. Final Steps to Adoption

- 4.1 The final steps include:
- completion by Officers of the final version of documentation for the associated Strategic Environmental Assessment and Habitats Regulations Appraisal;
 - the Council's publication and advertisement of the final version of the Proposed CaSPlan (the 'Intention To Adopt' version) for public information; and
 - our submission of it to Scottish Ministers, seeking their clearance to adopt it (the law requires us to submit it within 3 months of receiving the Examination Report i.e. by 11 July 2018).
- 4.2 Upon conclusion of the statutory period of 28 days from the above steps being completed, we would have clearance to adopt and constitute CaSPlan as part of the Development Plan for Highland, unless Scottish Ministers direct otherwise. We therefore remain on target for CaSPlan to be adopted and constituted this summer. It will then carry full legal status in the determination of planning applications. Given the statutory timescale and Committee dates mentioned below for the Action Programme, the earliest date at which CaSPlan may become adopted and constituted is 20 August 2018. Officers will email all Members in due course to inform them of the outcome of these steps and of the date of adoption and constitution of the Plan.
- 4.3 An Action Programme (Delivery Programme) to accompany CaSPlan must be adopted within 3 months of the constitution of the Plan. Adoption of this document is delegated to the Sutherland County Committee and the Caithness Committee and it is intended this will be reported to the 15 and 20 November 2018 meetings, respectively. We have previously consulted on a Proposed Action Programme. Taking into account the comments received, plus the outcomes of the Examination and resultant final version of CaSPlan, we are revising and re-packaging the Action Programme as a Delivery

Programme (in line with the most recent version of the equivalent for the Inner Moray Firth Local Development Plan, published in 2017). We also intend to discuss it again with the Highland Community Planning Partnership in September/October 2018, in advance of its final consideration by the Local Committees.

5. Implications

- 5.1 Resource – Completing the final steps is allowed for within the existing Service budget.
- 5.2 Legal – CaSPlan will only carry full weight in decision-making upon its adoption, when it will replace the Caithness Local Plan and Sutherland Local Plan. It is important that we follow the legal processes for Development Plans. There is provision in law whereby a Development Plan may be challenged in the courts following its constitution but only on matters of process, not the planning merits of its contents.
- 5.3 Community (Equality, Poverty and Rural) – The Plan has been subject to and informed by equalities screening. CaSPlan will complement the Highland-wide Local Development Plan (HwLDP) in addressing a range of development-related rural issues.
- 5.4 Climate Change / Carbon Clever – In combination with the HwLDP and related Supplementary Guidance, CaSPlan will help deliver the Carbon Clever initiative. The Plan has been subject to and informed by environmental assessments: Strategic Environmental Assessment and Habitats Regulations Appraisal.
- 5.5 Risk – It is important to complete the process by adopting the final CaSPlan, so that it may carry full weight guiding development and in determining planning applications.
- 5.6 Gaelic – The Plan includes Gaelic headings and subheadings.

Designation: Director of Development and Infrastructure

Date: 13 June 2018

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Background Papers:

On www.highland.gov.uk/casplan:

- Caithness and Sutherland Modified Proposed Local Development Plan, September 2016
- CaSPlan Examination Report, April 2018
- Final version of the Proposed Caithness and Sutherland Local Development Plan (the 'Intention To Adopt' version)
- List of the Post-Examination Modifications made to CaSPlan

On <http://www.legislation.gov.uk/>:

- The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 [Search for: 2008 No. 426]
- The Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009 [Search for: 2009 No. 53]

**Caithness and Sutherland Local Development Plan (CaSPlan):
HIGHLIGHTS OF THE OUTCOMES OF THE CASPLAN EXAMINATION
(including highlights of the Reporter's recommendations to amend the plan)**

[For full and complete information please see the Examination Report.]

Much of the outcome of the Examination was that the Reporters agreed with the Modified Proposed Plan which the Council had published in September 2016. However, there are a number of amendments which the Reporter recommended to the Plan. Some of these are in line with the Council's position presented at Examination in which we indicated that we would be agreeable to make these changes, whilst others vary from the Council's position.

Amendments to Vision/Strategy section of CaSPlan:

- The overall spatial strategy remains unchanged. However, as a consequence of the Reporters' recommendations for the site-specific changes outlined below the total housing land allocated in the Plan increases, the number of homes estimated as being able to be accommodated rising from 1,498 to 1,606.
- Amendments to the Housing Land Supply section of the Plan to recognise the important role of windfall development (i.e. development outwith site allocations) whilst also highlighting the Council's proactive approach to the delivery of allocated housing sites. The Reporter agrees with the Council's objective of planning for continued economic growth and the corresponding approach to allocating housing sites, e.g. focusing particularly on brownfield land and sites which already have planning permission in our main settlements.
- Reporter recommends that the Plan should include a commitment to carry out town centre health checks and strategies (with the aim of them becoming Supplementary Guidance) for those settlements with defined town centre boundaries, which are: Brora, Dornoch, Golspie, Thurso and Wick.

Sites added:

- Castletown
 - North of Mackay Street – 1.4ha Mixed Use (Housing, Community) allocation with indicative housing capacity of 30 homes to provide an additional future development option;
 - North of Castlehill Avenue – 1.2ha Long Term Mixed Use to provide an additional future development option;
 - North of Churchill Road – 1.2ha Long Term Mixed Use to provide an indication of future development options.
- Wick
 - East of Murray Avenue – 4ha Housing allocation with indicative housing capacity of 40 homes, due to it previously having planning permission.

Sites deleted:

- Thurso
 - TS12 East of Burnside and TS14 Land West of Caravan Park – Being the sites which had been in the earlier Proposed Plan but that were subsequently dropped by the Council from its proposals, leading to publication of the Modified Proposed Plan – Confirmation from the Reporter that these sites should not be allocated for development.
- Wick
 - WK07 Land at Broadhaven Farm – 3.7ha Long Term Housing removed due to the rural and open character of the site.

Sites significantly modified:

- Castletown
 - CT02 Castlehill Steading – Boundary of Mixed Use site extended, increasing site area to 3ha to reflect planning permission and landownership, with indicative housing capacity increased to 69;
 - CT06 Land at Shelley Hill – Boundary of Long Term Mixed Use site drawn in, decreasing site area to 3.3ha to reflect expansion of Castlehill Steading allocation and site added North of Mackay Street.
- Thurso
 - TS04 Thurso West – The part of the Mixed Use site that had been identified for Housing west of Pennyland House (indicative housing capacity of 20 homes) instead to be identified as Long Term Housing, as it was not considered to help enable wider development;
 - TS04 Thurso West – Expansion of the Mixed Use site southwards by 3.8ha to match the Caithness Local Plan site boundary;
 - TS07 Land at Sir Archibald Road – Reduction in Mixed Use site by 0.2ha to remove existing housing.
- Wick
 - WK04 North of Coghill Street – Expansion of Housing site by 1.2ha to include land to west which has planning permission;
 - WK14 Hillhead School – Expansion of Mixed Use site by 0.4ha to include the playing field within the development site.
- Dornoch
 - DN03 Dornoch South Abattoir Site – Leisure added to range of uses for this Mixed Use site, to allow for golf-based leisure uses.

Other noteworthy outcomes:

- Despite several objections from neighbours, the Reporter did not remove the Long Term Housing site north of Harland Road in Castletown as it is a logical expansion of the settlement. However, proposed site accesses are to be removed from the Settlement Map.
- Fields at Pennyland on the seaward side of the A9 (formerly Proposed Plan sites TS12 and TS14) to be identified as Greenspace, with additional paragraph added to Thurso settlement text highlighting the importance of the area to the character and identify of Thurso.

- For TS04 Thurso West, the Reporter neither amended it to include Retail and Hotel allocation on land east of the Business Park (due to the Plan already making reasonable provision for such uses elsewhere and emphasis on the 'town centre first' approach) nor removed the Long Term Housing status on the land (as it forms part of the longer term strategy for the expansion of the town to the west).
 - In Thurso the annotation relating to the relief road between B874 and A9 is to be removed, to be replaced with arrows suggestive of a future potential link. This reflects the position which was set out in the Caithness Local Plan relating to the B874/A9 connection.
 - TS05 Former Mart Site and TS11 Viewfirth Park in Thurso remain allocations but with additional developer requirements to ensure adverse impacts are fully assessed.
 - Wooded area between Wick Industrial Estate and housing to the south has been identified as an Expansion of the Green Network with corresponding Developer Requirement added to protect it from development.
 - Additional sentences added to the settlement text for Lairg to highlight the need to retain car parking on the corner of the A836 and Main Street together with opportunities for a visitor hub.
 - Hinterland designation redrawn to omit area covered by Creich Community Council lying west of Larachan, which includes Spinningdale, but retain the area west of Acharry Moor.
 - Additional Placemaking Priorities for Durness, Kinlochbervie, Melvich and Portskerra highlighting important role of crofting to the local communities.
 - Sites objectors sought for allocation in the Plan which the Council resisted and the Reporter agreed to not include: land at Milton, Wick; land south of site WK02, Wick; land at Lower Fascally, Brora.
 - Reporter did not extend Edderton SDA boundary to area to the south (as was requested by Edderton Community Council) as there was no useful planning purpose for doing so.
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