

The Highland Council

Planning, Development and Infrastructure Committee

14th May 2014

Inner Moray Firth Local Development Plan

Report by Director of Development and Infrastructure

Agenda Item	8
Report No	PDI 5/14

Summary

This report summarises the representations received on the Inner Moray Firth Proposed Local Development Plan and seeks approval for the proposed Council position on the issues raised. It provides recommendations for the next steps in the statutory process towards adoption of the Plan starting with submission to Scottish Ministers to enable an Examination of the plan by independent Reporters.

1. Background

- 1.1 The Inner Moray Firth Local Development Plan is the first of three area local development plans being prepared for Highland, which will ultimately sit alongside the adopted Highland-wide Local Development Plan in providing the framework for making decisions on planning applications.
- 1.2 In September 2013 the Planning, Environment and Development (PED) Committee approved the Inner Moray Firth Proposed Local Development Plan (the Proposed Plan) for consultation, and agreed its status as the settled view of the Council, and as a material planning consideration in decisions on planning applications. The Proposed Plan was then subject to consultation between 1 November and 13 December 2013 during which around 1,300 separate comments were received from over 700 separate customers. Appendix 1 provides an overview of the number of comments received on each issue covered in the Proposed Plan. Full details of these comments have been available on the Council's website www.highland.gov.uk/imfldp since the end of January 2014, and a hard copy available for review in the Members' library in the run up to Committee.
- 1.3 Officers have now summarised all of the comments and modifications sought, and have also prepared (for approval by Committee) suggested Council responses to all the issues raised. These are presented in the 'Schedule 4' format required by Scottish Government, with a Schedule 4 for each topic covered. Copies have been available on the Council's website www.highland.gov.uk/imfldp and in hard copy in the Members' library.

- 1.4 Based on advice from the Scottish Government there are three different approaches to making modifications after the Proposed Plan consultation and prior to Examination:
- a. Minor changes, also referred to as ‘non-notifiable modifications’, can be made to the Plan. These are reflected in the Schedule 4s for approval by Committee.
 - b. Significant changes, also referred to as ‘notifiable modifications’, cannot be made without then publishing and consulting on the amended Proposed Plan. Significant changes would include the addition, removal or alteration of policies or sites in the Plan. This would add approximately 6 months to the Plan timetable and incur additional expenditure by the Council in terms of re-advertisement, re-printing, re-notification of neighbours and would have knock on effects on other Council priorities and its statutory performance targets.
 - c. Finally, the Examination also provides an opportunity to change the Plan. The Council is able to draw the Reporter’s attention to representations that are considered to have merit and leave the Reporters to make any appropriate recommendations.

The Council does have the opportunity at this stage to accept any, or all of the significant changes recommended in the comments received. However, due to the implications and delays for the Plan process as described above, it is not recommended for the Council to agree any significant changes to the Proposed Plan. Instead, with reference to 1.4.c. above it is proposed that the Schedule 4s, which set out the suggested Council position on these significant issues, are referred to the Examination for further consideration.

- 1.5 Full details of the issues raised and modifications sought in consultation responses on the Proposed Plan, along with the suggested Council position, are set out in the Schedule 4s which are available on the Council’s website www.highland.gov.uk/imfldp, and in hard copy in the Members’ library.

Section 2 of this report contains a summary of the issues raised including those specified by Community Councils. Section 3 outlines the suggested Council position as follows:

- Paragraphs 3.1 and 3.2 set out the Council’s suggested position on comments made in relation to the Vision and Spatial Strategy and policies in the Proposed Plan.
- Paragraph 3.3 sets out the Council’s suggested position on issues where there has been a material change in circumstances or new information has been brought to light.
- Paragraph 3.4 sets out the Council’s suggested position on issues raised in representation that are regarded as worthy of consideration at Examination.
- Paragraph 3.5 sets out details of significant changes requested by landowners/developers that it is suggested should not be supported.

2. Key Issues Raised in Consultation Responses

2.1 The overview in Appendix 1 shows that almost 90% of comments received relate to local, settlement issues rather than the Plan's vision and strategy. This may have been prompted by a combination of neighbour notification at this stage and the Council's strategy already being established through the Highland-wide Local Development Plan.

2.2 The Plan's **Vision, Spatial Strategy and General Policies** have attracted around 140 comments. In summary:

- There is some support for the Plan's reaffirmation of the Council's established policy of promoting growth corridors within Ross-shire, and between Inverness and Nairn, together with the consolidation of the City of Inverness. However, several respondents are concerned that the Plan's growth projections and forecasts are too ambitious and do not take account of the current downturn in the property market. They believe far more modest growth should be planned for and therefore, in particular, that housing targets and the number and density of allocated housing sites should be reduced.
- Several cite inadequate capacity in supporting infrastructure as a reason to reduce planned growth. There is some support for a redirection of transport investment away from major road schemes such as Inverness West and East Links and towards active travel routes in particular cycle networks.
- Several respondents, including the Woodland Trust, believe the Plan should do more to safeguard existing and create new greenspace.
- Housing in the countryside Hinterland boundary comments are generally supportive but there are suggestions for contractions and expansions (see in particular community council responses in paragraph 2.3 below).
- The Plan's review of Special Landscape Area boundaries has prompted several comments of support and some requested extensions.
- General policies 1 to 5 have attracted a limited number of comments most of which have been supportive or seeking changes of a minor or technical nature. However, concerns that Policy 1 (Promoting and Protecting City and Town Centres) unduly favours Inverness City Centre ahead of other centres, and that Policy 3 (Other Settlements) offers insufficient certainty to developers and residents, have prompted officers to re-examine the scope and wording of these policies.

2.3 A number of **community councils** have lodged comments on the Plan and are generally supportive of improved community facilities, greenspaces, infrastructure and employment opportunities, but seek a reduction in the number, scale, density and phasing of housing sites. Key points raised include:

- Fortrose and Rosemarkie Community Council seek removal/reduction of all housing sites in their area but allocation of 2 community uses sites;
- Ferintosh Community Council seek additional open spaces and preference for community and business uses ahead of housing;
- Knockbain Community Council support a business allocation at Munloch

but not business uses on the leisure, tourism and business allocation at North Kessock;

- Grantown-on-Spey, Tain and Easter Ross, Inverness West, Strathdearn and Nigg and Shandwick Community Councils seek new or extended Special Landscape Areas or embargoes on development within them;
- Tain Community Council seek a better A9 junction improvement requirement, a reduction in the Hinterland boundary, extension of the settlement boundary, deletion of a business site at Knockbreck Road;
- All the community councils east of Inverness have submitted a collective statement concerned about the level of growth proposed in the Plan;
- Muir of Ord Community Council have a particular concern about flood risk and seeks appropriate mitigation;
- All Nairn Community Councils concur over prematurity of development levels prior to delivery of a bypass;
- Invergordon Community Council object to an employment allocation at Delny due to loss of agricultural land and impact on the A9 junction;
- Strathpeffer Community Council support the allocation for housing at Kinellan subject to minor changes to requirements;
- Kiltarlity Community Council object to the second phase of development at Glebe Farm as excessive. They request reverting to a previous Local Plan housing allocation at the former builder's depot and a new allocation to allow for cemetery extension at Tomnacross;
- Lochardil and Drummond Community Council seek better protection of existing and new greenspaces, reduced housing densities at Drummond Hill and Ness Castle and object to any housing at Knocknagael;
- Westhill Community Council oppose both East and West Link road schemes but seek improvements to the B9006, oppose any energy from waste facility at the Longman, want housing site capacities and/or densities reduced and supporting infrastructure provided before houses are developed, a larger public park at Ashton Farm earlier in the phasing of development, and suggest a new gateway policy;
- Inverness South Community Council oppose a road link between Parks Farm and General Wade's Road, and want more greenspace and community facilities, not housing, at Milton of Leys;
- Muirtown Community Council oppose housing at Glendoe Terrace, the canal, Clachnaharry and Torvean quarries, and instead want a canal crossing, community ownership of greenspace and some retail development;
- Dores and Essich Community Council seek a housing site expanded at the existing hall and flexibility in the Plan to pursue a new hall or similar community facility on another site;
- Glenurquhart Community Council support most of the Plan but seek the addition of housing as an option for the sites at Scotmid on the A82 and the village health centre;
- Strathdearn Community Council seek a land safeguard for the A9 improvement, wildlife surveys for all sites, the Hinterland extended south to Slochd and a greater community input to developer masterplans;
- Fort Augustus and Glenmoriston Community Council seek a reduction in housing site boundaries and capacities and longer phasing;

- Conon Bridge Community Council object to Site CB3 including the playing field; and
- Maryburgh Community Council seek the reintroduction of a village expansion site at Brahan.

2.4 In brief summary, **developers** are seeking extended boundaries for development sites, increased site capacities, fewer and/or less onerous developer requirements, and finally various comments on the introduction, reintroduction or replacement of development sites in the Plan. Further details are set out in section 3 below.

2.5 Many of the comments from **neighbours** of development sites are not objections to the principle of development but seek further Plan text to ensure that future development will have known and acceptable impacts.

2.6 **Key agencies** such as Scottish Water, the Scottish Environment Protection Agency (SEPA) and other bodies such as Transport Scotland have lodged comments on the Plan but most of their concerns are of a technical nature rather than objections in principle and can be addressed via additional Plan text.

3. Suggested Council Responses to the Issues Raised

3.1 The Plan's **Vision and Spatial Strategy** is tried and tested and therefore no significant change is recommended for the following reasons:

- The Council's growth locations and assumptions are already established within the recently adopted Highland wide Local Development Plan (HwLDP), which was subject to Examination by Scottish Government appointed Reporters and addressed similar objections to those made in respect of the Plan. Many of the growth sites are also reaffirmed within the latest national planning framework. Although the property market has experienced a recent decline, the Plan's strategy covers a long time period and the market is cyclical in nature. The Council's latest Housing Need and Demand Assessment was also tested at the HwLDP Examination including its forecasts and requirements and was found to be robust and credible. The Plan already allows for a slower phasing of many of the major development sites but there is no convincing justification to make a significant change (either increase or decrease) to the total number and capacity of development sites.
- Additional infrastructure requirements are already referenced within the Plan where appropriate but the Reporters will need to make updates to reflect the latest position with schemes such as the A9 and A96 dualling before they report back at the turn of the year. Some minor, additional infrastructure, developer requirements are endorsed where necessary and proportionate. Requiring all infrastructure provision in advance of any housing or other development provision is unreasonable and impracticable.
- The Schedule 4s endorse some examples of augmented developer requirements to retain existing and to create new greenspace but the Woodland Trust's views that all areas of former but not current ancient

woodland should be protected are unreasonable.

- No change is suggested for the current Housing in the Countryside Hinterland boundary because it is felt that it adequately encloses the extent of potentially harmful development pressure.
- Only one, minor change is suggested to the Drynacahan, Lochindorb and Dava Moors Special Landscape Area at Dulsie Bridge so that the area is expanded up to the B9007 to follow a better defined physical feature.

3.2 Most comments received on Policies 1 to 5 are of a minor or technical nature and can be reflected in the Plan. These are listed in the Schedule 4s but are not itemised here. In response to a comment made on Policy 1, Committee is asked to agree for the Reporter to be asked to consider an amendment which clarifies the approach to be taken by developers in assessing the impact on vitality and viability of existing centres. In relation to Policy 3 Other Settlements, it is suggested that Reporters should be asked to consider amendments which provide certainty on where development will, and will not, be supported by the Council. However, requests for SDAs and site maps to be provided for a number of other settlements – Portmahomack, Marybank, Barbaraville, Kildary and Rhicullen/Newmore – are suggested to be not supported.

3.3 The following list outlines the Council’s suggested position on issues where there has been a material change in circumstances or new information has come to light, and are therefore referred to the Reporters for consideration with evidence to demonstrate why they are necessary and reasonable.

Suggested Council Position	Reason
Deletion of site CB3 Conon Bridge	Road access impractical given proven landownership restriction
Deletion of site NA9 Nairn	Transport Scotland’s confirmation that no junction will be provided from the A96 bypass to service the later phases of Nairn South
NA8 Nairn - outcome of Nairn South Hearing to dictate allocations to be reflected in the Plan	The Hearing Reporter’s findings will be known before the close of the Plan Examination and will strongly influence the Plan Reporters’ findings
Deletion of Strathpeffer SP2 Railway Station site	There is now an application for similar uses on an alternative site east of the village
BE5 Beauly Wellhouse - deletion of requirement for link road through site	An alternative link road route is more practicable and desirable
Additional reference to status of Inverness Airport as a National Development	The draft National Planning Framework now includes this status
Fort Augustus FA1 Markethill - reduction in boundary and housing capacity	Part of the site has been stymied by alternative development and part has a confirmed, crofting interest restriction

3.4 The following list outlines the Council's suggested position on issues that are regarded as worthy of consideration at Examination.

Suggested Council Position	Reason
Expansion of business allocation Alness West Teaninich AL12	Positive Council advice given at pre-application stage, employment potential, rounding off of urban edge and no insurmountable environmental constraints
Explicit restriction on food retailing at Alness Invergordon Road East AL21	To protect Alness town centre
Reduction of the Nigg NG1 industrial allocation	To exclude private houses incorrectly enclosed within the boundary
Reduction of Inverness IN52 East of Culcabock Avenue	To exclude private properties incorrectly enclosed within the boundary
Reduction in Cromarty CM3 Daffodils Field	To exclude an adjoining private property incorrectly enclosed within the boundary
Increased housing capacity for Munlochy ML2 Brae Farm	The original planning permission is very dated and its density does not match current standards and guidance
Extension of North Kessock NK1 Bellfield	To reflect extant planning permission
Removal of phasing restriction on park and ride facility at Tore TR2 Tore North site	The facility could happen sooner than other development
Change of use of Beauly allotments to care facility, associated specialist housing and allotments	To allow care facilities closer to the village centre and yet take account of access and allotments constraints
Merger of sites Inverness IN19, Clachnaharry Quarry and IN21 Muirtown Basin for mixed use development	To allow the option of tourism related development within the quarry
Merger of sites Inverness IN47 and IN62 land adjoining Milton of Leys School as a community uses allocation	To exclude the possibility of mainstream housing
Change to mixed use, site Inverness IN72, land adjoining Milton of Leys School	To not exclude community and business uses from the neighbourhood centre
Reduction by approximately 50% of the site area but not the housing capacity of Inverness IN49 Bogbain (west) to exclude that land immediately south of Redwood Avenue and Redwood Court which should be shown with a cherished greenspace notation and secured as such as an additional	To take account of flooding issues and to create an effective green corridor based on the existing wetland habitat

Suggested Council Position	Reason
developer requirement	
Reduction in the housing capacity of Inverness IN44 Inshes Small Holdings (north) to 100 units	To better take account of gradient, Woodland and drainage constraints
Reduction in the capacity of Drumnadrochit DR3 Land at West Lewiston and transfer of the balance of land to a community greenspace company	To preserve an effective green corridor
Reduction in the capacity of Nairn NA2 South Kingsteps	Dependent upon the outcome of transport and flood risk assessments
Addition of retail use to Inverness IN4 Land at Inverness College	To reflect the adopted HwLDP position
Addition of Class 8A use to Inverness IN8 Former Longman Landfill	To endorse potential use of part of the site for a new prison
Reduction of the site boundary of Inverness IN87 Land North East of Culloden Academy	To exclude a thin strip of land that has mature woodland cover and performs an important greenspace function

3.5 The following list reflects details of significant changes requested by landowner / developers that it is suggested should not be supported.

Suggested Council Position	Reason for not supporting
Additional housing site at Old Mill Road, Tomatin	Loss of woodland, precedent, settlement pattern and access restriction
Additional village expansion area south west of Maryburgh	Access restrictions, distance from village facilities
Additional City neighbourhood at Balloch Farm, Culloden	Access restrictions, availability of adequate, better alternatives, coalescence of distinct communities
Expansion of the Beechwood Campus allocation to merge with Cradlehall	Coalescence with a neighbourhood of separate identity, loss of greenspace, access restrictions
Earlier phasing of East Inverness and Westercraigs allocations	Access restrictions
Explicit City housing allocations on various land parcels at South Kessock	Loss of greenspace
Explicit City housing allocation at Druid Temple	Access, woodland and flood risk restrictions
Expansion of Inverness Harbour waterfront as a mixed use "urban village"	Incompatibility of housing uses and environmental implications
Additional City expansion area at Welltown of Easter Leys	Access restrictions and better, adequate alternatives
A change of use to the northern tip of	The previous planning history of the

Suggested Council Position	Reason for not supporting
Inshes Park to allow a commercial unit and parking but the balance of the land laid out for park entrance and parking	site and informal community reaction
Introduction of housing as a component of site Inverness IN67 Bogbain (East)	Better, adequate sites are allocated for housing and the site has competitive locational advantages for employment uses
Diversification of uses at Inverness IN85 West of Eastfield Way	Potential adverse impact on Inverness City Centre
Expansion of Inverness IN65 Land at Raigmore / Beechwood to include additional land for business use south of proposed police office expansion	There is no immediate need for additional expansion land but this position may change dependent upon the need to reconfigure Inshes road junctions
Additional housing and mixed use allocations between Fortrose and Rosemarkie	Adverse settlement pattern and landscape impacts
Additional housing sites on the margins of Avoch	Adverse landscape impacts, access restrictions, adequate, better sites identified
Additional housing sites within and on the margins of Cromarty	Access restrictions, and adequate, better site identified
Additional housing sites on the margins of Culbokie	Adequate, better sites identified
Extensions, increased capacities and more flexibility in the use of development sites at Munlochry	Adverse settlement pattern and landscape impacts, adequate, better sites identified
Extensions to allocated sites at Bellfield, North Kessock and 2 new sites at Craigton	Adequate, better sites identified, landscape impact, potential amenity issues, access restrictions
Extensions to development sites at Tore	Adequate, better sites identified, landscape impacts
An additional housing allocation south east of Evanton Bridge	Adequate, better sites identified, flood risk, access restrictions
Extension to existing housing site and request for additional allocations at Strathpeffer	Adequate, better sites identified, woodland constraints, access restrictions
Additional housing allocations on the margins of Kirkhill	Adequate, better sites identified, woodland constraints, access restrictions
Additional housing site to rear of village hall at Kiltarlity	Adequate, better sites identified, woodland constraints, access restrictions
Additional housing sites to west and east of Inchmore	Adequate, better sites identified, flood risk, access restrictions
Additional development sites at Fort Reay, Nairn	Premature to provision of improved access via Sandown, woodland impact

Suggested Council Position	Reason for not supporting
Additional development sites at Househill, Nairn	Need for improved access, linked to future bypass provision
Additional development sites at Balvaird Road, Tore Road and Chapelton Farm, Muir of Ord	Adequate better sites identified, ownership and access restrictions, flood risk, woodland impact and settlement pattern
Additional development sites at Morangie and Mount Pleasant, Tain	Adequate better sites identified, landscape impact, access restrictions, settlement pattern
Several sites not previously consulted on	These have been declined because they have been lodged too late in the Plan process to allow proper consideration of community views and environmental effects but could still be considered through departure planning applications

4. Next Steps

4.1 Subject to approval of the suggested Council position the Committee is also asked to approve for officers to proceed with the statutory procedures required to progress the Proposed Plan to Examination including the following actions:

- The Proposed Plan, Schedule 4s and other associated documents will be submitted to the Scottish Ministers via the Directorate for Planning and Environmental Appeals (DPEA) to enable an Examination to take place. The Examination is likely to take place late June 2014, at which point the Examination of the Plan would begin.
- The Proposed Plan submitted to Scottish Ministers will be re-published, advertised and made available for inspection in accordance with statutory requirements.

Please note that the Reporters carrying out the Examination are tasked with examining **only** the so-called 'unresolved issues' where conflicting comments have been made or where there are issues that do not align with the Council's settled view as set out in the Proposed Plan agreed at the September 2013 PED meeting. Topics where only comments of support have been received will not be referred to the DPEA for Examination.

4.2 The DPEA have a 6-9 month timeframe within which they should complete their management of this process, meaning that the Plan outcome should be known between December 2014 and March 2015 on publication of the Reporters' Report. There are statutory and Committee processes thereafter, but these are very likely to be only administrative in nature and do not include any further public consultation.

5. Implications

- 5.1 Resource: the cost of the standard Plan process to adoption will be met from the existing service budget.
- 5.2 Legal: any party aggrieved by the Plan outcome can challenge its validity on matters of proper process (but not of planning judgement).
- 5.3 Equalities: an Equalities Impact Assessment was carried out earlier in the Plan process.
- 5.4 Carbon Clever / Climate Change: Strategic Environmental Assessment and Habitats Regulations Appraisal work has been integral to the Plan's evolution to date, is ongoing and will form part of the Examination process. These processes and the Council's own commitment to reducing the environmental impacts of human activity within Highland should ensure implications are minimised.

Recommendation

Committee is asked to:

- consider the issues raised through representations on the Plan as set out in the Schedule 4s available at www.highland.gov.uk/imfldp and in the Members' library and summarised in Section 2 of this report;
- agree the suggested Council position on these issues, also set out in the Schedule 4s and summarised in Section 3 of this report;
- authorise officers to proceed with statutory procedures required to progress the Proposed Plan to Examination including the submission of all Schedule 4s for 'unresolved issues' to Scottish Ministers; and
- authorise the Director of Development and Infrastructure, in consultation with the Chair and Vice Chair of the Committee, to make non-material changes to the Schedule 4s prior to their submission to DPEA.

Designation: Director of Development and Infrastructure

Date: 30th April 2014

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Background Papers:

1. Inner Moray Firth Proposed Local Development Plan: November 2013.
2. Responses Received on Inner Moray Firth Proposed Local Development Plan: November to December 2013.
3. Schedule 4s: Summaries of Unresolved Issues: May 2014.

All available via: www.highland.gov.uk/imfldp

Issue No.	SETTLEMENT	No. of Comments
City of Inverness		314
1	Inverness General & Central	36
2	East Inverness	48
3	South Inverness	177
4	West Inverness	53
Inverness to Nairn Growth Area		5
5	Castle Stuart	2
5	Inverness Airport	2
5	Morayhill	1
North Area		472
6	Alness	32
7	Avoch	20
8	Conon Bridge	61
9	Contin	8
10	Cromarty	14
11	Culbokie	26
12	Dingwall	34
13	Evanton	39
14	Fortrose and Rosemarkie	76
15	Invergordon	25
16	Maryburgh	10
17	Muir of Ord	45
18	Munlochy	12
19	North Kessock	13
20	Seaboard Villages	2
21	Strathpeffer	19
22	Tain	28
23	Tore	8

Ross Growth Area		16
24	Fearn Aerodrome	1
24	Fendom	2
24	Nigg	13
South Area		348
25	Ardersier	18
26	Auldearn	2
27	Beauly	15
28	Cawdor	28
29	Croy	22
30	Dores	10
31	Drumnadrochit	22
32	Fort Augustus	10
33	Inchmore	8
34	Kiltarlity	14
35	Kirkhill	8
36	Nairn	165
37	Tomatin	20
38	Tornagrain	6
All Settlements Total		1,155

APPENDIX 1:

INNER MORAY FIRTH PROPOSED
LOCAL DEVELOPMENT PLAN:LIST OF ISSUES RAISED AND
COMMENT TOTALS

Issue No.	STRATEGY & GENERAL POLICIES	No. of Comments
39	Appendices	5
39	Development Allocations	2
39	General Comments	11
40	Guiding and Delivering Development (includes population and housing requirements representations)	20
41	Housing in the Countryside Hinterland boundary	21
42	Policy 1 Promoting & Protecting Town & City Centres	8
43	Policy 3 Other Settlements	12
44	Policy 4 Waste Water in A96 Corridor	2
45	Policy 5 Development within Loch Flemington Catchment	5
46	Special Landscape Areas	13
47	Strategy for Growth	29
48	Vision and Spatial Strategy	10
	Strategy & General Policies Total	138

Totals	
Settlements	1,155
Strategy & General Policies	138
	1,293
	(from 704 separate customers)
	(48 suggested issues)
Grand Total	