

## The Highland Council

### Planning, Development and Infrastructure Committee 4 November 2015

Agenda Item	9
Report No	PDI 64/15

#### Muirtown and South Kessock Development Brief

#### Report by Director of Development and Infrastructure

##### **SUMMARY**

This report seeks approval to adopt the Muirtown and South Kessock Development Brief as statutory Supplementary Guidance, following approval by the City of Inverness Area Committee subject to finalisation of Habitats Regulation Appraisal and submission to Scottish Ministers.

#### **1. Background**

- 1.1 Over a period of time the Council has prepared the Muirtown and South Kessock Development Brief (herein referred to as the Development Brief) to support the implementation of Policy 6 of the Highland-wide Local Development Plan (HwLDP). In accordance with the HwLDP this Development Brief is proposed for adoption as a statutory part of the Council's development plan against which planning applications will be determined. Following approval of the Development Brief by the City of Inverness Area Committee (CIA) on 10 September 2015 it is now being reported to this Committee for statutory adoption subject to finalisation of the Habitats Regulation Appraisal and scrutiny by Scottish Ministers.
- 1.2 The key stages of preparing the Development Brief are outlined below.

<b>Stage</b>	<b>Timescale</b>
Inverness City Area Committee endorsed the proposal for further work on the preparation of development briefs for regeneration sites in Inverness including at Muirtown and South Kessock.	December 2013
Initial consultation carried out with community, business and other interested parties through an initial charrette event to generate ideas and proposals.	February 2014
Follow up charrette event to develop ideas and proposals from earlier event and inform draft Development Brief content.	April 2014
Approval by City of Inverness Area Committee (CIA) for content of draft Development Brief to be subject to consultation and agreement of responses to issues and options consultation comments	December 2014
Draft Development Brief consultation	February - April 2015
Approval by CIA of content of final Development Brief	September 2015

and responses to consultation comments; approval to treat Development Brief as material consideration, pending statutory adoption.	
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## **2. Supplementary Guidance Adoption Procedures**

- 2.1 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. Under the Council's Scheme of Delegation, statutory adoption of Supplementary Guidance is a matter for this committee.
- 2.2 Officers are currently in the process of finalising the Habitats Regulation Appraisal that supports the Development Brief in consultation with Scottish Natural Heritage. The Habitats Regulation Appraisal considers the potential impact of the development on European Designated Sites (Natura 2000). The Habitats Regulation Appraisal is expected to be concluded imminently and may result in minor changes to the Development Brief. Following this, for the formal adoption process the finalised Development Brief, together with associated Strategic Environmental Assessment, Habitats Regulation Appraisal and details of publicity and consultation will be submitted to Scottish Ministers for scrutiny.
- 2.1 A copy of the Development Brief can be accessed on the Council's web site ([www.highland.gov.uk/msk](http://www.highland.gov.uk/msk)) and has also been placed in the Members' Lounge.

## **3 Implications**

- 3.1 Resource  
Resources to complete the preparation of the Development Brief are available from the Development and Infrastructure Service budget.
- 3.2 Legal  
Planning law sets out requirements for development plans and development management. A distinction is made between documents forming part of the development plan (our adopted LDPs, adopted Local Plans as continued in force and adopted SG) and any other material considerations. LDPs and SG are prepared in accordance with legal requirements.
- 3.3 Equalities  
The Council has screened the Development Brief for equalities issues. No issues have been identified.
- 3.4 Climate Change/Carbon Clever  
The Council is complying with SEA and HRA requirements in preparing the Muirtown and South Kessock Development Brief and no strategic effects have been identified with regard to climate change. The Development Brief examines the potential for future delivery of junction improvements at Telford Street and promotion and improvement of wider active travel connections to and from Muirtown and South Kessock. This will help to mitigate the impact of climate change by reducing traffic congestion, improving journey times and supporting

active travel and cycle routes thereby reducing the carbon footprint of the city and contributing to the carbon clever initiatives.

3.5 Risk

There are no known direct risk implications arising from this report.

3.6 Gaelic

The finalised SG will comply with the Council's requirements for publications.

3.7 Rural

There are no known direct rural implications arising from this report.

## **RECOMMENDATION**

Members are invited to:

- agree, subject to finalisation of the Habitats Regulation Appraisal by officers, including any modifications to the Development Brief, that the Muirtown and South Kessock Development Brief be submitted to Scottish Ministers for consideration as per the statutory process for adoption of Supplementary Guidance; and
- agree to the adoption and issuing of the submitted version of the Muirtown and South Kessock Development Brief as statutory Supplementary Guidance upon completion of the requisite 28 day period for consideration by Scottish Ministers, subject to their being no directions from Ministers indicating otherwise.

Designation: Director of Development and Infrastructure

Date: 16 October 2015

Author: Brian MacKenzie, Principal Planner

Background Papers:

- Highland-wide Local Development Plan (2012)
- Inner Moray Firth Local Development Plan (2015)
- Report to City of Inverness Area Committee on 9 December 2013 - Update on Development Briefs for Regeneration of Sites in Inverness
- Report to City of Inverness Area Committee on 2 December 2014 – Draft Muirtown and South Kessock Development Brief
- Report to City of Inverness Area Committee on 10 September 2015 – Muirtown and South Kessock Development Brief