

Agenda Item	6
Report No	WRSL/020/21

HIGHLAND COUNCIL

Committee: Wester Ross, Strathpeffer and Lochalsh

Date: 4 November 2021

Report Title: Inner Moray Firth Proposed Local Development Plan 2

Report By: Executive Chief Officer Infrastructure, Environment and Economy

1 Purpose/Executive Summary

- 1.1 This report sets out for approval the key elements of the second Inner Moray Firth Proposed Local Development Plan that relate to the area covered by this Committee. The relevant content, which is outlined in **Appendices 1 and 2** takes account of responses received during a consultation on a Main Issues Report for the plan undertaken from January to April this year. Members are asked to give approval to these elements of the plan to allow officers to create the Proposed Plan which will be published for public consultation in early 2022, with feedback from the consultation to be reported back to this Committee to help finalise the plan for adoption.

2 Recommendations

2.1 Members are asked to:-

- i. note the issues raised by respondents to the consultation on Local/City committee-specific matters and agree the recommended responses to these issues both as detailed in **Appendix 1**;
- ii. note the issues raised by respondents to the consultation on strategic matters and officer recommended responses both as detailed in **Appendix 2** and recommend to the Economy and Infrastructure Committee the Local/City Committee's view on these strategic matters;
- iii. note that additional supporting documents will accompany the publication of the Proposed Plan, including those outlined in section 3 below;
- iv. note that minor presentational, typographical and other factual updates and changes will be made by officers, with any material changes to be agreed in consultation and agreement with the chair of the relevant committee(s) prior to publication;
- v. in line with government guidance, to agree for the published Inner Moray Firth Proposed Local Development Plan to be treated as a material planning consideration in making planning decisions and providing advice; and
- vi. agree the approach to consultation outlined in section 7 of this report.

3 Implications

- 3.1 **Resource** - resources to complete the statutory processes are allowed for within the Service budget.
- 3.2 **Legal** - the Plan can be challenged in the courts but only on matters of process not planning judgment emphasising the need for the Council to continue to adhere to all statutory procedures throughout the Plan's progress so that the Council will have a defensible position in the event of any challenge.
- 3.3 **Community (Equality, Poverty and Rural)** - An Equalities Impact Assessment (EqIA) screening report has been undertaken and placed on the Council's website and found that a full EqIA is not required. A large part of the Plan area is rural, and the Plan supports proportionate and sustainable development within these areas. It also promotes economic and other regeneration proposals within areas of poverty.
- 3.4 **Climate Change / Carbon Clever** - the development plan has been and will be subject to several rounds of environmental assessment including all aspects of climate change, Habitats Regulations Appraisal (HRA) and Strategic Environmental Assessment (SEA). The SEA's Environmental Report continues to be formulated in close cooperation with the Consultation Authorities and is being updated to reflect that input.
- 3.5 **Risk** – as Legal above.
- 3.6 **Gaelic** - prior to publication headings and a Member Foreword will be added in Gaelic.

4 Context

- 4.1 A Local Development Plan provides the land use planning framework for planning advice and decisions, but it also helps the Council, partners and communities to support changes and improvements across Highland and to achieve local and national outcomes. The second Inner Moray Firth Local Development Plan (LDP) (in the rest of this report simply referred to as the 'Plan') will become the principal, local, land use policy document in determining planning applications and other development investment decisions in the Inner Moray Firth area. The Plan area comprises the eastern part of Ross and Cromarty, Inverness-shire, Nairnshire plus a small, mainly unpopulated, part of Badenoch and Strathspey. It stretches from Garve in the west to Tain in the north and from Auldearn in the east to Tomatin and Fort Augustus in the south. At the end of the review process the Plan will replace the existing Inner Moray Firth LDP and will sit alongside the Highland-wide LDP and other planning guidance in providing a comprehensive suite of planning policy for the Plan area.
- 4.2 Any proposed development plan when published must represent a council's collective, 'settled view' on its choice of policies and development sites and the wider strategy for the area. Therefore, this is one of a series of reports to the six Local/City Committees that span the Inner Moray Firth Plan area seeking approval of the issues relevant to these areas. This will be followed by a final overarching report to the strategic committee to seek approval for a number of strategic elements of the Plan such as a vision, spatial strategy, outcomes and wider policy issues for the whole Inner Moray Firth area. These matters will be reported to the strategic committee for consideration and approval although Local/City Committees are asked to contribute any relevant views on these matters.

It should be noted that the Council's Indicative Regional Spatial Strategy approved by Members (as part of our contribution to Scottish Government's emerging National Planning Framework 4) has significantly shaped the preparation strategy and the outcomes to which it needs to contribute for people and communities in the area.

- 4.3 The Plan is being prepared under current but soon to be superseded planning legislation. For plans being prepared under current legislation Scottish Government has instructed that local authorities must publish their proposed development plans before the Scottish Parliament's approval of National Planning Framework 4, which is scheduled to happen sometime between March and June 2022. Therefore, the Highland Council has a short timeframe within which to confirm its collective position through the seven relevant committees or risk the significant work and consultation to date being deemed abortive.

5 Main Issues Report Comments

- 5.1 Following a consultation on the Main Issues Report (MIR) held between January and April 2021 officers have carefully considered all of the comments received. The full version of all comments received has been available on the Council's website since early June 2021. Members covering the IMF area were alerted to those comments at that time and can access them again in preparation for this committee via [this link](#). The issues raised in those comments are summarised in **Appendix 1 for settlement specific matters and in Appendix 2 for more strategic issues** together with a recommended response where it is relevant to the Plan's proposed content.
- 5.2 Over 1,400 comments have been received from 432 respondents which is a record total for any version of a Highland development plan, reflecting positively on the publicity undertaken and the online format for making comments. To ensure awareness of the consultation and the process for responding publicity included:-
- a postcard mailshot to every household in the IMF area;
 - social media publicity;
 - an 'on request' hard copy alternative for reading and commenting on the MIR;
 - online videos to explain the Plan and how to comment; and
 - responses being accepted by email and conventional letter for those unable to access or use the online method.

The comments received are on a wider range of topics than usual which probably reflects that we've reached a more diverse audience than those reached by the traditional methods of paper press notice, public library deposit and village hall exhibitions.

6 The Proposed Plan

- 6.1 The Proposed Plan's substantive content relevant to this committee area is set out in the appendices to this report. **Appendix 1** details and justifies (taking account of comments received) the recommended development site choices, greenspace safeguards and Placemaking Priorities in the area. **Appendix 2** details and justifies (taking account of comments received) the recommended strategic content including the Plan's Outcomes, General Policies and Spatial Strategy (including the total housing land requirements and Hinterland boundary).

- 6.2 *Vision and Outcomes* – a reordering of the Plan’s outcomes is suggested in **Appendix 2** to better emphasise the Plan’s lead aims of addressing the climate change and ecological emergencies whilst also enabling post pandemic economic recovery.
- 6.3 *Settlement Hierarchy* – the hierarchy is recommended as tabulated in **Appendix 2** with the suggested reclassification of Cawdor, Contin and Inchmore as ‘Growing’ rather than ‘Main’ Settlements. This means a lower level of expected growth within these villages than that envisaged in the approved development plan to reflect their constraints.
- 6.4 *Housing Land Requirements* - a minimum target of around 8,500 homes over a 10-year period are proposed with roughly 6,000 of these expected to be built on sites allocated in the Plan. The Plan seeks to increase the proportion of these that will be built in environmentally sustainable and economically viable locations and that will be affordable, self-built and/or adapted for the ageing population. The table in **Appendix 2** breaks this target down by Housing Market Area. These figures are derived from base figures produced within a Highland-wide Housing Need and Demand Assessment (HNDA), which will be a supporting document accompanying the Plan’s publication. At the time of writing, the HNDA approval process is moving towards completion with the final figures expected to be reported to the Economy and Infrastructure Committee in December 2021. A few wholly new housing development sites have been suggested in response to the Main Issues Report. These should have been made at the Plan’s Call for Sites stage and therefore have not been considered in any detail in this report and its appendices. There is no exceptional justification for the inclusion of any of them particularly since they haven’t been subject to public comment and environmental assessment. The site allocations in the Plan are considered to have sufficient flexibility to accommodate the minimum identified Housing Land Requirement based on the current national guidance. The Housing Market Partnership, which is a group of senior planning and housing officers, has overseen the HNDA process and inputted policy-based adjustments to the requirement totals to put forward a comprehensive case that all justifiable housing need and demand is included in those totals, working within this national guidance. Further work is being carried out to assess housing need for economic growth.

In addition, the plan outlines measures that aim to increase and expedite the delivery of affordable housing. However, the Partnership remains concerned that wider circumstances and factors may constrain the delivery of sufficient affordable unit completions because of the challenges of acquiring, reserving, and/or servicing land for affordable housing within defined cost constraints when competing with private sector interest in the same sites and where landowners may have artificially high expectations of land values. The Partnership is looking to make enquiries about how these wider national factors might be addressed in Highland including national policies, wider social infrastructure funding (e.g., forward funding of new schools) and/or legislation. Officials are seeking discussions with the relevant Scottish Government officers and Ministers to progress this issue.

- 6.5 *Spatial Strategy* – the Map in **Appendix 2** is a visual expression of the broad spatial priorities, settlement hierarchy and infrastructure projects for the Plan area. This strategy should assist in promoting a more coordinated approach in matching new development to infrastructure and community facility investment both corporately across the Council and with external stakeholders.

6.6 *Hinterland Boundary* – no change is recommended except a minor expansion at Belivat Nairnshire. The majority of comments received on the Main Issues Report support the status quo in respect of this issue. Any contraction of the boundary would run contrary to the Council’s aspiration to reduce unnecessary and unsustainable travel choices.

6.7 *General Policies* – several new or updated (relative to those contained within the Highland wide Local Development Plan (HwLDP)) General Policies are being proposed for the Plan area. These are detailed in **Appendix 2** with a brief summary of comments received on these topics and a justification for the proposed approach. These have been influenced by the Council’s input to National Planning Framework 4 and its likely content. The policies give new or greater emphasis to climate change, placemaking, greenspace, sustainable travel, increasing affordable/ageing population/self-build housing, biodiversity, and town centre recovery. These new/amended policies will update (not supersede) those in the HwLDP but will be given primacy by the Council in the application of these policies when the Plan is adopted.

6.8 **Settlement-Specific Matters**

Our proposed approach to these strategic matters has influenced our place-based recommendations i.e., our Placemaking Priorities and development site choices.

6.9 This place-based content within the committee’s area is set out in **Appendix 1** and is summarised in the following paragraphs.

6.10 In **Strathpeffer**, allowance is being made for a modest amount of growth, with land allocated for housing at Kinellan North and Nutwood. The settlement boundary is drawn to allow for infill development at the serviced plots at Ulladale Crescent. The housing development at Kinellan South is underway and will be completed before the Plan is published. Therefore, it is not shown as an allocation but will remain within the settlement boundary.

6.11 Members will recall that the MIR suggested the reclassification of Contin as a ‘Growing’ rather than ‘Main’ settlement. No adverse comments have been received in relation to this suggestion, so it is recommended that this change be confirmed. Contin now joins Marybank and Garve at this tier in the settlement hierarchy. The Placemaking Priorities for these settlements are as set out in **Appendix 1**. Very few comments were received in relation to these settlements. NatureScot suggested additional references to safeguarding and enhancing local natural heritage assets. Historic Environment Scotland commented that development should avoid any adverse impact on the scheduled monument at Contin. A landowner suggested a 50-house development on land east of the primary school at Marybank. The additional/amended references suggested by the national agencies are recommended for inclusion but not the specific site allocation requested at Marybank which is deemed too large relative to the community’s constraints and infrastructure/facility capacities. However, a smaller infill proposal would be supported by the Plan’s proposed text.

6.12 Members will recall that they previously sought a change to the Plan’s housing in the countryside Hinterland boundary to contract it to the Inverness side of Contin and Marybank. This was consulted upon but didn’t attract any direct comments. More widely, the majority of respondents favour the retention of the Hinterland boundary as existing.

In **Appendix 2** Members will note that the officer recommendation is to leave the Committee's portion of the hinterland boundary unchanged because encouraging more housing outwith settlements contradicts the Council's stated priority to address climate change by, amongst other things, minimising unnecessary travel.

7 Proposed Consultation Arrangements

- 7.1 It is suggested that the Proposed Plan be subject to an 8-week consultation period. In order to allow sufficient time to bring together the Plan - including factual updates and amendments, artwork, preparation of supporting documentation, neighbour notification and possible printing - it is proposed to publish in early Spring 2022. The opportunity to contribute to the consultation will be publicised in local and social media and the Council's website. Immediate neighbours of all sites specifically identified within the Plan will also be notified in line with government legislation.
- 7.2 Given the good number of responses to the Main Issues Report it is suggested that similar methods of consultation are used – i.e., targeted use of social media, hard copy mailshots, together with more conventional methods of a paper press notice and telephone assistance for those not online so that they can request hard copy options to read and comment on the documents. We will consider face-to-face meetings if the Scottish Government advice in the Spring of 2022 allows such events.

8 Next Steps

- 8.1 Following the consultation period on the Plan, Members will be briefed on representations received. Any party whose comments do not align with the Council's 'settled view' will have an opportunity to have its opinions heard at Examination (similar to a public local inquiry) by an independent Scottish Government appointed Reporter, who then makes binding recommendations on the Plan's final, adopted content.

Designation: Executive Chief Officer Infrastructure, Environment and Economy

Date: 14 October 2021

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Background Papers: 1. Inner Moray Firth LDP: Main Issues Report: January 2021;
2. Comments Received on Main Issues Report: January to April 2021;
3. Inner Moray Firth LDP: Strategic Environmental Assessment: draft Revised Environmental Report: November 2021;
4. Inner Moray Firth LDP: draft Revised Transport Appraisal: November 2021; and
5. Inner Moray Firth LDP: draft Revised Equalities Impact Assessment: November 2021

The above information is available at: www.highland.gov.uk/imfldp

APPENDIX 1: WESTER ROSS, STRATHPEFFER & LOCHALSH COMMITTEE: SETTLEMENTS

MAIN SETTLEMENTS: STRATHPEFFER



Summary of Issues Raised in Comments (44 comments)	Recommendations & Reasons
<ul style="list-style-type: none"> • Strathpeffer and District Community Council does not support any further large scale housing development in the village during the lifetime of this plan. The village has already had substantial recent housing development and any further growth needs to take account of this and be modest. Supportive of existing buildings being re-purposed and small infill brownfield sites being developed. • Strathpeffer and District Community Council and others supportive of carrying forward greenspaces in adopted plan and identifying more at Loch Kinellan, Nether Kinellan Nature Reserve and part of SP02. • NatureScot supports the placemaking priority to protect and enhance natural heritage features; seeks developer requirements for woodland protection and reference to better safeguarding of and enhancement of blue and green networks, including along the Peffery Way. • Objections to SP02 from Strathpeffer and District Community Council and others because: excessive scale of housing development, impact on landscape, negative impact on tourism, impact on Nether Kinellan Nature Reserve, impact on historic environment, change character of village, impact on biodiversity. RSPB advise that Slavonian grebes and red kites breed in close proximity to the site. Strathpeffer and District Community Council would prefer it to be used for community greenspace. • Objections to SP03 because: excessive scale of housing development, impact on landscape, visual prominence of particularly northern section of site, change character of village, impact on biodiversity, challenging topography, inappropriate scale of development. RSPB advise that Slavonian grebes and red kites breed in close proximity to the site. Strathpeffer and District Community Council, one Landowner and others would support small amount of development in southern section of site adjacent to SP01. Another landowner would like site allocated for 20-30 self build plots and asserts that steep topography and landscape impacts can be overcome. • Objections to SP04 because of impact on historic environment, change character of village, visibility from A834, detrimental impact on village entrance. 	<ul style="list-style-type: none"> • The proposed allocation at the southern section of SP03 (outlined in red on the map below) is supported because it provides a modest amount of growth for the village after Strathpeffer having significant amounts of new housing in recent times. It will also have minimal impact on landscape. Mitigation/surveys will be required for potential flood risk and protected species. SP04 benefits from planning permission for 15 houses. • Other sites, including the majority of SP03, are not supported due to a combination of issues including steep topography, impacts on natural environment, impact on village character and landscape. • Settlement Development Area (SDA) drawn in to exclude allocations that are not confirmed. The settlement boundary has been drawn to allow for a small amount of infill development at the serviced plots at Ulladale Crescent. • SP01 should be completed by the time of plan adoption, therefore it is not being shown as an allocation but will remain within the SDA. <div data-bbox="1014 719 1518 1255" data-label="Image"> </div>

GROWING SETTLEMENTS

Very few comments were received in relation to these settlements. NatureScot suggested additional references to safeguarding and enhancing local natural heritage assets. Historic Environment Scotland commented that development should avoid any adverse impact on the scheduled monument at Contin. A landowner suggested a 50 house development on land east of the primary school at Marybank. The additional/amended references suggested by the national agencies are recommended for inclusion but not the specific site allocation requested at Marybank which is deemed too large relative to the community's constraints and infrastructure/facility capacities. However, a smaller infill proposal would be supported by the Plan's proposed text.

CONTIN

- Maintain Five Acre Wood as green space.
- Ensure development is set back from any mature trees.
- Any development close to Black Water River will need to ensure that it is not at flood risk.
- Any proposed tourist facilities near the filling station should ensure frontage onto the A835.
- Ensure no impact on Preas Mairi Chambered Cairn Scheduled Monument or its setting.
- Promote active travel links which connect to existing paths.
- Sits within the Hinterland so infill development opportunities should be pursued.
- Improve public transport connectivity.

GARVE

- New houses should be directed towards existing clusters.
- Discourage ribbon development along A832 or A835 especially north of village within Gorstan crofting area.
- Support re-development opportunities at the hotel and the land adjacent to it.
- Safeguard areas of native and ancient woodland, Scottish Semi-Natural Woodland Inventory and Red Squirrel Priority Woodland from development.
- Continue to develop community and recreational facilities.
- Improve public transport connectivity.
- Enhance green and blue networks to protect the water environment and for recreational purposes at the Black Water River.

MARYBANK

- To support the local community's desire to bring back a village shop facility possibly as an enhancement of facilities at the community hall.
- To protect the stands of mature trees, particularly on roadside verges, that are important to the amenity of Marybank and to extend and augment this 'policy' planting across the village and to connect with other green networks.
- To protect and improve local water quality by additional riparian planting especially in the watercourses that flow into the River Conon and may affect its associated European natural heritage designations.
- Subject to addressing these constraints to support clustered expansion of the village most acceptably east of Balloan Road and South of Ord Road.
- To support other development as infill opportunities rather than extending single plot depth "ribbon" development along the frontage of the settlement's roads as they pass into surrounding open countryside.
- To improve public transport connectivity.

APPENDIX 2: STRATEGIC ISSUES: SUMMARY OF COMMENTS ON STRATEGIC ISSUES, RECOMMENDATIONS & PLAN CONTENT

Plan Section	MIR Comments Summary	Recommendations & Reasons
<p>Plan General 11 comments</p>	<p>Query whether Council make decisions in line with its own Plan and enforce it. Criticism of consultation’s timetable, complexity, and ease of use of Portal. Criticism regarding lack of detailed general policies for respondents to react to. Objection to use of permitted development rights for road accesses. Desire for Plan to control negative impacts of forestry. Praise for a logical and well laid out document. Desire for greater community control via Local Place Plan. Request for Plan to take account of independence and likely impact on public finances. Request for greater references to role of natural heritage in placemaking and health.</p>	<p>No additional Plan content other than greater references to the positive effects of natural heritage. Some of the criticisms of the consultation software were well founded but we introduced several workarounds before and during the consultation proposal and continue to work with the relevant external company to improve the customer’s experience. The other comments raise matters outwith the Plan’s scope or control.</p>
<p>New Development Site Suggestions</p>	<p>A few wholly new, mainly housing, development sites have been suggested in response to the Main Issues Report.</p>	<p>These should have been made at the Plan’s Call for Sites stage and therefore have not been considered in any detail in this report and its appendices. There is no exceptional justification for the inclusion of any of them particularly since they haven’t been subject to public comment and environmental assessment. Proponents will have the option to test their suitability via an objection to this Plan, a planning application and/or wait for the next plan review.</p>
<p>Vision & Outcomes 14 comments</p>	<p>Request for reference to national coastal policy. General support for Plan approach on greenspace, travel and climate change but desire for stronger policies and enforcement. Query whether Inverness road schemes run contrary to Outcomes. One suggestion that Outcomes should be changed to support car based, rural development with relaxed approach to housing design. Request for more overt link between habitat enhancement and climate emergency. Request for all communities to be allowed to grow without control. Request for better recognition of Environment as an asset that should be enhanced. Request on reference to link between climate change and built heritage. Request for reference to local setting of outcomes.</p>	<p>Additional Plan content: on importance of natural heritage as an asset that should be enhanced; to cross reference national coastal policy; to make an explicit link between habitat enhancement and the ecological emergency; and, between climate change and built heritage. Most respondents support the principle of the Council’s Vision and Outcomes. The changes requested by the other, minority, polarised opinions are not recommended for inclusion as they would run contrary to established Scottish Government and Council policy.</p>
<p>Addressing the Climate and Ecological Emergency Climate Change General 59 comments</p>	<p>The majority of the general comments about the Climate and Ecological Emergency were supportive. A range of comments and considerations were suggested, including: more awareness raising of the Emergency; tackling carbon emissions from transport; reducing deforestation in Highland, including referring to Scottish Government’s Control of Woodland Removal Policy; avoiding new</p>	<p>The positive response to the proposed approach to the Emergency is welcomed, the range of suggestions for how to tackle the Emergency have been considered in the preparation of the Proposed Plan, several of which are detailed in the specific sections in the following rows of this table.</p>

Plan Section	MIR Comments Summary	Recommendations & Reasons
	<p>development on greenfield sites; recognising the positive role of allotments and growing space in tackling the Emergency; making more efficient use of space in new development, incorporating more green and blue infrastructure and biodiversity enhancements. Other comments included concerns about Sea level rise, including in Nairn, and the impacts increased warming will have on built up areas. An assertion that windfarms will adversely impact the tourist economy and should be located closer to the central belt where the greatest demand for energy is and, the suggestion to factor in embedded carbon into the climate impacts of development. It was suggested by two respondents that the ecological component of the emergency be further developed, and that the Plan should work to deliver carbon neutrality by 2045, in line with the Climate Change (Scotland) Act. The role of crofting as a sustainable land use was also suggested to be recognised in relation to the Emergency.</p>	<p>It is recognised that there is a suite of national policy, legislation and regulation that relates to the Emergency so it is not repeated in the Plan, but rather forms part of the range of Material Considerations that are used in the determination of planning applications.</p>
<p>Addressing the Climate and Ecological Emergency Efficient Use of Heat 7 comments</p>	<p>Virtually all respondents who expressed a view supported the principle of addressing climate change and moving towards more energy efficient development. However, several respondents, including some large housebuilders, stated that the best way to tackle the issue is through building regulations and not planning policy. Two respondents highlight the need for a better evidence base for such a policy. Several respondents who supported the policy requested that it be more prescriptive with certain features, e.g. PV panels, being mandatory. One respondent highlighted that the need to improve the efficiency of the existing building stock is of greater priority than new development. Several respondents highlight that transitioning to hydrogen may offer the most energy efficient source.</p>	<p>The Scottish Government are expected to introduce a national policy framework to improve the sustainability of development and set minimum standards. They are also currently consulting on expanding energy efficiency building regulations. However, we will not know the outcome of either of these by the time we finalise the Proposed Plan. To ensure that the Council fulfils its contribution to reaching national net zero targets we need to ensure that appropriate measures are introduced.</p> <p>Taking account of comments and further research, rather than the policy exclusively seeking to deliver sustainable heating systems (as indicated in the MIR), the policy included in the Proposed Plan (see below) now focuses on the development as a whole. The policy introduces a standard reduction which new build development will be required to meet, i.e. reduction in carbon emissions based on current levels. This represents a significant change from the current position and means the developers will need to address several aspects of energy usage and generation as part of development proposals.</p>

Plan Section	MIR Comments Summary	Recommendations & Reasons
<p>Addressing the Climate and Ecological Emergency Biodiversity Enhancement 16 comments</p>	<p>Housing developers object to the proposed policy and instead argue that on-site biodiversity enhancement is more appropriate, without the need for developer financial contributions.</p> <p>Private contributors (including Glenurquhart Community Council) support the policy approach, whilst a number comment that they are disappointed with the ecological element and biodiversity sections policies and hope these issues are further developed in order to ensure a positive effect for biodiversity is delivered.</p>	<p>See detailed <i>Nature protection, preserving and enhancement</i> policy wording below. This is a new policy direction across Highland LDP's and has been developed to address the Council Climate & Ecological Emergency declaration and the international issue of biodiversity loss.</p> <p>The proposed policy has been designed to ensure biodiversity loss is considered and addressed for all forms of development, but on larger sites seek a financial developer contribution to achieve a net-biodiversity improvement.</p>
<p>Supporting a strong, diverse and sustainable economy Employment land and sites 6 comments</p>	<p>Overall, respondents agree with the suggested approach set out in the MIR to support the economy to recover, progress and transition, including continuing to allocate larger, strategic employment development sites and the new emphasis on smaller scale industrial / enterprise space within residential / urban fringe development as a means of promoting mixed communities. One community council raised compatibility concerns with the town centre first policy. One industrial business owner highlighted the Council's failure to protect noise generating businesses from residential development. Several respondents, including two community councils, emphasised the importance of prioritising brownfield land over greenfield. Landowner of Fearn Aerodrome EDA objects to its deallocation. Comments were received in support and against the Freeport bid, particular concerns related to a perceived relaxation of environmental regulations.</p>	<p>Additional Plan content proposed including a new feature added to the Spatial Strategy map to highlight the strategic role which the Inner Moray Firth area can play, particularly the key ports, in supporting the regional and national transition to a green economy and the deployment of renewable and low carbon energy generation.</p> <p>A revamped Industrial Land Policy (see detail below) requiring employment land to feature within large residential developments (as outlined the MIR) and that will also safeguard existing industrial sites and allocations from other uses and encourage residential developers to bring forward small scale employment components where appropriate. This policy will also refer to the 'agent of change' principle to safeguard existing noise generating businesses.</p> <p>Our site selection process has focused on brownfield land, with allocation of greenfield land only supported where no reasonable alternative is available.</p>
<p>Supporting a strong, diverse and sustainable economy Growing Sustainable Tourism 28 comments</p>	<p>There was widespread support for growing the tourism industry and most respondents agree that it must be done sustainably. This includes appropriate levels of infrastructure delivery (e.g. sufficient investment in active travel and public transport and toilets / waste management facilities) and only where the environment and natural assets are not undermined by development. The impacts and benefits also need to be considered in relation to the effect on local communities.</p>	<p>The approach set out in the MIR aligns with many of the comments - particularly the need for the tourism industry to grow sustainability (in terms of infrastructure delivery and providing more sustainable transport options). We propose to continue this position within the Plan. On the Spatial Strategy Map we propose to include Sustainable Tourism Potential Growth Areas which highlight where upgraded infrastructure is in place or being actively planned to support wider tourism development. This includes the Loch Ness area shown in the MIR, together with the area</p>

Plan Section	MIR Comments Summary	Recommendations & Reasons
	<p>Several respondents raised concerns about Loch Ness being the only area identified on the map. Some suggested that the Black Isle, Strathdearn, Easter Ross and Nairn form equally important tourism areas. Two respondents questioned the appropriateness of North Sutor (viability and adjoining 'bad neighbour') for tourism development.</p>	<p>covering the north east of the Black Isle and part of the Nigg Peninsula in Easter Ross, and Nairn.</p> <p>The reference to the Agent of Change principle included within the Industrial Land Policy will ensure that sites such as Port of Nigg are not affected by more noise sensitive uses proposed nearby.</p>
<p>Growing the most sustainable places Housing Requirements 25 comments</p>	<p>Objectors to further development claim figures too high and development industry claim figures too low. Some support for stated figures. Some wish a greater proportion of total to be safeguarded for a particular sector, e.g. young, locals, crofters, affordable, self-build and/or elderly. Some developers dispute whether capacity of preferred sites will meet all requirements and claim some of these sites are not effective. Several point out Housing Need and Demand Assessment (HNDA) is out of date and should be done first. Developers claim figures should include aspirational, economic recovery, high in-migration requirements. Some developers suggest additional sites to meet housing requirements. One suggestion that requirements should be based on infrastructure capacity not need/demand.</p>	<p>See below for detailed table of Housing Requirements. This recommends that the Plan's Housing Requirements be based on a new HNDA but with this base number adjusted upwards to reflect future ineffective stock, an allowance for flexibility/choice, currently unaccounted for housing need, and an economic recovery aspiration within the Mid and East Ross Housing Market Areas where Opportunity Cromarty Firth will hopefully lead to a new jobs-led growth in housing need/demand. Unfortunately, the Council cannot specify in its Plan that certain sites are reserved for certain sectors or types of people. This may be desirable but would require a change in national legislation. We must identify a total housing land supply based on all assessed need and demand not other factors such as infrastructure capacity.</p>
<p>Growing the most sustainable places Settlement Hierarchy 44 comments</p>	<p>Some believe the hierarchy should be based solely on infrastructure capacity. One respondent disagrees that the hierarchy should be based on where it's economic to add infrastructure capacity. Several respondents believe the hierarchy is too prescriptive and that each community or the development industry should decide how much growth it wants. Most support the hierarchy as listed and want it enforced. Some respondents want Drumnadrochit, Nairn, North Kessock, Avoch and Fortrose/Rosemarkie to be in a lower tier as they are not currently sustainable locations for growth. One respondent disagrees that rural areas should have less growth. One respondent wants Culbokie to be a higher tier settlement because it has spare infrastructure capacity. Landowners at Inchmore, Fort George, Ardrross, Whiteness, Portmahomack, Borlum, Bunoit, Tore want their locations classified as higher tier settlement. Request that lower tier settlements have good active travel links to higher order centres. Network Rail don't support Evanton and Tomatin being in a higher tier because no commitment to investment in rail halts at these locations.</p>	<p>Reaffirm hierarchy trailed in Main Issues Report – i.e. the only changes are Cawdor, Contin and Inchmore changing from Main to Growing Settlements (detailed table below). Objectors seek reclassifications to reduce growth and the development industry to increase it in particular locations. However, the majority of respondents agree the viability / sustainability basis for classifying settlements and directing growth. Infrastructure capacity is one criterion in shaping the hierarchy but shouldn't be the primary one if climate change and other environmental issues are to be addressed within Highland. The wider Plan content requires / supports improved active travel links within and between identified settlements. Evanton and Tomatin's classification is not based solely on their potential rail halt connections.</p>

Plan Section	MIR Comments Summary	Recommendations & Reasons
<p>Growing the most sustainable places Growing Settlements General Policy 16 comments</p>	<p>Most comments are supportive of the proposed policy. One suggests that net positive impact should be the sole criterion in deciding whether to support a rural development. Some respondents believe development should only be supported if there's: a full Sustainability Assessment undertaken; adequate transport capacity; adequate heritage safeguards/enhancement; improved active travel connectivity; home working; demonstrable benefit to and support from the local community; and/or, low carbon impact.</p>	<p>See detailed <i>Growing Settlements</i> policy wording below. This wording is very similar to that used in other adopted Highland development plans to ensure a consistent approach. The individual topics highlighted by respondents are addressed by the list of criteria however we don't agree that an overriding positive or negative presumption in favour or against development should apply based on any single criterion or factor.</p>
<p>Growing the most sustainable places Self-Build Housing General Policy 25 comments</p>	<p>The majority of respondents (including Lochardil Drummond Community Council & Dores and Essich Community Council) agree with the Council's ambition to increase self-build housing, but all the major housebuilders disagree with the proposed policy, as they believe it could affect the viability of delivering housing, have implications on site health and safety and the ability timely to deliver site services.</p> <p>A number of respondents highlighted that this appears to be a fast-growing sector and more should be done to promote it because it; delivers a variety of types, styles and sizes of houses; and could support co-operatives and community-led housing schemes.</p> <p>Conversely, a number of responses question the need for a policy on self-build, arguing that it is untested within urban areas and that anecdotal evidence is that most self-builders wish to reside in the countryside.</p> <p>A landowner and a respondent support the allocation of sites for Self-build rather than the proposed policy approach.</p> <p>One respondent suggested that the threshold at which the policy is proposed to be applied is too high and should be lowered to 10 or 15 units.</p>	<p>See detailed <i>Self & Custom Building Housing</i> policy wording below. This is a new policy direction across Highland LDP's and has been developed to promote and support urban self-build plots, as such it is understandable that some adverse comments have been received.</p> <p>However, both the Scottish Government and Council wishes to support this sector. We propose adjustments to the MIR approach, the main one is pushing the threshold when the policy is enacted up to 100 (it was 20 in the MIR). Doing so reduces the number of plots being delivered by the policy, which allows the policy to be tested and avoids the provision of a lot of single self-build plots in smaller developments.</p> <p>An alternative approach of allocating sites for self-build within urban areas was fully considered but has been ruled out as the proposed policy offers greater flexibility and avoids making allocations undeliverable.</p>
<p>Growing the most sustainable places Town Centre First General Policy 28 comments</p>	<p>The vast majority (almost 90%) of respondents support the proposed Town Centre First Policy. This included Lochardil Drummond Community Council and Dores and Essich Community Council and organisations such as the owners of the Eastgate Shopping Centre. Respondents also highlighted: the uncertainty which the pandemic will have on town centres; greater effort required to make town centres sustainable, high quality, welcoming and attractive</p>	<p>We propose to take forward the <i>Town Centre First Policy</i> (see below) in a similar fashion as shown in the MIR but with several amendments, including: clarifying the requirement that footfall generating uses <i>must</i> be located in town centres and the highlight the expectations of any sequential assessment; and, providing greater certainty and flexibility for change of use proposals. Other amendments include: highlighting within the policy the potential for a</p>

Plan Section	MIR Comments Summary	Recommendations & Reasons
	<p>places; and, greater mixture of housing options and not a concentration of bedsits etc.</p> <p>Requests were made to: allow greater flexibility and provide certainty for redevelopment proposals to other uses; tighten up on preventing footfall generating uses out of town centres; and, allow the wide range of uses supported in the policy to be reflected in the town centre allocations.</p> <p>One respondent highlighted that the planning policy is not effective to deal with the issue.</p>	<p>reduction/removal of the standard 25% affordable housing contribution policy as a means of encouraging a greater mix of housing types/tenures; and, the inclusion of reference to the Agent of Change principle to help protect existing noise generating businesses.</p>
<p>Delivering Affordable Housing General Policy 27 comments</p>	<p>Some respondents seek a stronger policy to achieve more houses, lower prices and lower rents. Some agree with the proposed approach. Developers disagree with any further intervention in the private housing market as it will undermine viability. Developers claim best way to increase affordable units is to increase total requirement – i.e. 25% of a bigger number. One comment that smaller units will be more affordable. One comment suggests preventing loss of stock to holiday homes. One comment suggests policy should apply to less than 4 units another that it should be increased to 12. One comment that 35% target should apply to whole Plan area. One comment seeks closer geographic ring fencing for commuted payments. One respondent seeks a quota based on bedrooms not units to allow a developer to provide fewer but larger affordable units. One respondent seeks an affordable housing use class and affordable housing only allocations.</p>	<p>See detailed <i>Increasing Affordable Housing</i> policy wording below. This wording reaffirms that we will seek 35% affordable housing within Inverness City but now excepting proposals within the City Centre boundary. It also encourages the earlier phasing of affordable units within larger sites and accepts higher densities for affordable housing developments if placemaking is not compromised. See above regarding the legitimate scope to increase overall housing requirements. The threshold of 4 units is embodied within the current Highland wide Local Development Plan and needs to await that Plan’s review. Increasing to 35% requires a local, specific justification which we believe is only reasonable for Inverness City. The geographic ring fencing of commuted payments should be reviewed but will need to await the review of the relevant detailed guidance. The suggestions regarding a use class, allocations and occupancy control to ensure more affordable units are sensible but would require national legislative change. The suggestion for a quota based on bedrooms not units may not address the housing type breakdown of need in a particular community but will be discussed with providers to see whether the detailed guidance on affordable housing should be amended to allow this as an option for developers.</p>
<p>Matching development with infrastructure capacity 26 comments</p>	<p>Many respondents believe infrastructure and community facility capacity should be in place before or at the same time as new development. Comments that facilities should include healthcare, greenspace and active travel network capacity. Developers believe it will be unviable for them to provide infrastructure first. One suggestion for</p>	<p>See detailed <i>Delivering Development and Infrastructure</i> policy wording below. This wording adds health facility, rail and active travel network capacity and an onus on the developer and the Council to better check and assess the impact of individual developments on the capacity of listed community facility and infrastructure network capacities. It</p>

Plan Section	MIR Comments Summary	Recommendations & Reasons
	<p>development moratorium until public finances can catch up and provide capacity. Suggestion for more public money to resolve deficiencies. Network Rail seek developer contributions to offset impacts on rail capacity.</p>	<p>introduces a presumption against proposals that don't demonstrate that adequate capacity exists or can be created. The Council's detailed guidance on developer contributions already allows developers to produce evidence that Council requirements make a site unviable. The other respondent suggestions are interesting but would require central government financial intervention which is a matter outwith the Plan's control.</p>
<p>Creating a more healthy, sustainable transport network Sustainable Transport Policy & Sustainable Transport Interventions 80 comments</p>	<p>Most respondents support the proposed approach to creating a more healthy, sustainable transport network. The broad range of benefits, in terms of environment, public health and alleviating congestion are recognised. Support for community involvement in delivery of active travel infrastructure, with a range of place-specific improvements suggested. Suggestion to place emphasis on public transport (bus and rail) to reduce car-dependence. Support for delivery of improved Electric Vehicle infrastructure and network planning, but some respondents highlighting that there is still pollution associated with this mode of transport, along with prohibitive costs for those on lower incomes. Suggestion for parking charges to be raised by the Council; for a blanket implementation of 20 mph in settlements, and some disagreement about the assertion that building more roads increases congestion. Suggestion for the preparation of an action plan to deliver the strategy proposed, with a focus on a green recovery from Covid-19. Some concerns from developers and landowners about the role of a new transport policy, and if it will be too onerous for development sites outwith Inverness.</p>	<p>The Proposed Plan sets out the key interventions required to deliver transport improvements across the region, including active travel network improvements; public transport development, and road network improvements. Details of these interventions are high-level and will require further feasibility and design development, which will bring with it a full opportunity for public consultation and Member scrutiny. Electric vehicles and public transport are explicitly recognised as key components of the transport strategy for the Plan area, particularly in supporting those living in rural areas, or where longer journeys are involved. Coupled with active travel improvements in more urban areas, public transport and electric vehicle improvements will deliver the vision for a more mixed, less carbon-intensive transport network. The <i>Transport Policy</i> set out in the Proposed Plan (see below) provides the opportunity for flexibility and measurement of transport impacts relative to the place and journeys where a development proposal is located.</p>

Plan Section	MIR Comments Summary	Recommendations & Reasons
<p>Identifying and safeguarding valued, local green space</p> <p>Greenspace Audit and Policy 46 comments</p> <p>and Green Networks Policy 17 comments</p>	<p>Most respondents support the proposed approach to safeguarding greenspace and green networks. A range of suggestions were made to improve the approach, including: an audit of existing greenspace; specific requirements for areas of greenspace such as for food growing to be defined; using greenspace designations to inform the Woodland Strategy; using developer contributions to purchase amenity land; involving communities in deciding what greenspace to safeguard; mapping of greenspace to be protected; design and stock new greenspace with native species to improve biodiversity; focus of safeguarding as well as enhancement, including outlining opportunities for these spaces in the Plan; recognise croft land as greenspace, and better define green infrastructure. Several comments were received suggesting greenspaces to be considered and changes to the proposed audit methodology. One respondent considered there was insufficient information and provision for new greenspaces to be suggested for inclusion. One respondent disagreed with the Greenspace policy, arguing it did not provide adequate protection, compared to an area being within the Hinterland, and that greenspace should be safeguarded outwith Settlement Development Area boundaries.</p>	<p>Suggestions received for new greenspaces were incorporated into the audit of greenspace that has informed the Proposed Plan. Suggestions for changes to the methodology, the policies and the requirements placed upon developers have all been taken into account in undertaking the audit and in preparing the Proposed Plan. The work undertaken has resulted in greenspace and green networks being safeguarded through policy and mapping in the Proposed Plan, it is therefore considered that this provides the correct level of protection for these areas. It is considered that safeguarding greenspace and green networks within Settlement Development Areas is the appropriate approach, and that outwith these areas Highland-wide Local Development Plan policies be applied. See Appendix 1 for proposed greenspaces for each main settlement.</p>
<p>Placemaking 29 comments</p>	<p>Most respondents (including Dores and Essich Community Council, Glenurquhart Community Council & Nairn River Community Council), most multiple housebuilders support the proposed policy, providing it offers sufficient flexibility; the audit is not overly prescriptive; considers the broader impacts of a development; and respects Community Action Plans and Local Place Plans.</p> <p>A number of respondents suggest minor amendments to the criteria outlined within the Placemaking Audit. One respondent believes the Planning System needs to be streamlined, not making it more complex / demanding and it is not clear how these new tools are to be used, and on what size of development.</p>	<p>See detailed <i>Placemaking</i> policy wording below and detailed Placemaking Audit. It is pleasing to note that most contributors support the policy & the Placemaking Audit.</p> <p>As per the suggestions, the Audit has been updated to respect the comments and it (and the policy) has been developed to provide sufficient flexibility in its use.</p>
<p>Meeting the needs of an ageing population 30 comments</p>	<p>Most housebuilders and a small number of respondents object to the proposed policy as: Definitive quotas are an inappropriate instrument; policy coupled with other</p>	<p>See detailed <i>Accessible and Adaptable Homes</i> policy wording below. This is a new policy direction across Highland LDP's and has been developed to address</p>

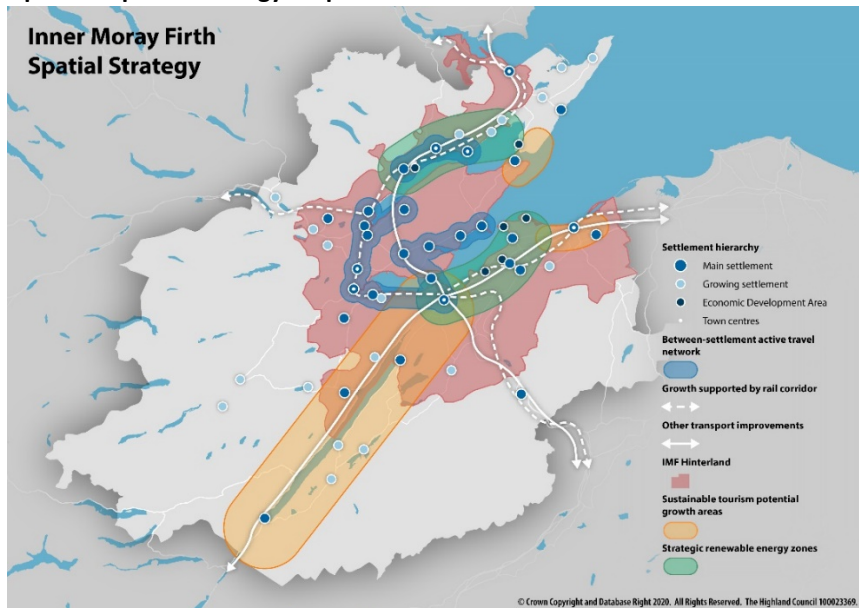
Plan Section	MIR Comments Summary	Recommendations & Reasons
	<p>percentage policies (AH & SBP) will be too restrictive on the housing mix; The policy could have a negative effect on affordability of housing; The benefits of this need to be carefully weighed against the effect on housing affordability and increase in unviable zonings; No data on need has been presented, so unable to confirm if Highland is currently experiencing issues with a lack of supply of this tenure; If there was a demand the development industry would deliver the required type and mix and therefore it should be market led rather than planning policy; and Policy is not required as Housing for Varying Needs requires adaptable homes and building standards are expected to be reviewed in 2021 which will both cover this need.</p> <p>Conversely, one housebuilder, one private developer, Dores and Essich Community Council, Ferintosh Community Council, and a number of private comments support the proposed policy, with one stating that as Highland population is aging the percentage as proposed is too low. However, it was also suggested that the policy favours the elderly, when priority should be in retaining the youth and educated, skilled individuals.</p> <p>A number of respondents suggested changes to the policy, including; relating to ground floors of properties and on level plots only; Housing quality should be the same as other properties within the development; The form of housing tenure to be sited in consideration with accessibility to local services; Include the provision of 'smarthousing' to combat pressures of social care and isolation (FIT Housing / nextdoor software); and Policy should include refurbished and converted properties.</p>	<p>Highland's rapidly aging population, evidence of which is included in the policy supporting text. Following consideration of the MIR feedback, the policy has been restricted to cover the ground-floor and access to the properties only. Whilst this policy is primarily developed to support Highland's ageing population, the properties it will deliver, can be occupied by any wheelchair disabled occupant and therefore will support all Highland residents regardless of age.</p>
<p>Spatial Strategy Map & General 5 comments</p>	<p>Respondents expressed general support for the Spatial Strategy (although see Settlement Hierarchy comments above). Some wished for more emphasis on green assets and strategic active travel routes.</p>	<p>The amended Spatial Strategy Map is shown below. Strategic active travel routes have been added. Green networks and spaces are only depicted at the main settlement scale where they have been audited and where they can most appropriately be safeguarded / enhanced.</p>
<p>Housing in the Countryside Hinterland Boundary 27 comments</p>	<p>Most respondents want the Hinterland Boundary retained as existing as better for the environment and public purse. One comment seeks its expansion. One comment wants its related Hinterland policy changed to prevent holiday home exceptions. One landowner seeks a more positive policy around Tomatin. One respondent seeks a weaker related</p>	<p>The proposed Hinterland boundary is shown on the Spatial Strategy Map below. This reaffirms a largely unchanged boundary save the minor expansion at Belivat, Nairnshire. The majority of respondents support this approach. Those wishing to change the related policy and list of permissible exceptions to the negative presumption will need to await</p>

Plan Section	MIR Comments Summary	Recommendations & Reasons
	policy that allows self-build for locals. Two respondents seek an exception for related family need. One seeks a tighter policy at Blackpark and one at Kirkhill / Bunchrew. One developer seeks the removal from the Hinterland of Rhicullen / Newmore.	the review of that policy in the Highland wide Local Development Plan. The boundary contraction suggestions would not be good for the environment or the public purse and are therefore not recommended.

Updated Plan Outcomes

Environment	The Inner Moray Firth's built, cultural and natural assets will be safeguarded and appropriately managed. Water, waste, heat, land and buildings will be used, re-used, located and designed in a carbon clever way. The environmental quality of all places will be safeguarded and where possible enhanced.
Employment	The Inner Moray Firth economy will be growing, greener, circular and diverse. Local enterprises will be national leaders in the life sciences, sustainable tourism and renewable energy sectors. More traditional sectors such as construction, food and drink and smaller scale general industry will have continued to thrive and provide jobs close to where people live reducing the need to travel.
Growing Communities	Our communities will be sustainable, well-designed places with homes which meet people's needs. More people will want to live in Inverness and the larger towns and villages as they are attractive, safe, socially inclusive and healthy, with thriving centres and better access to services and facilities. Inner Moray Firth communities will function as networks of locally resilient and self-supporting places with equality of access to local resources.
Connectivity	It will be easy to move around and between settlements in the Inner Moray Firth area. Walking and cycling will be the logical choice for most day to day trips, with longer journeys made using an efficient, reliable public transport system and, in rural areas, shared transport and electric vehicles. Sustainable regional, national and global connections will be available from modern bus and rail stations, harbours and Inverness Airport. Improved digital connectivity throughout the Plan area will enable home working for most people, helping to reduce the need to travel.

Updated Spatial Strategy Map



Updated Settlement Hierarchy

Scale of Growth	Sustainability	Hierarchy	Tier	Settlements/Locations
Strategic	Most sustainable	Main Settlements	1	Alness, Beaully, Dingwall, Invergordon, Inverness City, Muir of Ord, Nairn, Tain, Tornagrain.
Modest	Sustainable		2	Ardersier, Conon Bridge, Drumnadrochit, Evanton, Fort Augustus, North Kessock.
Local	Partially sustainable		3	Auldearn, Avoch, Croy, Fortrose and Rosemarkie, Kiltarlity, Maryburgh, Seaboard Villages, Strathpeffer, Tomatin.
Limited	Least sustainable		4	Cromarty, Culbokie, Dores, Kirkhill, Munloch, Tore.
"Infill" only	Bolstering the smallest established rural communities	Growing Settlements	5	Abriachan, Balnain, Barbaraville, Cannich, Cawdor, Contin, Farr/Inverarnie, Foyers, Garve, Gorthleck, Inchmore, Hill of Fearn, Inver, Milton of Kildary, Marybank, Portmahomack, Rhicullen/Newmore, Tomich, Whitebridge.
Typically single unit development	Generally poor sustainability unless connection with rural land use / business	Countryside	6	All housing groups not otherwise classified as part of a settlement. Wider open countryside (no general restriction). "Hinterland" open countryside (general restriction on housing).

Housing Requirements

10 Year (2020-2029) Inner Moray Firth Plan Area Minimum Housing Requirement (MHLR) Based on 2020 HNDA

Housing Market Area (HMA)(1) Housing Sector (2)	Inverness	East Ross	Mid Ross	Nairn	West Ross (part)	Plan Area Totals (3)
Affordable	4,292	513	830	363	99	6,097
Open Market	1,435	239	526	151	39	2,390
Totals (3)	5,726	752	1,356	513	137	8,484

(1) Assumes a zero requirement for that portion of the Badenoch & Strathspey HMA that lies within the IMFLDP area because the housing numbers are negligible. 26% of West Ross HMA based on geographic area proportion.

(2) The Market sector is defined as owner occupier and private rent homes. The Affordable sector is social rent and other below market rent properties.

(3) Some column and row totals don't sum exactly due to rounding.

GENERAL POLICIES

Policy 1: Low Carbon Development

Each new build development proposal must demonstrate that it meets or exceeds the target of a 75% reduction in carbon emissions, compared to buildings delivered in line with minimum requirements of current Building Standards.

A Low Carbon Development Section must be included within the Supporting Statement submitted as part of an application which clearly outlines how this target will be achieved. The Council's Low Carbon Development Guidance document should be used to inform the statement and it is expected that the following components will need to be addressed:

1. 'Fabric first' approach to maximise the thermal efficiency of the building
2. Siting and design to maximise and manage solar gain
3. On-site renewable energy generation
4. On-site energy storage
5. Zero direct emissions at source - heating / cooling low carbon heat source
6. Future proofed electricity load capacity
7. Other methods and innovations to decarbonise development

For proposals with space heating needs which are located within areas identified by the Council as a Heat Network Zone (included within the Low Carbon Development Guidance):

- All developments will be required to connect to an existing heat network where available. Where one does not already exist, Major Developments will be required to create a new heat network.
- Where applications can demonstrate that connection to or creation of a heat network is not viable as part of the development, the proposal will need to be future proofed to allow connections to heat networks when one becomes available. In such cases an agreed network design will be required.
- Where the applicant can demonstrate that connection to a heat network is neither viable nor the most appropriate heating solution, both as part of the development and likely in the future, alternative low carbon emitting heat arrangements will be required

Outwith Heat Network Zones, developers are encouraged to consider the creation of or connection to existing heat networks as a means of heating system.

Whilst the development proposals listed below are exempt from this policy, the Council would encourage developers to consider the broad issues and opportunities to deliver low carbon development:

- Buildings which will not be heated or cooled other than by heating provided solely for the purpose of frost protection;
- Buildings which have an intended life of less than two years;
- Any other buildings exempt from Building Standards.

Policy 2: Nature Protection, Preservation and Enhancement

All Developments:

Developments must not result in a negative impact on biodiversity either directly or indirectly and in compliance with the Council Climate Change and Ecological Emergency declaration and the provisions of the Planning (Scotland) Act 2019, all developments must demonstrate that the mitigation hierarchy has been considered and applied within the Supporting Statement submitted as part of an application.

All developments must protect, preserve and improve on-site native biodiversity assets, and this must include the consideration and provision of the following:

- Safeguarding Statutory designated sites
- Invasive non-native species (INNS) removal;
- Wetlands habitats and watercourses improvements and creation, including around SUDs systems;
- Food growing spaces;
- Hedgerow and wildflower meadows;
- Provision of nesting opportunities;
- Safeguarding of carbon rich soils;
- Protecting existing trees and woodland areas (excluding commercially grown woodland);
- Provision and protection of Greenspaces;
- Provision, protection and extension of onsite and adjacent Green Networks;
- Retention of marshy grounds
- Provision of green/living roofs
- Protection and provision of wildlife corridors.

Larger Scale Developments:

The protection and provision of the above, is not considered enough to mitigate and compensate for the loss of biodiversity on larger developments. Therefore, to achieve a positive biodiversity enhancement across the whole Inner Moray Firth area, all developments of 4 or more residential units and all commercial, business and retail developments over 1hectare must provide a financial developer contribution based on the total area of the site.

The proposed contribution is set at a flat rate of £2,480 per hectare of sealed surfaces. This figure is based on the average Forestry and Land Scotland grant rate for planting native broadleaf and conifer species (not productive woodland) in standard rather than the more expensive priority areas.

Should the developer contribution section of this policy, render any site unviable, the developer can submit an open book viability assessment as part of the planning application submission. Where the viability assessment following independent review by the Council (the cost of which is to be borne by the applicant), confirms the payment of the developer contribution in compliance with this policy is not viable, the financial amount can be reduced accordingly. Where exemptions are justified on viability grounds, the minimum reduction in financial contribution will be levied.

Policy 3: Greenspace

Greenspace identified in the maps within this document is safeguarded from development. For sport sites only, there may be circumstances where development may be acceptable, only if:

- It can be demonstrated that development on a minor part of a greenspace safeguarded for formal sports use would not affect its use for this purpose; or
- It can be demonstrated that development on a sports greenspace would result in the provision of an equivalent or improved replacement facility that is at least as convenient to access and maintains or increases overall playing capacity of the particular activity in the settlement.

Policy 4: Green Networks

Development proposals within or close to an identified Green Network will be assessed the extent to which it:

- affects the physical, visual and habitat connectivity (The continuity and accessibility of that Network for people and wildlife whether those users wish to enter, pass through, travel along or derive public amenity value from that Network because of its visual continuity and accessibility) (either adversely or positively) of that Network; and
- offers any mitigation of these effects.

Policy 5: Industrial Land

All **sites allocated** for Industry in this Plan are safeguarded for Classes 4, 5 and 6 uses only.

All **existing industrial sites** will be safeguarded for such uses and proposals to redevelop them to uses other than class 4, 5 and 6 will not be supported.

Proposals for new industrial development on **land not allocated** in this plan, including land outwith settlement development areas, will be supported if it can be demonstrated that it is a sustainable location, including whether the site:

- has good levels of accessibility for staff and/or customers;
- does not adversely impact the amenity of neighbouring properties; and
- does not adversely impact the environment (see general policies in HwLDP)

Small scale industrial units (Class 4, 5 and 6) between 40 to 100m² will be encouraged as part of large residential developments (30 units or more) as a means of providing mixed communities with local employment/enterprise opportunities. Council support is dependent on the applicant demonstrating that there is no adverse impact on the proposed or existing residents of the area and the transport network and suitable waste management arrangements can be established. Siting and design and landscaping will likely be important mitigation measures for addressing potential amenity impacts. In areas of high industrial demand and where a public body has the resources to take forward the development, a gifted transfer of serviced land with suitable road access would be welcomed.

Proposals which seek to change the use of an industrial site will only be allowed in exceptional cases. Applications must be supported by an Industrial Land Impact Statement which provides a clear justification for the change of use. Where an applicant is seeking to demonstrate that the retention of a site is not economically viable, the Council will require the applicant to provide detailed development appraisals. Consideration should be given to the viability of retaining the site:

- In its current format;
- Following selective demolition;
- Following clearance and complete redevelopment for new employment uses; and
- Following clearance and redevelopment for mixed-use development incorporating an element of employment uses within it.

Change of use will only be permitted where there is no alternative site in the local area which can accommodate the proposed development. Applicants will be expected to clearly demonstrate that the site has been actively marketed at a reasonable price that reflects the employment use for a minimum of 12 months. This policy does not apply to any of the designated town centres listed in Policy XX. Proposals to redevelop industrial sites to other uses will be supported in town centres. All development proposals must be considered against the Agent of Change principle and ensure that established noise and other nuisance-generating uses (including industrial sites) remain viable and can continue or grow without unreasonable restrictions being placed on them.

Policy 6: Town Centre First

Only in exceptional circumstances will development which generates significant footfall be acceptable outside of town centres. Developments outwith the designated town centres must provide a sequential assessment which clearly demonstrates that there are no suitable sites available in the nearby town centre(s) and that the proposal will not have an adverse impact on the vibrancy or viability of that town centre(s). This must consider all opportunities for regeneration through reuse or redevelopment of existing sites or buildings. Should the scale, type and viability of the proposal be shown not to be suitable for that town centre, then edge of town centre locations are favoured second. Other locations will only be considered where they are easily accessible by a choice of sustainable transport modes and there is an overriding economic or community benefit deriving from the development.

Developers need to consider how appropriate the nature of their proposal is to the scale and function of the centre within which it is proposed. Exceptions may be made for any ancillary uses that support existing and proposed developments.

The sequential approach set out above does not apply to proposals which meet the specified uses and developer requirements of site allocations located within designated town centres.

Significant footfall developments include:

- retail;
- restaurants;
- commercial;
- leisure uses;
- offices;
- hotels;
- community and cultural heritage facilities; and
- public buildings including libraries, education and healthcare facilities.

If the Council considers that a proposal may result in an adverse impact on the vitality and viability of any listed town centre, the developer will be required to produce a retail or town centre impact assessment tailored to reflect the scale and function of the town centre in question. The Council will only support proposals accompanied by competent assessments that clearly demonstrate no significant adverse impacts on the vibrancy and vitality of the town centre.

To encourage a mix of housing types and tenures within town centres, the Council will consider a reduction/removal of the standard affordable housing contribution rate of 25% for developments of four or more housing units. This would only apply to developments within designated town centres. A clear justification must be provided and early engagement with the Council is necessary to agree any renegotiated affordable housing contribution rate.

Proposals for conversion of buildings to other footfall generating uses, including to residential use, in town centres will be supported, providing there is no loss of existing or potential viable footfall generating use(s). Proposals for conversion to residential use must demonstrate that the development will not adversely affect the town centre's prime retail area and that the property has been marketed for its existing use at a reasonable market price/rent without success for a minimum period of 6 months. For upper floor conversions (excluding hotels) support will be given without the requirement for marketing where it can be demonstrated that the proposals would contribute towards a balanced mix of uses.

Development must be considered against the Agent of Change principle and ensure that established noise and other nuisance-generating uses (such as live music venues) remain viable and can continue or grow without unreasonable restrictions being placed on them.

Policy 7: Placemaking

The Council ambition is for all future developments to create high quality successful places to live, work and relax which are energy, infrastructure and land-take efficient, whilst protecting and enhancing the built and natural environment.

Therefore all proposals must follow a site design-led approach, which must be demonstrated by outlining which Design Tool(s) have been utilised and why; how the scheme has evolved and the changes adopted as a result of using the Design Tool and feedback from the public consultation and/or consultees (if appropriate) within the Supporting Statement submitted as part of an application.

Developments proposals of 4 or more dwellings and major non housing applications must submit a completed Placemaking Audit based on the criteria outlined in the Placemaking Audit. Conformity with all the "Essential" criteria must be demonstrated as part of the application submission and adequate demonstration of also meeting the Audit's "Desirable" criteria will classify the proposal as having a net positive effect, and thus conformity with this policy.

Policy 8: Delivering Development and Infrastructure

The Council will assess each development proposal in terms of its impact on each relevant infrastructure network* capacity. Developers will be required to demonstrate that adequate capacity to serve each proposal exists or can be created via a programmed improvement and/or by direct developer provision or funding. In doing so, developers should take account of the following.

- the Council's Delivery Programme (insert hyperlink) which sets out further detail of current programmed capacity improvements and requirements.
- the Council's Developer Contributions Supplementary Guidance (insert hyperlink) which specifies required financial contributions and standards in terms of network and facility improvements.
- settlement-specific Placemaking Priorities set out in this Plan.
- the site-specific Developer Requirements listed in this Plan for each main settlement allocation.

Developments on allocated sites and larger (4 or more homes or non-residential equivalent) windfall proposals must be appropriately masterplanned. Proposals should comply with [Placemaking](#) and [Placemaking Audit](#) in this regard. Timely provision of adequate infrastructure network and community facility capacity must be demonstrated through the developer's masterplan and be secured by condition and/or legal agreement. Proposals that don't demonstrate that adequate capacity exists or can be created will not comply with this policy.

* Infrastructure network includes digital, water, green, sewerage, active travel, bus, road, rail, surface water drainage, electric vehicle charging and waste management networks. and community facilityCommunity facility include education, public sports, public greenspace, allotments/community growing, community meeting space, and health facilities.

Policy 9: Increasing Affordable Housing

In accordance with Highland wide Local Development Plan Policy 32, Affordable Housing and its related Developer Contributions Supplementary Guidance, the Council will expect developers to contribute towards the delivery of affordable housing within the Inner Moray Firth area.

For all proposals that create 4 or more additional residential units, the Council will expect either to negotiate a Section 75 Agreement with the landowner(s) and other interested parties, or utilise other mechanisms to provide for a contribution towards affordable housing (as defined in Chapter 4 of the Guidance), such contribution being generally no less than 25% and within the City of Inverness Settlement Development Area (excepting land within the defined City Centre) no less than 35%. Negotiations will be subject to market and site conditions, and the final percentage contribution will reflect this, taking into account the financial viability of the proposal and other financial obligations.

For allocated sites with a total capacity of 50 or more homes and where public subsidy is available, the Council will expect an application to include details of servicing and phasing arrangements that prioritise the delivery of affordable units ahead of or if necessary then in parallel with market units. The Council will consider the early gifted transfer of a later phase landholding as one way of achieving this aim provided it can be serviced at a reasonable cost and in a timeous manner. Exceptions will only be permitted where the developer can demonstrate that giving priority to affordable units will unduly affect the overall viability of the site or compromise the aim of tenure diversity within a large part of it.

Subject to this Plan's Placemaking Policy and within its Main Settlements, the Council will support affordable housing development at a higher net housing density than that existing on or adjoining a proposal site.

Policy 10: Self and Custom Build Housing

To accommodate demand and grow support for self and custom build home, whilst offering flexibility in the housing market within the urban area, the provision of at least 5% of the total residential units must be made available, for sale as serviced plots on all sites delivering 100 or more housing units.

To offer flexibility in the delivery of this policy, the site developer can market all or some of the serviced plots as "custom build sites" requiring the purchaser to use the main developer for the design and build phase. Alternatively, all serviced plots can be sold as a single entity to a formally enacted co-housing or community-led housing scheme (with the agreement of the Council, as planning authority) or sold off individually to self-builders.

The delivery of serviced plots will be controlled by the following means:

1. The site owner/developer can attach appropriate conditions regarding the finish and layout of individual plots or establish a Design Codes to cover all the serviced plots, in agreement with the Planning Authority. Any conditions or Design Codes should not render the plots unfeasible or cost prohibitive to develop and prevent innovative and environmentally friendly designs or MMC being utilised.
2. All plots should be marketed through recognised channels for a period of 12 consecutive calendar months and at the prevailing market value. If open market plot(s) remain unsold after the initial 12 months, they will revert to the site developer for their own build out. A marketing and pricing strategy should be submitted as part of the planning application submission for approval.
3. The site planning approval will include conditions requiring the serviced plots to be completed within 3 years of a self-builder purchasing a plot and prevent the self-builder residing on the site in temporary accommodation during the build.
4. Where the number of serviced plots exceeds 5 units, the location and phasing of the plots should be broken up into smaller groups and offered for sale at differing times, prior agreed with the Council, in accordance with the development overall phasing strategy.
5. The maximum number of serviced plots to be provided on any site required by this policy, is restricted to 10 plots to avoid over-supply within any development or area.

This policy is not applicable in the redevelopment of upper-floor accommodation within urban areas.

Should this policy render any site unviable, the developer can submit an open book viability assessment as part of the planning application submission. Where the viability assessment following independent review by the Council (the cost of which is to be borne by the applicant), confirms the provision of serviced plots in compliance with this policy is not viable, the number of plots required can be varied accordingly. Where exemptions are justified on viability grounds, the minimum number of plots necessary will be exempted from the requirements.

Policy 11: Growing Settlements

A development proposal that is contained within, rounds off or consolidates a Growing Settlement listed in Tier 5 of [Settlement Hierarchy](#) will be assessed against the extent to which it:

- takes account of the Placemaking Priorities identified for the individual Growing Settlement;
- is likely to help sustain, enhance or add to facilities with proposals being located within active travel distance of any facility present;
- is compatible in terms of use, spacing, character and density with development within that settlement and demonstrate high quality design;
- can utilise spare capacity in the infrastructure network (education, roads, other transport, water, sewerage etc.) or new/improved infrastructure can be provided in a cost efficient manner, taking into account the Council's requirement for connection to the public sewer other than in exceptional circumstances;
- avoid a net loss of amenity or recreational areas significant to the local community; and,
- would not result in adverse impact on any other locally important natural or cultural heritage feature, important public viewpoint/vista or open space.

Proposals which demonstrate overall conformity with the above criteria will be in accordance with this policy.

Policy 12: Accessible and Adaptable Homes

In order to provide resource efficiencies and allow for residents to adapt and live in their homes all their life, new housing must be designed and constructed in a way that enables them to be adapted to meet the changing needs of their occupants over their lifetime.

The Council therefore requires, 5% of dwellings to have a "wheelchair liveable" ground floor on sites of 50 or more residential units. If evidence at the time of a planning application indicates a low level of need then this element of the policy will be applied flexibly.

The Council will only consider exemptions to these requirements where the applicant can provide evidence to robustly demonstrate that any of the following specific circumstances apply:

1. It is not practically achievable given the physical characteristics of the site;
2. It would significantly harm the financial viability of the scheme;
3. Site specific factors mean that step-free access to the dwelling cannot be achieved;
4. The dwellings are located on the first floor or above of a non-lift serviced multi-storey Development.

In terms of the requirements for "wheelchair liveable" ground floors the following criteria from the [Housing for Varying Needs Guidance](#)

https://webarchive.nationalarchives.gov.uk/20131205120926uo_/http://www.archive2.official-documents.co.uk/document/deps/cs/HousingOutput/content/index.html will apply:

1. Access ramps should have a minimum width of 1200mm and the entrance must be step free with a level platform of at least 1500 x 1500mm at the accessible entrance door, clear of any door swing. (7.5.6 and 7.5.7).
2. A secure storage space of at least 1200 x 800mm for electrically powered scooters or outdoor chairs storage, equipped with a power socket. This may be external as part of a garage, carport or extended porch, or it may be internal as part of a utility area or store (7.14).
3. Ground floor hallways to be at least 1200mm wide, but a width of 1000mm is adequate for lengths of up to 900mm, provided there is no door opening at a right angle to the direction of the passage (10.2.3).
4. Ground floor doors to the principle rooms to have a clear opening width of 870mm, with door ironmongery at a height between 750mm and 1050mm from the floor. 10.5.7 and 10.5.9).
5. A ground floor bedroom with built-in clothes hanging space and shelved clothes storage. The space should have a minimum clear depth of 600mm and a hanging rail that can be set at a height of 1400-1500mm from the floor (11.4.8).
6. Ground floor bathroom provided which permits for someone in a wheelchair to turn through 180degrees , i.e. a circular area of 1500mm diameter (see diagram at 2.5.1), without being impeded by the door (14.9.2). The position of the WC should allow frontal or side transfer with a clear space of at least 750mm on one side (14.11.1) and wash basin should be positioned with its centre line at least 500mm from any wall (14.12.1).
7. Living room windows, and bedroom windows where privacy is not affected, should have a sill height no greater than 600mm from the floor, which allows a seated person to see the view outside. Glazing bars or transoms should not be positioned between 600mm and 1500mm from floor level to give an unobstructed view (16.2.1).

Should this policy render any site unviable, the developer can submit an open book viability assessment as part of the planning application submission. Where the viability assessment following independent review by the Council (the cost of which is to be borne by the applicant), confirms the provision of serviced plots in compliance with this policy is not viable, the number of plots required can be varied accordingly. Where exemptions are justified on viability or practicality grounds, the minimum number of units necessary will be exempted from the requirements.

Policy 13: Transport

To receive planning permission, development proposals must be able to demonstrate that walking, wheeling, cycling and public transport are at least as, or more, competitive travel options for people using the development, than travelling by private car. The methodology that applicants must follow to demonstrate compliance with this policy requirement is set out in Appendix X.

Travel Plans must support any development proposal of 10 or more homes or more than 500 m² retail, office, business or industrial development. This must demonstrate how the proposal will support a transition to sustainable transport. Any other development that the Council considers likely to have significant trip-generating impacts will also require to be supported by a Travel Plan. The Travel Plan must include the following information to comply with this policy:

- a. Clear and measurable targets and objectives to deliver sustainable transport for that development.
- b. What range of measures will be implemented to mitigate the impacts of development that will deliver sustainable transport.
- c. What monitoring and reporting framework will be used to quantify the effectiveness of measures implemented, and when this will take place and be reported to the Council.
- d. How the existing transport context has determined the measures considered most effective to deliver sustainable transport.
- e. What mitigation will be implemented if such measures are found to be ineffective through monitoring, and how these measures will be monitored and reported to the Council.

Developer contributions will be secured to mitigate the impacts of development to support the transition to sustainable transport. These contributions are set out in the Council's Delivery Programme, and are referred to in the Developer Requirements for sites and in the Placemaking Priorities for settlements:

- f. Where an active travel or public transport priority scheme is identified in the Plan, financial contributions towards their delivery will be sought from development proposals within the settlement, or defined catchment, on a per home or floorspace equivalent basis.
- g. Where no specific intervention is required, a standard contribution per house or floorspace equivalent will be sought towards improving active travel and public transport infrastructure in the settlement or catchment area.