

Agenda Item	4
Report No	ERA/16/22

HIGHLAND COUNCIL

Committee: Easter Ross Area

Date: 8 November 2022

Report Title: Inner Moray Firth Proposed Local Development Plan 2

Report By: Executive Chief Officer Infrastructure, Environment & Economy

1 Purpose/Executive Summary

- 1.1 This report presents the outcome of this year's consultation on the Inner Moray Firth Proposed Local Development Plan and the suggested Council response to place-specific matters within the Committee area. Strategic matters will be subject to a separate report to 2 February 2023 Economy and Infrastructure Committee. Next steps are explained including the examination of issues raised in unresolved representations by a Scottish Government appointed Reporter.

2 Recommendations

2.1 Members are asked to:-

- i. **Agree** the recommended Council response to the place-specific issues relevant to this Committee area raised in representations received on the Proposed Plan as set out in **Appendix 1**;
- ii. **Note** the issues raised in representations as they relate to strategic matters that may have implications for this Committee area and note the working draft response to these issues as set out in **Appendix 2**;
- iii. **Authorise** officers to undertake the statutory and other procedures required to submit the Plan to Scottish Ministers and to progress the Plan through its examination up to but excluding the Plan's adoption; and
- iv. **Authorise** the Executive Chief Officer Infrastructure, Environment & Economy, in consultation with the chair of this Committee, to make any necessary Habitats Regulations Appraisal, factual or other non-material changes to **Appendix 1** prior to its submission to Scottish Government.

3. Implications

- 3.1 **Resource** - resources to complete the Plan's 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 continues to be updated to reflect that input.
- 3.5 **Risk** – as Legal above.
- 3.6 **Gaelic** – the Plan contains headings and a Member Foreword in Gaelic.

4 **Context**

- 4.1 A Local Development Plan (LDP) 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 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 The Plan has reached an advanced stage and is already the culmination of considerable input from local residents, statutory consultees, the development industry, Members and officers. The seven relevant Council committees approved the Inner Moray Firth Proposed Local Development Plan as the settled view of the Council at meetings in late 2021. The Plan was then issued for public consultation between March and June 2022.

4.3 Each council has a statutory duty to keep its local development plans up to date. The existing plan for the Inner Moray Firth is already 7 years old and there is a need to ensure that policies and development allocations are up to date and appropriate to support and enable development that meets the needs of current and future communities. Accordingly, this report recommends that the Council submits the Plan for examination in the most efficient manner. All affected parties have already had an opportunity to lodge comments so the Plan can now be passed to the Scottish Government appointed Reporter without prejudice to any viewpoint. Therefore **Appendix 1** does not recommend any significant changes to the Council's settled view as agreed at meetings in late 2021.

4.4 However, **Appendix 1**, does recommend several clarifications of the Council's position for the Reporter to consider and take account of, where:-

- new factual evidence has come to light since the Council reached its settled view;
- Council decisions have been taken since December 2021 that have changed that view; or;
- other circumstances have changed significantly since December 2021.

For example, new planning permissions have been granted, the position of some landowners has changed, national planning policy is changing, legal burdens have been revealed and new potential environmental effect information is being provided. The last of these matters concerns potential adverse effects on protected European natural heritage sites. **Appendix 1** contains occasional clarifications of the Council's position for the Reporter to consider in light of information supplied by NatureScot. This issue requires action because the Council cannot adopt the Plan unless it can be concluded that it would not adversely affect the integrity of any European site.

4.5 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 each local planning authority that it must publish any proposed LDP before the Scottish Parliament's approval of National Planning Framework 4 (NPF4), which is currently scheduled to happen before the end of 2022. Therefore, it would be impracticable for the Highland Council to re-issue a new Proposed LDP within this timescale.

5 Proposed Plan Comments

5.1 Over 1,240 comments have been received from over 440 respondents. 70% of comments related to specific places and the other 30% to the Plan's strategy and general (Plan area-wide) policies. In August 2022, an email was sent to all Plan area Members containing a webpage link to all comments received. Comments have been publicly available via [this webpage](#) since then. **Appendix 1** contains a full summary of place-specific comments for this committee area. Respondents who submitted late comments are identified in italics.

5.2 Since the publication of the Proposed Plan the Opportunity Cromarty Firth (OCF) bid for Green Freeport status has been finalised and submitted to Scottish Government and UK Government including confirmation of the sites sought to be covered. In June 2022 full Council endorsed the OCF bid noting the range of benefits for Highland communities, the potential to attract major inward investment and jobs, alongside custom and tax incentives.

The announcement on Green Freeports in Scotland is awaited. Comments received from certain OCF representatives during the Proposed Plan consultation seek to align the plan with the land sought to be covered by Green Freeport status.

5.3 The following **place-specific issues** are relevant to this Committee area.

- **Alness** landowners/developers seek the allocation of land at Darroch Brae West for housing and River Drive for mixed use including housing and the allocation of further land at Alness East. Another developer seeks the change of uses at AL09 South of Teaninich Road to include assisted living/retirement housing. Key agencies, specifically NatureScot and SEPA, seek revised environmental and flood risk related developer requirements at AL11 Alness Point. Transport Scotland requests additional junction modelling of the Plan's impact on A9 junctions.
- At **Evanton**, Kiltearn Community Council seeks land for a new primary school. Highland Deephaven seeks EV05 Evanton Industrial Estate to either be added to the Highland Deephaven Economic Development Area HD01 or cross-reference made to it in HD01. They also request additional text to highlight that a rail siding could also serve industrial operations at Highland Deephaven. Highland Housing Hub objects to the non-inclusion of land at Culcairn. One respondent seeks EV02 Southeast of Evanton Bridge to be allocated for Community/Mixed Use including Primary School, Community Hall, Sports Centre and Sports Pitches, parking and public toilets.
- At **Invergordon**, the owner of land allocated for housing in the adopted plan as 'House of Rosskeen' objects to its non-inclusion and the Highland Housing Hub objects to land at Saltburn not being taken forward. Port of Cromarty Firth seeks the expansion of IG05 in line with the site boundary as put forward within the Opportunity Cromarty Firth (OCF) Green Freeport bid (an additional 20ha) and Bannerman Group seek a major expansion of existing industrial allocations (IG06 and IG07) to cover their Green Freeport bid site and other areas which have developer interest (totalling 240ha). Portions of the additional land sought are allocated in the adopted IMFLDP. Transport Scotland state that the Council should present an appraisal of impacts on the trunk road from development and identify relevant mitigation. Others express concern about the potential adverse effects of Plan allocated sites.
- At **Seaboard Villages**, Nigg and Shandwick Community Council and several others object to the allocation of land at SB02 Land South of Shore Street for several reasons including loss of views, impact on natural and built environment, inadequate road and other infrastructure and flood risk. NatureScot seeks a revised developer requirement for built development to be set back from the coastal edge. A landowner objects to the non-inclusion of land for housing at New Street and Shore Street and seeks the removal of greenspace protection.
- At **Tain**, developers seek the inclusion of land at Morangie Farm for industrial uses and at Knockbreck Road for mixed uses. A developer also seeks the re-allocation of land adjacent to the Morangie Hotel for mixed use development. There are concerns expressed at the Plan's allocation of land to the west of the A9 at TN03 Ardlarach Far, TN04 Croft Arthur, TN05 West of Viewfield and TN06 Viewfield for various reasons including infrastructure adequacy, environmental impacts, loss of amenity, flood risk and location across the A9.

NatureScot seeks revised developer requirements related to the Recreational Access Management Plans for sites west of the A9 bypass at TN03, TN04, TN05 and TN06. Transport Scotland objects to allocations at TN03, TN04, TN05 and TN06. Neighbours request additional developer requirements for visual amenity and loss of privacy at TN08 Tain Royal Academy. The landowner at TN11 Glenmorangie requests an extension to the allocation boundary to include the extent of the warehouses.

- The Committee area's **Economic Development Areas at Nigg Yard and Highland Deephaven** attracted several comments. The landowner at Fearn Aerodrome objects to its non-inclusion highlighting ongoing developer interest suitability. At Highland Deephaven, the landowner requests several tweaks to the allocations, including expanding the list of uses (to include business and infrastructure) as per the adopted plan and better reference to EV05 being within their ownership. NatureScot requests several changes to the Developer Requirements. At Nigg, 12 respondents (including 2 community councils) raise concerns and/or explicit objection to the expansion of Nigg Yard citing landscape, amenity, environment, transport and economic benefit grounds. The landowner of the adjoining Pitcalzean Farm along with the Port of Cromarty Firth seek the expansion of the allocation as per the OCF Green Freeport bid 'tax site' boundary.
- In terms of **Growing Settlements**, SEPA seeks additional flood risk related placemaking priorities at Barbaraville and Inver. Allocations for housing are sought at Milton of Kildary and Rhicullen/Newmore and it is requested that Portmahomack be reclassified in the Settlement Hierarchy as a Main Settlement. A landowner requests the addition of Ardross as a Growing Settlement to support a central development site.

5.4 **Strategic issues** will be considered at the Economy and Infrastructure Committee meeting on 2 February 2023. **Appendix 2** sets out the issues raised in representations as they relate to strategic matters that may have implications for this Committee area. These issues are very briefly summarised in the following bullet points:-

- Several parties query the relative weighting of the Plan **Outcomes** in policy formulation and decision making seeking a greater weighting for environmental matters or alternatively for the construction sector of the economy. Several others request amendments to reflect: the Scottish Government's draft NPF4 20-minute neighbourhood concept; the preparation of local place plans; the importance of Gaelic; the role of onshore wind and the transmission network in meeting net zero; and, safeguarding of defence assets.
- There is broad support for the **Settlement Hierarchy** but some developers seek to elevate a settlement to justify a larger development within it, and some communities urge the Council to tackle the economic viability and environmental sustainability disadvantages that cause a settlement to be in a lower tier (greater subsidise active and public transport connectivity).
- Views on the **Hinterland** are mixed with development industry connected parties urging a more permissive approach to housing in the countryside and others supporting the current Plan position or suggesting a more restrictive policy.

- Again, the Plan's **Spatial Strategy** has broad support but many seek clarifications/amendments for example to: explain how any competing tourism and renewables industry proposals will be resolved; reference Gaelic; downplay the reference to the Council's draft indicative Regional Spatial Strategy; explain the status of Special Landscape Areas; explain why locational guidance for renewable energy isn't included; and, reference improvements to the electricity transmission network.
- Most relevant to local/City committee decision making is the debate about the adequacy and effectiveness of the Plan's **Housing Requirements**. Development industry respondents argue that there is a significant shortfall in the land genuinely available and ready for development by housebuilders. In contrast, several community councils dispute the Plan's figures as too high and/or unlikely to deliver sufficient affordable housing for local people.
- The **General Policy** most relevant to local/City committee decision making is that on **Infrastructure Delivery**. This includes several responses from community groups querying the adequacy, collection, ringfencing and allocation of developer contributions. Most community respondents seek lower growth or even an embargo on any growth until all infrastructure networks are improved. The development industry bemoans the impact on the viability of their sites from the additional financial and other requirements within this and other Plan General Policies.

6 Recommended Council Position

6.1 **Appendix 1** contains the Council's case to examination on each place-specific issue raised in representations for this committee area. Cross references to supporting documents are shown as [*] and will be added post committee.

6.2 The following **place-specific responses** are relevant to this Committee area.

- At **Alness**, additional allocations at Darroch Brae West and River Drive are not supported as there are better located opportunities for housing elsewhere and River Drive is in close proximity to land allocated for industrial uses. The allocation of further land at Alness East is not supported as there is sufficient housing land and the land remains within the SDA. An additional use of assisted living/retirement housing at AL09 South of Teaninich Road is not supported as it is not considered an appropriate location for this type of housing. Requests from NatureScot and SEPA for revised developer requirements are recommended for inclusion.
- At **Evanton**, the allocation of a new site for a primary school is not supported as land is allocated at EV03 Drummond Farm to allow for possible future expansion. An additional Placemaking Priority is suggested to the Reporter to recognise that a rail siding could serve industrial operations at Highland Deephaven. It is not considered necessary to merge EV05 Evanton Industrial Estate with Highland

Deephaven HD01. Instead, it has been suggested to the Reporter to amend the referencing on both maps to ensure it clear that the sites are in proximity to each other. Re-allocation of land at Culcairn is not supported as there are other adequate, better located opportunities for housing in the village.

- At **Invergordon**, the sites at House of Rosskeen and Saltburn have some planning merit but the Plan allocates sufficient, better (more economically viable and environmentally sustainable) alternatives to accommodate local housing need and market demand. Given the almost unanimous endorsement of OCF by full Council in June 2022, and its bid for Green Freeport status, the recommended position is to seek support for the expansion of allocations at the Harbour and at Cromarty Firth Industrial Estate including any necessary mitigation arising from further consideration of potential adverse environmental and other effects. The timing of this consideration depends upon when the Green Freeports announcement is made and the outcome but should take place before or during the examination process. Approximately 11.5ha of land to the west of Cromarty Firth Industrial Estate (forming part of allocation IG8 in the adopted plan) is also supported given the developer interest. The wording relating to Tomich junction is suggested for amendment as per Transport Scotland's request.
- At **Seaboard Villages**, apart from recommending to the Reporter that the request from NatureScot for a revised developer requirement is included, no other changes are suggested at SB02 Land South of Shore Street. An additional allocation for housing at New Street and Shore Street is not supported and it is recommended to the Reporter that it remains as greenspace.
- At **Tain**, an additional allocation at Morangie Farm is not supported as it sits out with the SDA and is physically removed from the rest of the settlement. An additional allocation at Knockbreck Road is not supported as alternatives to this site have been allocated. The re-allocation of land adjacent to the Morangie Hotel has been suggested to the Reporter as a possible allocation for business and education uses. At TN03, TN04, TN05 and TN06 a number of the concerns raised can be mitigated by developer requirements and no changes are suggested apart from a revised developer requirement for Recreational Access Management Plans. At TN08 additional developer requirements are recommended to the Reporter to include setback from existing properties and restricting the height of new buildings. At TN11 it is recommended to the Reporter to extend the allocation boundary to reflect the extent of the warehouses.
- The **Economic Development Areas**, although the land at Fearn has some planning merit, on balance the recommendation remains not to carry it forward. At **Highland Deephaven**, the expansion of uses to include business and infrastructure is supported as is the need for cross-references with the Evanton settlement section. Changes to the Developer Requirements are suggested in line with NatureScot's comments. At **Nigg Yard**, several additional/amended Developer Requirements are being suggested to address concerns raised.

In addition, given the almost unanimous endorsement of OCF by full Council in June 2022, and its bid for Green Freeport status, the recommended position is to seek support for the expansion of NG01, including any necessary mitigation arising from further consideration of potential adverse environmental and other effects. The timing of this consideration depends upon when the Green Freeports announcement is made and the outcome but should take place before or during the examination process.

- In terms of **Growing Settlements**, requests from SEPA for additional placemaking priorities are recommended for inclusion. Requests for large housing allocations are not supported within the Growing Settlements. The request to reclassify Portmahomack as a Main Settlement and Ardross as a Growing Settlement are also not supported as the Plan directs significantly sized housing development proposals to the most environmentally sustainable and economically viable locations.

6.3 **Strategic issues** will be considered at the Economy and Infrastructure Committee meeting on 2 February 2023. The Council's position on many of these issues will have to be adjusted to take account of the approved NPF4, which will hopefully be issued in time to inform the February report. For this committee's information, **Appendix 2** sets out a 'working draft' response on those strategic matters that may have implications for this Committee area. In light of comments received and changes to date in circumstances since December 2021, the following minor adjustments to the Council's position are recommended first to Members and if agreed then to the Reporter.

- Altering the **Plan Outcomes** to reference: the crossover benefits between greenspaces and active travel; the overarching aims of tackling economic recovery and the climate and ecological emergencies; Gaelic heritage; and, the 20-minute neighbourhood concept if embodied within NPF4.
- Clarifying the Plan's **Spatial Strategy** to: correctly reference the status of the Council's draft indicative Regional Spatial Strategy and Special Landscape Areas; and, reference funded future improvements to the electricity transmission network.

Other issues raised are adequately addressed within the Plan, other existing Council planning policies or are out with the Plan's/Council's remit/resources. In particular, the Plan's **Housing Requirements** and housing land supply have been evidenced through the 2022 Housing Land Audit to be sufficient and effective relative to the target set by Scottish Government. Officers intend to review internal policy and practice in relation to community facility developer contributions.

7. Next Steps

7.1 After the six relevant local/City committees have approved their respective place-specific elements of the Council's response and the Economy and Infrastructure Committee has approved the strategic elements then it is intended to submit the Plan, the schedules in **Appendix 1** and other related material to the Scottish Government. In early 2023, at least one reporter will be appointed to consider the issues raised in representations. The examination process will take around one year at the end of

which the Reporter's Report is published containing binding recommendations on how the Plan should be changed prior to its final adoption by full Council decision.

Designation: Executive Chief Officer Infrastructure, Environment & Economy

Date: 20 October 2022

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Background Papers: 1. Inner Moray Firth Proposed LDP (IMFpLDP): March 2022
2. Comments Received on IMFpLDP: March to June 2022
3. Inner Moray Firth LDP: Strategic Environmental Assessment:
Revised Environmental Report: March 2022
4. Inner Moray Firth LDP: Revised Transport Appraisal: March
2022
5. Inner Moray Firth LDP: Revised Equalities Impact Assessment:
March 2022

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

APPENDIX 1: PLACE-SPECIFIC MATTERS

Issue 19	Alness	
Development plan reference:	Alness	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Cotriona MacDonald (1310228) Highland Housing Hub (1154846) John McRae (1324102) Lachlan Robertson (1312457) Michael Fraser (1312487) Munro (Highland) Construction Ltd (1210729) NatureScot (1266529) Nicol Simpson (1323208) Pat Munro (Alness) Limited (1312301) Peter Munro (1141750) SEPA (906306) Tom Coopland (1312456) Transport Scotland (1324298) Veda McClorey (966974) Woodland Trust Scotland (1312249)</p>		
Provision of the development plan to which the issue relates:	Alness	
Planning authority's summary of the representation(s):		
<p>Settlement Map 1 Alness <u>Non-Inclusion of Land at Darroch Brae West</u></p> <p><u>Peter Munro (1141750)</u> Objects to the non-inclusion of site MIR AL01 Darroch Brae West and seeks it's allocation as an effective site for affordable housing for the following reasons: it was a preferred site in the MIR; limited woodland impact as it was clear felled of timber in 2002, unclear where concerns about impact on Ancient Woodland from NatureScot have come from; some trees can be retained along with compensatory planting; was allocated in a previous Local Plan and had interest expressed in it by Highland Housing Alliance, granted planning permission in 2007; access strip issue has been resolved and site no longer 'land-locked', confirmation in 2017 that access strip is owned by Highland Council; within active travel distance to local facilities including schools; able to connect to utilities; and, increased economic activity around the Cromarty Firth will mean extra housing will be required, especially affordable housing. Asserts that the positive amenity and recreational value of the existing woodland is due to the forestry practice applied by the landowner. Two tracks cut across the site from the Darroch Brae Housing Estate to access the main and mature part of the wood which is criss-crossed with a network of well used paths. This access</p>		

could be retained.

Highland Housing Hub (1154846)

Objects to non-inclusion of MIR site AL01 (Darroch Brae West) for the following reasons: was a preferred site in the MIR and as such the Housing Hub partners have sought to purchase the site and progress development; site is identified as Ancient Woodland but there has been previous forestry felling and no regeneration of ancient woodland has taken place, previous mapping does not support the development site being included as part of the Ancient Woodland inventory.

Non-Inclusion of Land at Alness East

Pat Munro (Alness) Limited (1312301)

Objects to non-inclusion and reduction of development sites east of Alness and seeks the re-allocation of sites AL2, AL4, AL6 and AL3 from the adopted IMFLDP. Also requests that the additional land identified in the MIR between AL3 and the A9 is also allocated for development to ensure a strategic view is taken to development and maximises the benefits in the delivery of infrastructure. Reasons for objection and modifications sought are: unmet housing need and demand; retention of sites and a wider masterplan for the area can offer greater supply and ensure strategic decisions are made around infrastructure investment; Alness is a Tier 1 settlement and as such is one of the most suitable locations for growth; and, increased investment at ports of Nigg, Cromarty and Highland Deephaven; creates uncertainty for the landowners and the public. Supporting statement has been provided by the representee [*] which outlines a detailed justification and supplies mapping.

Highland Housing Hub (1154846)

Objects to non-inclusion of adopted IMFLDP sites AL3, AL4 and AL6 (part) for the following reasons: pre-application work to date on wider site including discussions with the Planning Authority ; a Transport Assessment has been undertaken which demonstrates that traffic movements for development of the wider site can be accommodated within the existing road network with improvements to the existing Obsdale/Milnafua A9(T) junction precluding the requirement for developing a further link to the A9(T).

Non-Inclusion of Land at River Drive, Alness Industrial Estate

Munro (Highland) Construction Ltd (1210729)

Objects to non-inclusion of site at River Drive, Alness Industrial Estate for mixed uses including 50 houses and seeks its allocation in the plan for the following reasons: previous industrial use on the site is winding down, building is obsolete and unsuitable for conversion; wider area has been transitioning from to non-industrial uses over a period of time and has become a location for mixed housing, commercial, business and tourism uses; IMFpLDP2 provides a number of alternative sites for industrial and business uses; brownfield site; central site close to local services, including schools and amenities; good active travel links; developing the site for mixed uses including housing would help deliver the vision of IMFpLDP2. Supporting statement has been provided by the representee which outlines the site selection criteria for their Call for Sites submission, site location plan and detailed development proposals for the site [*].

Transport Issues

Transport Scotland (1324298)

Seeks junction modelling of allocations' impacts on A9 junctions. As detailed within SPP and the draft NPF4, any infrastructure improvements should be identified within the plan, with information provided on who, when and how they will be funded and delivered. This information is crucial in providing an infrastructure first approach to planning as outlined within the draft NPF4. In accordance with SPP, the plan should identify any required infrastructure improvements and how, when and by whom they will be delivered. In order for this to be achieved, the Council will be required to undertake junction modelling of the allocations for Alness as the level of development has the potential to cumulatively impact the A9 trunk road junctions. SPP states in paragraphs 274 "In preparing development plans, planning authorities are expected to appraise the impact of the spatial strategy and its reasonable alternatives on the transport network, in line with Transport Scotland's DPMTAG guidance. This should include consideration of previously allocated sites, transport opportunities and constraints, current capacity and committed improvements to the transport network. Planning authorities should ensure that a transport appraisal is undertaken at a scale and level of detail proportionate to the nature of the issues and proposals being considered, including funding requirements. Appraisals should be carried out in time to inform the spatial strategy and the strategic environmental assessment. Where there are potential issues for the network, the appraisal should be discussed with Transport Scotland opportunity." The need to undertake an appraisal is reiterated within draft NPF4, which goes on to state the appraisal "... should identify any potential cumulative transport impacts and mitigation proposed to inform the infrastructure-first approach." SPP paragraph 275 details "Development plans should identify any required new transport infrastructure or public transport services, including cycle and pedestrian routes, trunk road and rail infrastructure. The deliverability of this infrastructure, and by whom it will be delivered, should be key considerations in identifying the preferred and alternative land use strategies. Plans and associated documents, such as supplementary guidance and the action programme, should indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made." Draft NPF4 details the infrastructure first concept, which puts infrastructure considerations at the heart of planning. Policy 8: Infrastructure First details "Local Development Plans and delivery programmes should be based on an infrastructure-first approach. They should: be informed by evidence on infrastructure capacity, condition, needs and deliverability." Policy 10 Sustainable Transport details, "A Plan's spatial strategy should be informed by evidence of the area's existing and committed transport infrastructure capacity." Transport Scotland has determined the level of development allocated within Alness has the potential to cumulatively impact the A9 trunk road junctions. The Highland Council has undertaken a DPMTAG based appraisal engaging and liaised with Transport Scotland throughout the process. The plan allocates a total of 303 housing units and 50.4ha business, 33.6ha industry and 44ha of retail land over the 10 year plan period. This could result in a maximum of 1920 trips over the 10 year period of the plan taken from the Council's Transport Appraisal Trip Rate Spreadsheet undertaken as part of the DPMTAG based appraisal. As a result of trip generation information for the Alness developments provided by the Council, it is considered further assessment of the A9 junctions around Alness is required to determine if the cumulative impact of development can be sufficiently accommodated within the current junctions or if junction improvements are required.

AL01 Willowbank

John McRae (1324102)

Representee lives in property below the site. Since the last house was built on site there has been flooding in the garden from water running down the hill which has caused damage to a retaining wall. Seeking assurance that development of the site will not result

in an exacerbation of this problem.

AL02 Crosshills

Michael Fraser (1312487)

No objections in principle to the allocation as long as the road access is taken via Crosshills Farm access on Ardross Road adjacent to Alness Golf Club entrance and not onto Invercarron because: it is a busy street with only one entrance/exit onto Caplich Road; Invercarron was originally to have 11 dwellings however this number has increased significantly in recent years (nearly trebled); any additional traffic on Invercarron would be dangerous as there are no traffic calming features in place; several well-established trees would need removed; would cause disturbance to existing residents.

AL03 Milnafua Farm

Tom Coopland (1312456)

Boundary error – allocation includes garden ground, seeks amendment to remove it from allocation.

AL04 Whitehills

Lachlan Robertson (1312457)

Objects to the allocation for housing for the following reasons: inadequate local road infrastructure in terms of capacity and road safety from extra cars from new housing. Birch Road is currently a single passing place road in a poor state of repair and has inadequate pavements; environmental impact on surrounding eco system; loss of greenspace; inadequate capacity at local schools and local amenities such as shops.

AL06 Obsdale Road

Highland Housing Hub (1154846)

Supports inclusion of site as it offers choice within the settlement. However would like the allocation boundary to be extended to the easterly extent of Obsdale Road to provide greater development opportunity and also round off the settlement boundary.

AL08 West and South of Dail nan Roca

Nicol Simpson (1323208)

Objects to allocation due to close proximity to their property and potential impact on their well-being.

Veda McClorey (966974)

Reference made to a planning application previously consulted on. Objects to the allocation for the following reasons: boundary has changed from previous planning consultations, previously was level with existing grain store on opposite side of lane, now encroaching to corner directly in front of Bungalow No. 1 Teaninich Triangle; loss of arable land; limited demand evidenced by number of units in Alness Industrial Estate not being used to their full potential; there are existing residential properties neighbouring the site; does not wish their property (and two adjacent properties) to be overshadowed by commercial buildings or by landscaping/screening i.e. Scots Pine and affecting natural light; noise and air pollution, particularly from flues or gas outlets and from transport; flood risk from burn; impact on watercourses/Cromarty Firth from potential run-off/discharge from development and HGVs; adverse impact on wildlife; no unit size specified. Queries what testing/security lighting will be used, no detail provided on what the development would look like.

AL09 South of Teaninich Road

Pat Munro (Alness) Limited (1312301)

Supports the existing allocation for business and tourism uses but seeks amendment to the allocation to include Class 8 uses to allow for development of an assisted living development for the following reasons: Planning permission in principle was granted on the site in 2014 (13/02083/PIP) for the change of use to include a hotel and restaurant complex; Existing road along the south boundary of the site already provides access to Redwoods Nursing Home joining on to Teaninich Avenue; there would be benefits to having an assisted living development located close to the Nursing Home in terms of access to shared facilities and care services; it has a woodland setting, allowing for a sense of tranquillity and with the correct design could provide a comfortable and natural living environment; would create a wider neighbourhood alongside the Nursing Home. The Council's Housing Need and Demand Assessment considers the needs of the elderly and concluded that 'Additional specialist housing provision and related care at home services are required in order to prevent unnecessary care home admissions. With the increase in older person population projected resulting in much higher numbers of people aged 75+, demand for sheltered housing and specialist accommodation models is likely to increase.' Scottish Planning Policy Paragraph 132 advises that in these situations where demand has been identified "planning authorities should prepare policies to support the delivery of appropriate housing and consider allocating specific sites." There is no detail within the Plan as to how this need is being addressed. This site provides an opportunity to deliver assisted living to meet the needs of the elderly in close proximity to an existing nursing home. Flexibility in the allocation uses would positively contribute towards delivering the additional specialist housing provision identified as required by the Housing Need and Demand Assessment.

AL11 Alness Point

Cotriona MacDonald (1310228)

Supports principle of development if it helps to improve the roads, lighting and public path infrastructure, does not impact on the local wildlife/greenspace or the privacy/amenity setback for Alness point residents.

SEPA (906306)

As identified in the Environmental Report much of this site is at risk of flooding. Whilst the wording of the flood risk element of the developer requirement has been discussed with SEPA previously, on reflection SEPA does not consider that it accurately reflects the extent of flood risk at the site and our Land Use Vulnerability Guidance, referred to in Scottish Planning Policy, and provides suitable direction to developers on the types of development which may be acceptable in this area. Object to the allocation and request that the developer requirement wording relating to flood risk be amended to "Flood risk will affect the developable area of the site. Flood Risk Assessment required to inform layout and design. Site not suitable for most and highly vulnerable uses and only essential infrastructure, water compatible uses or redevelopment of existing buildings for similar vulnerability use acceptable in areas found to be at risk of flooding. Proposals should be accompanied by resilience measures."

Woodland Trust Scotland (1312249)

Seeks amendment to developer requirement on woodland. Protection and enhancement are supported however there are three sections of native and near native woodland within the allocation totalling 3 ha. They are not on the Ancient Woodland Inventory but two of the sections show on OS 1896 (1894 revision) outline at NH650679, but not on 1881 OS 1st addition. Therefore, seeks additional requirement for a survey and following a survey, buffers may be required. Alternatively remove woodland from the site boundary.

NatureScot (1266529)

Objects to the allocation and seeks amendments to recognise coastal erosion risk and its threat to inter-tidal habitats (European sites) and acknowledgement that nature-based solutions are available. Strongly recommend an additional developer requirement to protect the features of the Cromarty Firth SSSI including the need for this detailed appraisal, and that there will be no hard engineered defences, and that these likely significant effects have also been assessed within the HRA for the Cromarty Firth SPA. This site is protected from the sea by the shingle barrier of Teaninich Beach, only approximately 120m from the site edge, and the saltmarsh in its lee. The beach has seen some retreat in recent decades, with significant coastal erosion in the vicinity. It is likely that with sea-level rise, erosion of the barrier will accelerate. It may be able to 'roll over' landward but there is also the possibility of a breach, exposing the edge of this site to increased risk of flooding. This increased risk of flooding could lead to demand for engineered defences, and this could adversely affect the intertidal habitat interests of Cromarty Firth SSSI and the Cromarty Firth SPA. This site should, therefore, only be taken forward if the sustainability of the development has been appraised against the potential coastal change and effects on flood risk, and that no hard engineered defences are required. If taken forward, there are opportunities to use nature-based solutions for protecting and enhancing water courses, and we suggest these are included and or made clearer within the Developer Requirements. Cross refers comments on your Strategic Environmental Assessment and Habitats Regulations Appraisal for this site.

AL15 Dalmore Distillery

Woodland Trust Scotland (1312249)

Seeks amendment to boundary to exclude Inventory woodland and buffer. There is 1.7ha of Native Woodland in the north of the allocation at NH663687. The woodland shows on the OS 1st ed 1880 maps. It is part of a line of woodland that shows on Roy maps. However woodland is likely to be ancient woodland and in line with the policy on control of woodland removal it should not be included in the allocation boundary and a buffer applied. The woodland as a whole should be protected rather than just "mature trees".

Modifications sought by those submitting representations:

Settlement Map 1 Alness

Peter Munro (1141750) and Highland Housing Hub (1126)

Allocate MIR Site AL01 Darroch Brae West for housing.

Pat Munro (Alness) Limited (1312301)

Re-allocate land AL2, AL4, AL6 and AL3 from the aIMFLDP and that the references to considering the masterplan and transport assessment are requirements of the delivery of these allocations, this will enable developers to work with the Council and stakeholders to ensure these matters are addressed.

Requested that the additional land identified in the Main Issues Report between AL3 and the A9 (MIR site AL19) is also allocated for development to ensure a strategic view is taken to development and maximises the benefits in the delivery of infrastructure.

Highland Housing Hub (1154846)

Re-allocate land AL3, AL4, and AL6 (part) from the aIMFLDP.

Transport Scotland (1324298)

As detailed within SPP and the draft NPF4, any infrastructure improvements should be identified within the plan, with information provided on who, when and how they will be funded and delivered. This information is crucial in providing an infrastructure first approach to planning as outlined within the draft NPF4.

In accordance with SPP, the plan should identify any required infrastructure improvements and how, when and by whom they will be delivered. In order for this to be achieved, the Council will be required to undertake junction modelling of the allocations for Alness as the level of development has the potential to cumulatively impact the A9 trunk road junctions.

Munro (Highland) Construction Ltd (1210729)

Allocate land at River Drive, Alness Industrial Estate for housing.

AL01 Willowbank

John McRae (1324102)

Wants assurances that development won't exacerbate perceived surface water flooding issue.

AL02 Crosshills

Michael Fraser (1312487)

Road access via the Crosshills Farm access on Ardross Road adjacent to Alness Golf Club entrance.

AL03 Milnafua Farm

Tom Coopland (1312456)

Remove garden ground from allocation.

AL04 Whitehills

Lachlan Robertson (1312457)

Delete allocation (assumed)

AL06 Obsdale Road

Highland Housing Hub (1154846)

Allocation boundary to be extended to the easterly extent of Obsdale Road.

AL08 West and South of Dail nan Roca

Nicol Simpson (1323208)

Deletion of allocation (assumed).

Veda McClorey (966974)

Deletion of allocation (assumed).

AL09 South of Teaninich Road

Pat Munro (Alness) Limited (1312301)

Additional use included to allow for Class 8 (Residential Institutions) for the development of assisted living accommodation.

AL11 Alness Point

SEPA (906306)

Amend the Developer requirement for Flood Risk to: "Flood risk will affect the developable

area of the site. Flood Risk Assessment required to inform layout and design. Site not suitable for most and highly vulnerable uses and only essential infrastructure, water compatible uses or redevelopment of existing buildings for similar vulnerability use acceptable in areas found to be at risk of flooding. Proposals should be accompanied by resilience measures.”

Cotriona MacDonald (1310228)

Seeking assurances that any development will improve road, lighting, path infrastructure and will have no impact on wildlife, greenspaces or privacy of existing residents.

Woodland Trust Scotland (1312249)

Remove woodland from allocation or include additional developer requirement for the woodland survey and a buffer between the woodland and development.

NatureScot (1266529)

Strongly recommends an additional developer requirement to protect the features of the Cromarty Firth SSSI including the need for a sustainability of development appraisal, and that there will be no hard engineered defences, and that these likely significant effects have also been assessed within the HRA for the Cromarty Firth SPA. Also seeks additional developer requirements for: nature-based solutions to protect and enhance water courses; to protect the features of the Cromarty Firth SSSI including the need for a sustainability of development appraisal, and that there will be no hard engineered defences; and built development is avoided near the coastal edge.

AL15 Dalmore Distillery

Woodland Trust Scotland (1312249)

In line with the policy on control of woodland removal it should not be included in the allocation boundary and a buffer applied. The woodland as a whole should be protected rather than just "mature trees".

Summary of responses (including reasons) by planning authority:

Settlement Map 1 Alness

Non-Inclusion of Land at Darroch Brae West

Peter Munro (1141750) and Highland Housing Hub (1154846)

The site is not an allocation in the aIMLDP however it was submitted as a potential site through the Call for Sites by both Peter Munro and the Highland Housing Hub. It was shown as a preferred location in the MIR (AL01) as it was considered a site with active interest and previous right of access constraints had been resolved. However during the MIR consultation, NatureScot made the Council aware that the site was predominantly Ancient Woodland Inventory (AWI) and Scottish Semi Natural Woodland Inventory. NatureScot also advised that retention of some trees and compensatory planting could provide some mitigation but it was unlikely to avoid significant effect on the woodland. Claims that there has been clear felling in the past are difficult to corroborate as the site is densely covered in woodland. Merits of the site are also acknowledged in terms of a willing landowner, potential developer interest, active travel distance to local services and the constraints associated with the site could potentially be mitigated against. However, taking into account the quantitative need as set out in the Housing Needs and Demand Assessment, there is sufficient housing land for the Plan period and better alternative housing sites which are closer to the town and its facilities. The topic of overall housing

land requirement is considered more widely in Issue 3. The MIR is a discussion document and is not the settled view of the Council, so decisions on investments by developers should not be based on the content of it.

Non-Inclusion of Land at Alness East

Pat Munro (Alness) Limited (1312301) and Highland Housing Hub (1154846)

Background

The Council does not support re-allocating land at AL2, AL3, AL4 and AL6 from the aIMFLDP. In the MIR the sites were as follows AL04, AL19, AL19 and AL05 respectively. The Council believes that the detail in IMFpLDP2 provides certainty for what levels of development can be supported in Alness and what infrastructure constraints need improved in order for longer term development in Alness East.

Transport Issues

The Alness settlement text recognises that Alness East has the potential to be the long-term expansion area for the town, however there are concerns about road safety both in terms of pedestrian/active travel around existing streets, with missing footpaths and narrow roads and cars using the existing unsuitable junction at Rosskeen to get onto the A9. It is also set out that in order for Alness East to progress in the longer term that it is likely that a new/upgraded junction will be required onto the A9 at Rosskeen which would require further work and agreement with Transport Scotland.

Land allocated in Alness East in the IMFpLDP2 at AL03 and AL04 represent land covered by an associated Transport Assessment and some extant planning permissions, land at AL03 is being actively built on. The land covered by aIMFLDP allocations AL2, AL4, AL6 and AL3 and the additional land shown as AL19 in the MIR, remain within the SDA. The settlement text is also clear that beyond the development of AL03 and AL04 any further development at Alness East within the SDA will require a new Transport Assessment to be completed. Keeping land within the SDA and settlement text which reflects the long term direction of growth is sufficient to ensure that a long term strategic approach can be taken to the growth of the town and the necessary infrastructure improvements.

Whilst it is recognised that Alness East could provide a long term direction growth for the town, the remainder of land within the SDA, but not allocated, in IMFpLDP2 is constrained by road infrastructure, in particular the requirement for a new trunk road junction onto the A9 at Rosskeen and as such the Council does not believe that significant new development should be promoted.

Housing Supply

The Plan's Settlement Hierarchy [THC***] sets out a strategic view on where future growth should occur, targeting future growth at locations which are most economically viable and environmentally sustainable. In the settlement hierarchy Alness is a Tier 1 settlement; Tier 1 settlements are identified as the most sustainable location suitable for a strategic scale of growth. The report taken to the Easter Ross Area Committee in November 2021 recommended that two modified allocations were shown in the proposed plan - AL03 for 73 houses and AL04 for 50 houses within the next 10 years. For Alness as a whole, the IMFpLDP2 allocates land for 303 houses within the next 10 years.

As per the Housing Needs and Demand Assessment, the overall level of housing required

for Easter Ross as a whole in 752. This figure includes an additional 10% which does not apply to other Housing Market areas to take into account the uplift which could arise from economic activity associated with Opportunity Cromarty Firth partnership. Taking into account the quantitative need there is sufficient housing land for the Plan period without including all the land in the wider Alness East area. The topic of overall housing land requirement is considered more widely in Issue 3. Accordingly, the Council believes that no modification is required to the Plan.

Non-Inclusion of Land at River Drive, Alness Industrial Estate

Munro (Highland) Construction Ltd (1210729)

During the MIR consultation a submission was made to include this land as an allocation. This came forward as a wholly new site which had not been subject to public comment and environmental assessment. Within the Easter Ross Committee covering report from 18 November 2021, in paragraph 6.4 under the 'Housing Requirements' section, reference is made to the wholly new housing site suggestions submitted during the MIR consultation. It states, '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.'

It is acknowledged that the site has merits including proximity to the town centre and other local services, however, there continues to be allocations for industrial use within proximity of the site. AL14 and AL16 are re-allocated in IMFpLDP2 (in the aIMFLDP they are AL17 and AL20 respectively) for industrial uses and the Council wishes to safeguard these as key employment sites for Alness. In particular, allocation AL16 is allocated to support the expansion and/or intensification of Teaninich Distillery, which is an existing business. Taking into account the Agent of Change Principle, this would potentially be adding houses into an area where the Council is directing industrial uses, which could generate issues in the future with complaints from residents in the housing about noise from industrial uses.

For Alness, the IMFpLDP2 allocates land for 303 houses within the next 10 years. Taking into account the quantitative need as set out in the Housing Needs and Demand Assessment, there is sufficient housing land for the Plan period and better alternative housing sites. The topic of overall housing land requirement is considered more widely in Issue 3. Accordingly, the Council believes that no modification is required to the Plan.

Transport Scotland (1324298)

As part of the plan preparation process The Highland Council undertook a qualitative Level 1 Transport Appraisal, following the DPMTAG, and liaising with Transport Scotland throughout the process. This included providing potential trip generation figures, based on the TRICS database. Transport Scotland's comments relating to concerns over the potential for cumulative impacts upon the A9 junctions around Alness, resulting from the sites allocated, are therefore noted. The Highland Council considers that Alness has potential to continue to grow in a sustainable way, and in line with the modal hierarchy set out in National Transport Strategy (NTS). Therefore, whilst concerns about the potential for impacts on A9 junctions around Alness, based on trip-rate predictions are understandable, these are considered to be a worst-case scenario. With major shifts in policy (e.g. NTS & 20% reduction in car KM target by 2032) and funding (e.g. Bus Partnership Fund & minimum £320M budget for Active Travel by 2024/25) the Council expects actual trip rates to be more sustainable, particularly given the emphasis in the

Plan on sustainable transport as set out in Policy 14. The level of containment of trips within the settlement of Alness also has the potential to be greater than that demonstrated by the TRICS-based data, which is from the 2011 census, given the mass shift to home or hybrid working for many people, as well as the mix of residential, community and employment uses allocated in the Plan. Nevertheless, in order that the Plan can address Transport Scotland's concerns about the trunk road junctions, if the reporter was so minded, the Council would be supportive of the following additional Placemaking Priority: "Development in Alness may have the potential to cumulatively impact the A9 Trunk Road junctions around Alness. Following Transport Scotland's Strategic Transport Appraisal Guidance, an appraisal of the impacts and potential solutions to address them may be required to be undertaken by applicants of any major-scale planning application in Alness".

AL01 Willowbank

John McRae (1324102)

There is an extant planning permission for the allocation 04/00223/FULRC. If a new planning application was submitted for the site, then it would be for the developer to demonstrate that surface water flooding and drainage has been considered. The Strategic Environmental Assessment of the site did not identify any issues with flooding or surface water flooding, therefore it not considered that any additional mitigation is necessary.

AL02 Crosshills

Michael Fraser (1312487)

Support in principle for the allocation is noted. Planning permission was granted (18/00999/FUL) for access to the site to be taken via Caplich Road, but not via Invercarron. This was to create a new access road from Caplich Road to two existing houses, providing a separate access to them which negates the need to share the access road to the north with industrial traffic into Crosshills Farm and the quarry. An indicative masterplan was provided as part of the application which demonstrates that the private access granted in this application is capable of being incorporated as part of a wider scheme for the site and the access has been constructed to a standard that would allow ease of upgrading for the wider site. The access has been built and notice of completion submitted. Accordingly, the Council believes the allocation should be retained without modification.

AL03 Milnafua Farm

Tom Coopland (1312456)

It has been brought to the attention of the Council that the representee's garden ground is included in the allocation and that it should be removed from the boundary. If the Reporter agrees, it is deemed that it would be appropriate to remove this garden ground to ensure that the allocation only contains land which is able to be developed.

AL04 Whitehills

Lachlan Robertson (1312457)

Access along Birch Road has been partially formed and footpaths added on either side of the road. It is accepted that at a point, Birch Road turns into a single track road with passing place however a developer requirement is included for road widening and footpath provision along Old Milnafua Road (also known as Birch Road).

There is already a Transport Assessment which covers development at AL03 and AL04. Further information is provided above in the response to Non-Inclusion of Land at Alness East.

The site is currently allocated for housing (part of AL2) in the aIMFLDP and at present the site whilst being a field, has no amenity value. The development of allocation AL04 will result in the creation of formal amenity space for the residents which in the future is could to become protected greenspace. In addition, IMFpLDP2 Policy 2 Nature Protection, Preservation and Enhancement, requires developments to contribute towards the enhancement of biodiversity.

The developer of the site will be required to contribute towards any increased infrastructure provision required as a direct consequence of the development consistent with the Council's Developer Contributions Supplementary Guidance, this includes increased school capacity and upgrades to road infrastructure.

AL06 Obsdale Road

Highland Housing Hub (1154846)

Support for inclusion of site is noted. AL06 is a carry forward of site AL10 in the aIMFLDP – Mixed Use for Housing, Business and Community. During the CfS stage it was requested that it was allocated just for housing however it was decided to continue with the Mixed Use allocation due to proximity to existing residential areas and relatively easy access to key facilities and employment opportunities (including via active travel and public transport). The site would deliver many of the factors associated with a 20-minute community. Considering these merits it is accepted that land to east would be a natural extension to the site in the longer term however, as set out in the Housing needs and Demand Assessment, there is sufficient housing land for the Plan period and comments made regarding the housing land supply within the Plan are addressed within Issue 3: Housing Requirements. If the Reporter is so minded the Council would support an additional developer requirement for ensuring an access point into the land to east is safeguarded for future longer-term growth.

AL08 West and South of Dail nan Roca

Nicol Simpson (1323208)

The allocation is already allocated in the aIMFLDP, sites AL12 and AL18. The developer requirements for the site include a landscaping scheme which retains mature trees where possible and provides additional screen planting. This should be sufficient to ensure that any development proposal coming forward assesses any potential impact on nearby residential properties.

Veda McClorey (966974)

The vast majority of the site is allocated in the aIMFLDP as two allocations – AL12 West Of Teaninich Wood (Business Use) and AL18 South of Dal nan Rocas (Industrial use). In IMFpLDP2 the two sites have been amalgamated to form AL08 West and South of Dail nan Roca. A small amount of additional land is included at the northern boundary and at the southwestern boundary the allocation is extended towards Ballachraggan. This revised boundary reflects an extent permission - 16/01816/FUL - Formation of access roads, services, landscaping and plots to create mixed use commercial/business park.

Detailed planning applications for the development of each plot will be required to be submitted. Concerns about noise and air pollution, lighting, the appearance of buildings and amenity can be addressed at the development management stage.

It is essential to provide a sufficient amount of employment land to meet anticipated future demand. Whilst here may be a number of existing vacant units within Alness, the Plan is a

long term plan for growth. The Plan's Settlement Hierarchy [THC***] sets out a strategic view on where future growth should occur, targeting future growth at locations which are most economically viable and environmentally sustainable. In the settlement hierarchy Alness is a Tier 1 settlement; Tier 1 settlements are identified as the most sustainable locations suitable for a strategic scale of growth.

The site comprises prime agricultural land. Scottish Planning Policy advises that development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy. It is therefore considered that loss of prime agricultural land at this location, whereby Alness is listed as Tier 1 settlement in the Plan's Settlement Hierarchy, is consistent with Scottish Planning Policy.

A burn runs adjacent to the western boundary of the site. Flood risk has been considered through the Strategic Environmental Assessment and suitable Developer Requirements have already been identified which will ensure that the issue is fully addressed as part of the planning application process. These requirements include the need for a "Flood Risk Assessment (no development in areas shown to be at risk of flooding) and a Drainage Impact Assessment".

In terms of impact to wildlife, any future developer will have to comply with statutory controls to ensure that protected species are not disturbed. There is also protection offered through HwLDP Policy 57 Natural, Built and Cultural Heritage, Policy 58 Protected Species and Policy 59 Other Important Species.

Accordingly, the Council believes the allocation should be retained without modification.

AL09 South of Teaninich Road

Pat Munro (Alness) Limited (1312301)

Support for business and tourism uses is noted. It is acknowledged that there is a nursing home to the north of the allocation and the access road runs along the southern boundary of the allocation. The representee asserts that retirement/assisted living housing with shared facilities and care services, could be co-located beside the nursing home and residents could benefit from shared services with the nursing home.

NHS Highland and THC produced an assessment of elderly adapted housing need for the HNDA [THC***] where it is accepted that additional community-based housing solutions will minimise future pressure on health services and care homes. IMFpLDP2 recognises that meeting the needs of our aging population is important and introduces Policy 13 Accessible and Adaptable Homes.

However this site, whilst adjacent to a nursing home, is isolated from other residential areas and does not provide easy accessibility to services and it not considered an appropriate location for retirement/assisted living housing.

The allocation of the entire site for business/tourism use continues to be considered appropriate to allow for further business or tourism development on the site. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

AL11 Alness Point

Cotriona MacDonald (1310228)

Any issues of privacy, roads, lighting and paths would be considered at development management stage. Proposals will be considered against various policies of the

Development Plan in particular Policy 28 Sustainable Design and Policy 34 Settlement Development Areas in relation to the delivery of an appropriate Design.

For wildlife and greenspace, there is already protection from HwLDP Policy 57 Natural, Built and Cultural Heritage, Policy 58 Protected Species and Policy 59 Other Important Species to ensure any impacts are addressed and mitigated. Also, under IMFpLDP2 Policy 2 Nature Protection, Preservation and Enhancement, the development would be required to contribute towards the enhancement of biodiversity.

The developer requirements already include: protect and enhance existing woodland and individual trees; no construction activity within Root Protection Area; Protected Species Survey; high quality siting, design and landscaping; improve active travel linkages out with the site towards the town centre; retain and where possible enhance the core path network. The placemaking priorities also include: to improve and expand on active travel links between sites and between the town and coast.

SEPA (906306)

The allocation is a continuation of an existing business allocation which is an established business park with four sites already developed. It continues to provide opportunity for business expansion and employment opportunities. There are six sites remaining for development and infrastructure is already in place. However, the Council recognises the impact that flood risk can have and if the Reporter is so minded to amend the Flood Risk developer requirement, then the Council will support this.

Woodland Trust Scotland (1312249)

There are Developer Requirements which protect the woodland: 'protect and enhance existing woodland and individual trees' and 'no construction activity within Root Protection Area'. These requirements sit alongside protection already offered through HwLDP policies Policy 51 Trees and Development and also Policy 57 Natural, Built and Cultural Heritage which provide protection for woodland in and adjacent to the site. Accordingly, the Council believes the allocation should be retained without modification.

NatureScot (1266529)

Coastal erosion was considered through the Strategic Environmental Assessment, and it identified an area of potential coastal erosion to the east of the site. It was determined that no mitigation was required. However, NatureScot is indicating that the risk from flooding is more of a threat than previously acknowledged and any future engineered coastal defences could adversely affect the intertidal habitat interests of Cromarty Firth SSSI and the Cromarty Firth SPA.

This allocation continues to be an important established business park in Alness with sites already developed, infrastructure in place and it continues to provide opportunities for business expansion and employment opportunities. The Council believes that with appropriate additional developer requirements and mitigation from an updated HRA and Appropriate Assessment, that the site can remain as an allocation. As such the Council is resistant to not continuing to allocate the site.

If the Reporter is so minded, the Council would support additional developer requirements for: nature-based solutions to protect and enhance water courses; and an appraisal of the sustainability of the development against potential coastal change and effects on flood risk and that there should be no hard engineered defences. The Council would also support

additional settlement text at paragraph 107 which recognised that coastal erosion was a risk and that it poses a threat to inter-tidal habitats in the Cromarty Firth SPA

NatureScot's response to the Strategic Environmental Assessment also suggests that additional mitigation should be included that ensures that built development is avoided near the coastal edge, and/or is only permitted if there are clear provisions for re-location or demounting if required by coastal change risk. If the Reporter is so minded, the Council would support this additional developer requirement.

In terms of biodiversity, IMFpLDP2 Policy 2 'Nature Protection, Preservation and Enhancement' of the Plan seeks to ensure that development proposals demonstrate a positive contribution to biodiversity.

AL15 Dalmore Distillery

Woodland Trust Scotland (1312249)

The boundary of the site is the same as the one currently in the aIMFLDP (AL19) and is the established site of Dalmore Whiskey Distillery and it is allocated in IMFpLDP2 to support the expansion and/or intensification of the distillery. The existing developer requirements for this site includes protect and enhance mature trees. This requirement sits alongside protection already offered through HwLDP policies Policy 51 Trees and Development and also Policy 57 Natural, Built and Cultural Heritage which provide protection for woodland in and adjacent the site. Accordingly, the Council believes the allocation should be retained without modification.

Reporter's conclusions:

Reporter's recommendations:

Issue 31	Evanton	
Development plan reference:	Evanton	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Alpin MacDonald (1323213) Highland Deephaven Ltd (1323073) Highland Housing Hub (1154846) Kiltearn Community Council (1323212) Mr & Mrs A McArthur per Bidwells LLP (1217486) Network Rail (1312503) William Shirran (1323119)</p>		
Provision of the development plan to which the issue relates:	Evanton	
Planning authority's summary of the representation(s):		
<p>Placemaking Priorities <u>Highland Deephaven Ltd (1323073)</u> Supports specific reference being made to the re-opening of the rail-halt as a placemaking priority. Seeks inclusion of additional placemaking priority text which refers to a rail siding to serve industrial operations and to support the sustainable movement of freight.</p> <p><u>Network Rail (1312503)</u> Supports the aspiration to open a rail halt with potential links to Highland Deephaven, and the recognition that it would be subject to STAG appraisal to assess the potential viability of the proposal.</p> <p>Settlement Map 13 Evanton <u>Highland Housing Hub (1154846)</u> Objects to the non-inclusion of land at Culcairn (MIR site reference EV05). Land is currently allocated in the adopted plan and the Housing Hub is aware that a new application for housing will be submitted imminently that will reflect the permission previously granted in January 2019 (16/01842/PIP).</p> <p><u>Kiltearn Community Council (1323212)</u> Asserts that the location of the Primary School is not considered sustainable because: current location has been in use for over 100 years and was appropriate when the village was smaller and more geographically balanced and when people were not accessing the school via cars; the village has grown substantially, and the school has been replaced and extended; lack of parking causes road safety issues at drop off and pick up times and drop-off parking in village centre does not resolve the issue. The time has come for a new school to be built in a more suitable location which would meet community needs now and in the future. Kiltearn Community Council would like the Plan amended to allow for land to be allocated for a new school on the western edge of the existing Teandallon Park,</p>		

possibly on some of the land allocated for housing. This was proposed previously in the 1970s. Request that the land allocated for a new school includes the following requirements: more usable drop-off facilities, accompanied by traffic management which restricts traffic to "one way" during peak times; existing 30PMH speed limit is extended beyond the cross roads junction serving the burial ground, which would also alert road users to the village entrance and make the junction safer.

Alpin MacDonald (1323213)

Supports current location of Primary School because: suitable location for village; in good condition; easily extended; will last for many years; is an original community school with sports/community centre. The B817/A9 junction at Drummond should be light controlled at busy times or have a round-about junction. It is unacceptably dangerous now. Queries the following: Where do the population figures come from; why is land not allocated at Culcairn; Why was the area safeguarded for commerce at Balconie altered to housing; what plans are there to make commercial development in the village centre possible and safe, they are not currently safe.

EV01 Teandallon

Alpin MacDonald (1323213)

The main priority should be a requirement for a road crossing over the River Sgitheach to take Teandallon and Swordale traffic away from the village streets and to help alleviate traffic problems at the Primary School. This road should be in place before any further development at Teandallon is allowed. No pre-development consultation was carried out before the present Teandallon housing, the community was presented a detailed architect's plan which was impossible to change at such a late stage. This type of meaningless consultation should not happen again.

EV02 Southeast of Evanton Bridge

Mr & Mrs A McArthur per Bidwells LLP (1217486)

Landowner supports the allocation of the site for housing, supports the housing capacity figures, confirms that the site remains effective and supports Evanton's place in the settlement hierarchy as an economically viable and environmentally sustainable place. Notes that the Proposed Plan forecast for future population and households indicates stability rather than rapid growth and as such the overall housing land allocation for Evanton has been considerably reduced in particular with land at Culcairn no longer allocated and supports the subsequent reconfiguration of the settlement boundary which will address the previous oversupply of housing within the settlement. It is acknowledged that the Plan is aiming to address uncertainty in the market place and follow the Scottish Government's approach in National Planning Framework 4, a Minimum Housing Land Requirement (MHLR) over a 10 year time period. This is considered sensible as well as the use of capacity and phasing of allocations to provide flexibility to go beyond this minimum. Questions why the capacity of EV02 is restricted to 5 units in the first ten years particularly when Culcairn is now omitted from the plan and the allocation for Teandallon has a far greater figure of 56 units in the same time frame. Seeks the capacity to be amended to 30 units in the first ten years.

William Shirran (1323119)

Objects to the site just being allocated for housing; considers that using it only for housing is a missing a unique opportunity to develop it as a focal area for the long-term benefit of the community. Seeks amendment to have it allocated for Community/ Mixed Use area encompassing an inclusive community facility incorporating the Primary School, Community Hall, Sports Centre and Sports Pitches, parking and public toilets. Similar

successful Community Centres have been developed at Ardross and Culbokie and have provided a focus for regeneration of their communities. With additional housing being built in the village this solution is urgent. A map is provided [*]. Reasons provided for seeking amendment to the prescribed uses in the allocation: Historically the land has been used for agriculture but the community also use it for recreational purposes including village events, school cross country training, winter sledging, dog walking etc; the eastern, higher part of the area provides stunning views over the village towards Fyrish and is a popular spot for picture taking; many of the existing community facilities in the village are no longer fit for purpose and will soon require upgrading or replacement - Kiltearn Primary School is 60 years old, with inadequate parking, no drop off area and limited sports areas, the adjacent sports centre is in reasonable condition but facilities are out-dated, Jubilee Hall is out dated, with no parking or disabled access and kitchen and toilet facilities are no longer fit for purpose; village lacks public toilets; would allow existing primary school site, Sports Centre site and Diamond Jubilee Hall to be developed for housing; new sport pitches would complement existing Black Rock recreation field at the north end of the village. Notes that the northern lower-lying area adjacent to the River Sgitheach is an important flood relief area and should not have built development on it.

EV03 Drummond Farm

Mr & Mrs A McArthur per Bidwells LLP (1217486)

Landowner supports the allocation of the site for housing, supports the housing capacity figures, confirms that the site remains effective and supports Evanton's place in the settlement hierarchy as an economically viable and environmentally sustainable place. Notes that the Proposed Plan forecast for future population and households indicates stability rather than rapid growth and as such the overall housing land allocation for Evanton has been considerably reduced in particular with land at Culcairn no longer allocated and supports the subsequent reconfiguration of the settlement boundary which will address the previous oversupply of housing within the settlement. It is acknowledged that the Plan is aiming to address uncertainty in the market place and follow the Scottish Government's approach in National Planning Framework 4, a Minimum Housing Land Requirement (MHLR) over a 10 year time period. This is considered sensible as well as the use of capacity and phasing of allocations to provide flexibility to go beyond this minimum. Questions why the capacity of EV03 is restricted to 5 units in the first ten years particularly when Culcairn is now omitted from the plan and the allocation for Teandallon has a far greater figure of 56 units in the same time frame. Seeks the capacity to be amended to 15 units in the first ten years.

EV05 Evanton Industrial Estate

Highland Deephaven Ltd (1323073)

Paragraph 151 of the Proposed Plan refers to opportunities for intensification/expansion at Highland Deephaven and that it is not included in the village map as it is included within the section on Economic Development Areas. Site EV05 is within Highland Deephaven's ownership and forms a key component of their overall masterplan vision for the wider Highland Deephaven site (allocation reference HD01). Request that paragraph 151 references this ownership and masterplan vision for Highland Deephaven Economic Development Area. Request that EV05 forms part of the Highland Deephaven Economic Development Area allocation (allocation reference HD01) rather than a separate allocation within the Evanton settlement. Alternatively, it is requested that cross-reference is made to allocation reference HD01: Highland Deephaven within the developer requirements. Agrees with the statement in Paragraph 154 regarding the re-opening of the rail halt. Request that text is included in relation to the proposed rail siding to serve industrial operations at Highland Deephaven (allocations HD01 and EV05) and the

environmental benefits that this could create in relation to freight movement. This would be in accordance with the previous planning consent (now lapsed) and reference to the rail siding in the adopted Inner Moray Firth Local Development Plan 2015.

Developer requirements:

- Seeks removal of - 'any crossings should be bottomless arched culvert or traditional style bridges'. Considered overly prescriptive for an LDP and would be more appropriate to address at planning application stage when the specific development parameters are known.
- Seeks clarification on the developer requirement: '6m buffer from built development' and if this specifically relates to the previous requirement in relation to the protection of watercourses/features.

Modifications sought by those submitting representations:

Placemaking Priorities

Highland Deephaven Ltd (1323073)

Seeks inclusion of additional placemaking priority text which refers to a rail siding to serve industrial operations and to support the sustainable movement of freight.

Network Rail (1312503)

None

Settlement Map 13 Evanton

Highland Housing Hub (1154846)

Re-allocation of land at Culcairn - MIR site reference EV05, however it is assumed that they are seeking land also identified as EV01 in the MIR, as both together reflect the site allocated in the aIMFLDP.

Kiltearn Community Council (1323212)

Seeks a site for a new Primary School on the western edge of the existing Teandallon Park and potentially on some of the land allocated for housing at EV01 Teandallon. Request that the land allocated for a new school includes the following requirements: more usable drop-off facilities, accompanied by traffic management which restricts traffic to "one way" during peak times; existing 30PMH speed limit is extended beyond the cross roads junction serving the burial ground, which would also alert road users to the village entrance and make the junction safer.

Alpin MacDonald (1323213)

Re-allocate land at Culcairn (assumed). Erect traffic lights at B817/A9(T) junction

EV01 Teandallon

Alpin MacDonald (1323213)

A new road crossing over the River Sgitheach before any further development at Teandallon is allowed (assumed)

EV02 Southeast of Evanton Bridge

Mr & Mrs A McArthur per Bidwells LLP (1217486)

Increase capacity to 30 units.

William Shirran (1323119)

Seeks site to be allocated for Community/Mixed Use encompassing an inclusive

community facility incorporating the Primary School, Community Hall, Sports Centre and Sports Pitches, parking and public toilets. Does not want site allocated for housing (assumed).

EV03 Drummond Farm

Mr & Mrs A McArthur per Bidwells LLP (1217486)

Increase capacity to 15 units.

EV05 Evanton Industrial Estate

Highland Deephaven Ltd (1323073)

Request that paragraph 151 references that Site EV05 is within Highland Deephaven's ownership and forms a key component of their overall masterplan vision for the wider Highland Deephaven site (allocation reference HD01). Add EV05 to the Highland Deephaven Economic Development Area, alternatively request that cross-reference is made to allocation HD01: Highland Deephaven within the developer requirements. Remove the Developer Requirement that 'any crossings should be bottomless arched culvert or traditional style bridges' Add as a placemaking priority reference to a rail siding to serve industrial operations and to support the sustainable movement of freight. In paragraph 154 add text in relation to the proposed rail siding to serve industrial operations at Highland Deephaven (allocations HD01 and EV05) and the environmental benefits that this could create in relation to freight movement.

Summary of responses (including reasons) by planning authority:

Placemaking Priorities

Highland Deephaven Ltd (1323073)

Support for the specific reference being made to the re-opening of the rail-halt as placemaking priority is noted. Paragraph 154 refers to the aspiration to re-open the rail halt and that achieving it would provide an environmentally sustainable transport connection for employment at Deephaven. The Council agrees with the principle of a rail siding to serve the industrial operations and to support the sustainable movement of freight. It would help maximise the use of and connections to any new rail halt and would in turn help deliver the Transport Strategy for the Plan. If the Reporter agrees and is so minded, an additional placemaking priority could be added, or extra text added to the first placemaking priority, to state: "Rail siding to serve industrial operations and to support the sustainable movement of freight".

Network Rail (1312503)

Support noted for placemaking priority on the aspiration to open a rail halt.

Settlement Map 13 Evanton

Highland Housing Hub (1154846)

Culcairn is an allocated site (EV3) for Mixed Use (160 homes, business and community) in the aIMFLDP. Planning in Principle (16/01842/PIP) was granted on 15/01/2019 for a mixed use development comprising 160 houses and business/community uses. There were no comments received on the site during the Call for Sites. In the MIR the site was shown as two separate sites EV01 Culcairn Phase 1 as a preferred site and EV05 Culcairn as an alternative site. No comments were received on either site. In the MIR, EV01 was based on the approved masterplan which showed this area as Phase 1 providing 40 houses. As was set out in the report to the Easter Ross Committee in November 2021 [*], it is no longer clear if there is active developer interest in the site. There is sufficient viable housing land in other allocated sites including at EV01

Teandallon which benefits from planning permission and phase 1 of development is underway. The Housing Hub indicates that they are aware that a new application for housing is imminent, however at present no formal pre-application advice has been sought and no PAN has been submitted.

Kiltearn Community Council (1323212)

Education infrastructure needs are based on a combination of factors, but most importantly the School Roll Forecasts and Housing Land Audit. Both these sources of data are reviewed on an annual basis and the pressures can change over time and even from year to year. It is acknowledged that Kiltearn Primary School requires a major extension/new school as outlined in the Delivery Programme [*] however as set out in the 'Medium Term Financial Plan – Capital Strategy and Capital Programme to 2036/37' report which was approved by the Highland Council in December 2021 [*], there is no commitment made to providing a new school. IMFpLDP2 recognises in paragraph 150 that the school has limited capacity and one of the Placemaking Priorities is to address limited capacity at Kiltearn Primary School. EV03 Drummond Farm is allocated for Mixed Use for Housing and Community Uses. The community use is to allow for possible future expansion of the Primary School. Teandallon Park is greenspace and the land to the west of it suggested as a site for a new school is allocated for housing (EV01) and benefits from planning permission for housing. Accordingly, the Council believes the allocation at EV01 should be retained without modification.

Alpin MacDonald (1323213)

Support for current location of Primary School is noted. During the IMFpLDP2 consultation there has been no concerns raised by Transport Scotland in relation to the B817/A9(T) junction. Population figures come from the 2011 Census which gave the population of Evanton as 1379 [*]. With regards to land at Culcairn, as was set out in the report to the Easter Ross Committee in November 2021 [THC***], it is not allocated as it is no longer clear if there is active developer interest in the site. There is sufficient viable housing land in other allocated sites including at EV01 Teandallon which benefits from planning permission and phase 1 of development is underway. Allocations beside Balconie Street in the aIMFLDP are EV2 Southeast of Evanton Bridge (housing) and EV4 Drummond Farm (Mixed Use – Housing and Community). In the IMFpLDP2 they are allocated at EV02 and EV03 respectively for the same uses. Commerce was not an identified use for either site, so it is unclear why the representee is suggesting that an area allocated for commerce has been changed to housing. IMFpLDP2 recognises the importance of town centres and seeks to reinforce the role of town centres as the heart of our communities (paragraph 55), however Evanton is not identified as one of the settlements covered by Policy 6 Town Centre First.

EV01 Teandallon

Alpin MacDonald (1323213)

Development is already underway at Teandallon via a phased approach in accordance with planning permission 19/05404/FUL for 140 units [*]. A bridge crossing providing a link to Drummond Road over the River Sgitheach is a developer requirement for this site in the aIMFLDP. However, it did not form part of the proposal set out in 19/05404/FUL. In the Committee Report for the planning application [*], it was stated that whilst a new road crossing would be desirable it was recognised in the Committee Report that the costs of providing one would be substantial and that instead the focus should be on improving the active travel link to the village and a safe route to school. It also noted that a future footbridge would serve the Primary School but would have limited benefit to the wider community. A Transport Assessment prepared for the application concluded that a road

bridge was not required to support the development of the Teandallon site.

Paragraph 153 of IMFpLDP2 states that there remains a desire to achieve a bridge over the River Sgitheach between Teandallon and Drummond Road and it would primarily support an active travel link but may also provide a road link and could alleviate internal road capacity issues. Equally Placemaking Priorities 13 state that there is support for active Travel links over the River Sgitheach. The developer requirements for EV01 state that any alternative proposals to 19/05404/FUL must address improving active travel linkages out with the site, especially towards the Primary School over the River Sgitheach and a Transport Assessment including new access road and bridge crossing linking Drummond Road over the River Sgitheach. In reference to the claim that no pre-development consultation was undertaken for the site, as part of the Development Management process, a Proposal of Application Notice (PAN) 18/01209/PAN [*] was submitted in March 2018 to the Council. There was also consultation carried for the planning application. Accordingly, the Council believes the allocation should be retained without modification.

EV02 Southeast of Evanton Bridge

Mr & Mrs A McArthur per Bidwells LLP (1217486)

Support for the allocation of the site for housing, housing capacity figures and Evanton's place in the settlement hierarchy are noted. It is also noted that the site is confirmed as remaining effective. Whilst there has been no development happened on the site, the merits of the site are recognised - it is within active travel distance of the school and the village centre, with footpaths connected to both. The Plan's Settlement Hierarchy [*] sets out a strategic view on where future growth should occur, targeting future growth at locations which are most economically viable and environmentally sustainable. In the settlement hierarchy Evanton is a Tier 2 settlement; Tier 2 settlements are identified as a sustainable location suitable for a modest scale of growth.

Each allocated site with a housing component has a stated indicative capacity. The main capacity figure is the number of residential units expected to be completed within 10 years and the bracketed second figure is the expected total for the entirety of the allocation i.e. units expected to be completed beyond year 10 of the Plan period. For this site it is set out that the overall capacity for the site is 30 units and that in the first 10 years of the Plan period, 5 of those units will be built. The site is currently allocated for housing (30 units) in the aIMFLDP and prior to that was allocated for housing in the Ross and Cromarty East Local Plan. The settlement hierarchy has influenced the indicative capacity of sites.

The allocations in Evanton are of a scale that provides a generous supply of housing land to meet the requirement in the East Ross Housing Market during the Plan period. As per paragraph 30 of IMFpLDP2 the housing requirements for East Ross have been increased by 10% to allow for employee need/demand associated with the likely expansion of renewables and other 'green' industries in the area. Comments made regarding the housing land supply within the Plan are addressed within Issue 3: Housing Requirements. Teandallon has planning permission for 140 units. Phase 1 is for 40 units and this is currently on site. Phase 2 is for 16 units and it is considered that this is feasible over the 10 year plan period. Accordingly, the Council believes the allocation should be retained without modification.

William Shirran (1323119)

Education infrastructure needs are based on a combination of factors, but most importantly the School Roll Forecasts and Housing Land Audit. Both these sources of data

are reviewed on an annual basis and the pressures can change over time and even from year to year. It is acknowledged that Kiltearn Primary School requires a major extension/new school as outlined in the Delivery Programme [*] however as set out in the 'Medium Term Financial Plan – Capital Strategy and Capital Programme to 2036/37' report which was approved by the Highland Council in December 2021 [*], there is no commitment made to providing a new school. IMFpLDP2 recognises in paragraph 150 that the school has limited capacity and one of the Placemaking Priorities is to address limited capacity at Kiltearn Primary School. EV03 Drummond Farm is allocated for Mixed Use for Housing and Community Uses. The community use is to allow for possible future expansion of the Primary School. It is acknowledged by the Council that the land at EV02 could have the potential for community uses however this proposal was not raised earlier in the plan process and it is unclear if the landowner would be willing to accept no housing on the site.

EV03 Drummond Farm

Mr & Mrs A McArthur per Bidwells LLP (1217486)

Support for the allocation of the site for housing, housing capacity figures and Evanton's place in the settlement hierarchy are noted. It is also noted that the site is confirmed as remaining effective. Whilst there has been no development happened on the site, the merits of the site are recognised - it is within active travel distance of the school and the village centre, with footpaths connected to both. The Plan's Settlement Hierarchy [*] sets out a strategic view on where future growth should occur, targeting future growth at locations which are most economically viable and environmentally sustainable. In the settlement hierarchy Evanton is a Tier 2 settlement; Tier 2 settlements are identified as a sustainable location suitable for a modest scale of growth.

Each allocated site with a housing component has a stated indicative capacity. The main capacity figure is the number of residential units expected to be completed within 10 years and the bracketed second figure is the expected total for the entirety of the allocation i.e. units expected to be completed beyond year 10 of the Plan period. For this site it is set out that the overall capacity for the site is 15 units and that in the first 10 years of the Plan period, 5 of those units will be built. The site is currently allocated for housing (30 units) in the aIMFLDP and prior to that was allocated for housing in the Ross and Cromarty East Local Plan. The settlement hierarchy has influenced the indicative capacity of sites.

The allocations in Evanton are of a scale that provides a generous supply of housing land to meet the requirement in the East Ross Housing Market during the Plan period. As per paragraph 30 of IMFpLDP2 the housing requirements for East Ross have been increased by 10% to allow for employee need/demand associated with the likely expansion of renewables and other 'green' industries in the area. Comments made regarding the housing land supply within the Plan are addressed within Issue 3: Housing Requirements. Teandallon has planning permission for 140 units. Phase 1 is for 40 units and this is currently on site. Phase 2 is for 16 units and it is considered that this is feasible over the 10 year plan period. Accordingly, the Council believes the allocation should be retained without modification.

EV05 Evanton Industrial Estate

Highland Deephaven Ltd (1323073)

It is noted that Site EV05 is within Highland Deephaven's ownership and forms a key component of their overall masterplan vision for the wider Highland Deephaven site (allocation reference HD01). If the Reporter is so minded, it is suggested that the following statement replaces the final sentence of paragraph 151 in the Evanton settlement text:

“HD01 Highland Deephaven and EV05 Evanton Industrial Estate fall under the same ownership and together they form a key component of the overall vision for the wider Highland Deephaven site”. Whilst it is acknowledged that a cross-reference in both the Evanton and Highland Deephaven sections would be useful to highlight and promote the interlinked development opportunities on either side of the A9, the merger of site EV05: Evanton Industrial Estate with HD01: Highland Deephaven is not necessary. Although the land at ED05 sits within the same ownership of HD01, it is separated by the A9 Trunk road. Therefore, if the Reporter is so minded, it is suggested that the following statement replaces the second sentence of the paragraph 151 in the Evanton settlement text:

“There are opportunities for intensification/expansion of business and industrial activities at Airfield Road and Evanton Industrial Estate (allocations EV04 and EV05) and at Highland Deephaven which lies immediately to the south and is identified as an Economic Development Area (allocated HD01)”.

The cross-reference within the Evanton and Highland Deephaven sections can also be strengthened to highlight the adjoining allocation. The Evanton settlement map can use the same colour scheme for sites outwith the SDA as used in the Highland Deephaven EDA map to show Highland Deephaven EDA. The reference on the maps can also be amended, from “see Highland Deephaven map” to “see HD01: Highland Deephaven Economic Development Area”. Given there is a cross reference in the text, the allocation code and name will also be added to the map. The developer requirement ‘any crossings should be bottomless arched culvert or traditional style bridges’ was agreed with SEPA during the SEA process and the Council does not consider it overly prescriptive. It is there as mitigation, the detail of which can be agreed at development management stage. The developer requirement: ‘6m buffer from built development’ specifically relates to the previous requirement in relation to the protection of watercourses/features. Support for the statement in paragraph 154 regarding the re-opening of the rail halt is noted and the aspiration for rail sidings at Highland Deephaven is also noted. Therefore, if the Reporter is so minded, it is suggested that the following statement is added after the third sentence of paragraph 151 in the Evanton settlement text: “A rail siding to serve industrial operations at HD01 Highland Deephaven and EV05 could also create environmental benefits in relation to freight movement”.

Reporter’s conclusions:

Reporter’s recommendations:

Issue 33	Invergordon	
Development plan reference:	Plan sections, PDF Pages 169 - 176	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Bannermans Group (1312019) David Charnley (1310765) Highland Housing Hub (1154846) Port of Cromarty Firth (1178440) Roderick & Christopher Mackenzie per GHJ (1219491) Scottish Government (Transport Scotland) (1324298) Stephen Smith (1323108)</p>		
Provision of the development plan to which the issue relates:	Invergordon, PDF Pages 169 - 176	
Planning authority's summary of the representation(s):		
<p>Settlement Map <u>Roderick & Christopher Mackenzie per GHJ (1219491)</u> Objects to the non-inclusion of 'Castle Grounds, Rosskeen' within the Plan, which is currently allocated in the adopted IMFLDP as site reference IG4: House of Rosskeen, for the following reasons:</p> <ol style="list-style-type: none"> 1) the Housing Land Supply assumptions are unlikely to be sufficient to deal with the needs and demand presented in Invergordon, Easter Ross and the wider Inner Moray Firth area over the coming plan period; 2) the site is extremely well positioned in sustainable and location terms giving access to the path network, employment opportunities, education, recreation/leisure, community and public transport provision and is within a 20 minute walk of the town centre; 3) other housing sites being proposed for allocation in the Plan are not as effective: <ol style="list-style-type: none"> a. IG01: Cromlet has no private development potential and contamination issues b. IG02: Invergordon Mains is not understood to be available for development, is important farmland and close to Listed Buildings; c. IG03: Land south west of Railway Station has been allocated for 30 years, requires assembly, existing uses relocated, decontamination and viable house types likely to be limited to flats; d. IG04: Disused fuel tank farm will require high costs to remove the tanks, decontaminate and redevelop the site, the proximity to the distillery bonded warehouses pose a health and safety hazard and potentially undeliverable foul/surface water drainage infrastructure. <p>Whereas the proposed site has been actively marketed since 2015, attracting a number of interested developers including one that initiated formal Pre-application procedures for circa 70 houses on the site in 2017. Proposal of Application Notice and Screening Opinion request processes followed with more detailed</p>		

assessment/planning thereafter, all of which remains relevant. This work highlights that up to 60 homes could be suitably accommodated rather than the 30 identified in the adopted IMFLDP. The site offers opportunities for smaller houses, self-build plots and affordable housing all within a high quality environmental setting;

- 4) The town is well placed for development as it benefits from a wide range of facilities, good transport links and employment opportunities. The site is well contained in the landscape and secluded by mature woodland limiting the landscape and visual impact. The condition of the site including the mature woodland will be better safeguarded and ultimately enhanced as part of the site's development and further masterplanning; and,
- 5) the respondent's representations made during previous stages have not been carefully or properly considered. Misleading information was given to the Easter Ross Area Committee on 18 November 2021 about the status of the site being 'Hinterland', when it still lies within the Settlement Development Area boundary of Invergordon, as defined in the 2015 adopted Plan.

Respondent requests that the name of the site be 'Castle Grounds, Rosskeen' instead of 'House of Rosskeen' as per the adopted IMFLDP site reference as the house was sold from the original holdings.

Highland Housing Hub (1154846)

Objects to the non-inclusion of site Ault Sallan (Main Issues Report site reference IG09) because it is a small site which provides an alternative to larger scale proposals in the settlement and development would also help provide passive surveillance of existing play facilities.

Scottish Government (Transport Scotland) (1324298)

The Plan details in paragraph 179 for the Invergordon settlement statement "Transport Scotland is currently investigating options to address existing road safety issues at Tomich Junction, future development found to place additional impact on this Trunk Road asset may be required to make financial contribution towards any improvements made."

This statement requires to be amended to read; "Transport Scotland is currently investigating options to address existing road safety issues at Tomich Junction."

The Council should also identify any junction improvements required to accommodate the cumulative impact of development within Invergordon. Any future development found to impact on Tomich Junction will be required to make financial contribution towards any improvements. The infrastructure required along with who will fund and deliver it should be included within the Plan and within the draft Action Programme.

The reasons for these changes are:

- 1) to accord with Scottish Planning Policy (paragraph 274 and 275) and the draft NPF4 (including in Policy 8: Infrastructure First and Policy 10 Sustainable Transport) which both require appraisals of the impact which development proposed through a Local Development Plan will have on the transport network.
- 2) Transport Scotland considers any additional development utilising this junction will present a road safety concern and whilst they are investigating improvements to the junction, it will not address impacts arising from proposed development or create additional capacity for future development.

IG01: Cromlet

David Charnley (1310765)

Objects to more built development. Requests it be left undeveloped for trees and wildlife in line with Her Majesties Green Canopy.

IG02: Invergordon Mains

David Charnley (1310765)

Objects to more built development and the reduction of farmland.

IG03: Land south west of Railway Station

David Charnley (1310765)

Objects to more built development. Requests it be left undeveloped for trees and wildlife in line with Her Majesties Green Canopy.

IG04: Disused fuel tank farm

David Charnley (1310765)

That there is an over emphasis on housing and industrial/business uses in Invergordon and not enough on open spaces in the town and wildlife, trees and residents. Objects to more build development. Requests it be left undeveloped for trees and wildlife in line with Her Majesties Green Canopy and climate action.

IG05: Invergordon Harbour

Port of Cromarty Firth (1178440)

The landowner and Port Authority seeks approximately a 20ha expansion of IG05: Invergordon Harbour for industrial uses (manufacture of floating substructures, alongside assembly and integration) because: 1) the Port is part of the Opportunity Cromarty Firth consortium working to deliver transformational change to the Highlands from the renewable energy projects. The Cromarty and Inner Moray Firth region sits at the heart of these offshore wind developments and, by extension, at the heart of an emerging green hydrogen economy; 2) The Cromarty Firth is the only place to deliver on UK and Scottish Government targets of 60% local content and net zero by 2050. It has the overwhelming endorsement of industry and government. Independent studies confirm it is the only place in Scotland with the land space, some of the deepest waters and quaysides in the UK, sheltered anchorage locations, and a cluster of best-in-class companies and facilities, combined with the proximity to the windfarm sites. It can compete with established facilities abroad, and create the associated well-paid, sustainable jobs and opportunities for people and businesses across Scotland and the UK; 3) directly addresses the lack of port infrastructure highlighted in the SOWEC Strategic Investment Assessment and the Offshore Renewable Energy Catapult's strategic infrastructure study.

IG06: Inverbreakie Industrial Estate

Stephen Smith (1323108)

Respondent's house adjoins the allocation to the east and he objects to the allocation for the following reasons: 1) concerns that the proposed development by the distillery on the allocation will exacerbate existing significant light, noise and odour pollution; 2) risk of explosion if the still house is to be moved; 3) not been properly notified of the consultation and application.

IG06: Inverbreakie Industrial Estate and IG07: Cromarty Firth Industrial Estate

Bannermans Group (1312019)

Landowner of the allocation requests that it is expanded for industrial development as outlined in their attached map [*] for the following reasons: 1) strong commercial interest from a range of sectors. The area to the west of the Cromarty Firth Industrial Park has had interest for both solar energy generation and for whisky warehousing – both will bring

employment, green energy and increased non-domestic rates. The area to the east of Cromarty Firth Industrial Park is included in the OCF Green Freeport bid and could be used for renewable energy and associated business. Whilst the area at Saltburn is closer to housing, it has had previous industrial uses, the top soil has very little depth and can be reinstated a little expense and the rail line runs through the site which is of particular interest to industry; 2) aligns with the Governments & The Highland Council's objectives; 3) best transport links into and out of Invergordon with significant potential for the 'Hydrogen Northern Line Train Link'; 4) separated from residential areas, low lying and bounded by trees ensures any potential noise disruption is minimised. Additional/replacement tree planting can be delivered on more suitable land; 5) adjoins existing industrial sites and benefits from its own direct link to the piers and harbours; 6) part of the existing allocation site IG12: Delyn is in Bannerman's ownership, but it was not suitable for development.

Port of Cromarty Firth (1178440)

Seeks the expansion of land owned by Bannerman Group at IG07: Cromarty Firth Industrial Estate which has been earmarked for hydrogen production [*] because:

- 1) Opportunity Cromarty Firth consortium is working to deliver transformational change to the Highlands from the renewable energy projects. The Cromarty and Inner Moray Firth region sits at the heart of these offshore wind developments and, by extension, at the heart of an emerging green hydrogen economy;
- 2) The Cromarty Firth is the only place to deliver on UK and Scottish Government targets of 60% local content and net zero by 2050. It has the overwhelming endorsement of industry, government. Independent studies confirm it is the only place in Scotland with the land space, some of the deepest waters and quaysides in the UK, sheltered anchorage locations, and a cluster of best-in-class companies and facilities, combined with the proximity to the windfarm sites. It can compete with established facilities abroad, and create the associated well-paid, sustainable jobs and opportunities for people and businesses across Scotland and the UK;
- 3) the expansion land will directly address the lack of port infrastructure highlighted in the SOWEC Strategic Investment Assessment and the Offshore Renewable Energy Catapult's strategic infrastructure study.

Modifications sought by those submitting representations:

Settlement Map

Roderick & Christopher Mackenzie per GHJ (1219491)

Add the site 'IG4: House of Rosskeen' as allocated within the adopted IMFLDP as a Housing allocation with an indicative housing capacity of 60 units. Request that the name of the site be 'Castle Grounds, Rosskeen' instead of 'House of Rosskeen' as per the adopted IMFLDP site reference.

Highland Housing Hub (1154846)

Add the site Ault Sallan at Saltburn (Main Issues Report site reference IG09) for Housing use.

Scottish Government (Transport Scotland) (1324298)

Replace the following text in paragraph 179 "Transport Scotland is currently investigating options to address existing road safety issues at Tomich Junction, future development found to place additional impact on this Trunk Road asset may be required to make financial contribution towards any improvements made" with "Transport Scotland is currently investigating options to address existing road safety issues at Tomich Junction."

The Plan should identify any junction improvements required to accommodate the cumulative impact of development within Invergordon with any future development found to impact on Tomich Junction required to make financial contributions towards its improvement. The infrastructure required along with who will fund and deliver it should be included within the Plan and within the draft Action Programme.

IG01: Cromlet

David Charnley (1310765)

Remove the allocation from the Plan and protect as greenspace (assumed).

IG02: Invergordon Mains

David Charnley (1310765)

Remove the allocation from the Plan.

IG03: Land south west of Railway Station

David Charnley (1310765)

Remove the allocation from the Plan and protect as greenspace (assumed).

IG04: Disused fuel tank farm

David Charnley (1310765)

Remove the allocation from the Plan and protect as greenspace (assumed).

IG05: Invergordon Harbour

Port of Cromarty Firth (1178440)

Extend the boundary of IG05: Invergordon Harbour by approximately 20ha for industrial uses as per the attachment [*].

IG06: Inverbreakie Industrial Estate

Stephen Smith (1323108)

Remove the allocation from the Plan

IG06: Inverbreakie Industrial Estate and IG07: Cromarty Firth Industrial Estate

Bannermans Group (1312019)

Extend the site boundary as per the attachment [*].

Port of Cromarty Firth (1178440)

Extend the site boundary as per the attachment [*].

Summary of responses (including reasons) by planning authority:

Settlement Map

Roderick & Christopher Mackenzie per GHJ (1219491)

See Issue 3: Housing Requirement for the response to concerns raised about the general approach to identifying housing land requirements in the Plan. The Easter Ross Housing Market Area has experienced relatively low levels of housing pressure over recent times. Although the adopted IMFLDP allocated land for 915 homes in Invergordon, only one allocation has been developed since 2015 which was IG1: Former Victoria Garage for 19 affordable units. The low level of housing development pressure is reflected in the revised Housing Land Requirement for Easter Ross which, as a whole, is 752 homes over the next 10 years. This figure includes an additional 10% to take into account the uplift

which could arise in Easter Ross from economic activity associated with Opportunity Cromarty Firth's plans and bid for Green Freeport status.

In terms of Invergordon itself, the Plan allocates land for 270 homes within the next 10 years and identifies an additional 300 units at IG02: Invergordon Mains (a total of 570 units) for longer term growth. This is considered to provide sufficient land for the Plan period. The Council will monitor the situation and consider the need to undertake an early review of the Plan (or at least part of it), particularly if Green Freeport status is awarded and pressure for additional land emerges. It is acknowledged that the site itself has some planning merit, in particular its proximity to existing residential areas and relatively easy access to key facilities and employment opportunities, including via established active travel and public transport routes. With Invergordon supporting a wide variety of services and facilities, the site could deliver certain aspects associated with a 20 minute community. It is also noted that this would likely be a private sector led housing development.

However, taking into account the quantitative need, there are better alternative housing sites which are closer to the town and its facilities and more easily accessed. The constraints associated with the allocations IG03: Land south west of Railway Station and IG04: Disused fuel tank farm as highlighted by the respondent have been taken into account in the Plan's preparation. As prominent underutilised and brownfield sites their redevelopment have been prioritised over greenfield sites. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Highland Housing Hub (1154846)

The site is within Saltburn area which lies on the fringes of Invergordon and is relatively distant from key services and facilities. The site has some planning merit, including adjoining an established residential neighbourhood and being flat and easily developable. However, when compared against the other site options it is considered that there are better alternative sites. As noted above, the Council will monitor whether a plan review is required, at which time the allocation of the site could be reconsidered. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Scottish Government (Transport Scotland) (1324298)

As part of the plan preparation process the Council undertook a qualitative Level 1 Transport Appraisal, following the DPMTAG, and liaising with Transport Scotland throughout the process. This included providing potential trip generation figures, based on the TRICS database. Transport Scotland's comments relating to concerns over the potential for cumulative impacts upon the A9 Tomich junction, resulting from the sites allocated in Invergordon, are therefore noted. The Council continues to work with Transport Scotland on their review of the safety of Tomich Junction. The Council considers that Invergordon has the potential to grow in a sustainable way, in line with the modal hierarchy set out in National Transport Strategy (NTS). Therefore, whilst concerns about the potential for impacts on the A9 Tomich Junction, based on trip-rate predictions, are understandable, these are considered to be a worst-case scenario. With major shifts in policy (e.g. NTS & 20% reduction in car KM target by 2032) and funding (e.g. Bus Partnership Fund & minimum £320M budget for Active Travel by 2024/25) the Council expect actual trip rates to be more sustainable, particularly given the emphasis in the Plan on sustainable transport, set out in Policy 14: Transport.

Nevertheless, in order that the Plan can address Transport Scotland's concerns about the potential for cumulative impacts from development on Tomich Junction, if the reporter was

so minded, the Council would be content to amend paragraph 179 to read: "Transport Scotland is currently investigating options to address existing road safety issues at Tomich Junction." In addition, amend Placemaking Priority 6 to read: "Development in Invergordon may have the potential to cumulatively impact the A9 Tomich Junction. Following Transport Scotland's Strategic Transport Appraisal Guidance, an appraisal of the impacts and potential solutions to address them maybe required to be undertaken by applicants of any major-scale planning application in Invergordon."

IG01: Cromlet

David Charnley (1310765)

The site has been allocated for development in successive development plans due to its close proximity to key services and facilities and it being bounded by existing housing immediately to the north, east and south. The site also benefits from having recently been granted planning consent for 93 housing units (21/03683/PIP). Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

IG02: Invergordon Mains

David Charnley (1310765)

The site has been allocated for development in successive development plans due to its close proximity to key facilities and flat and easily developable. In recent years, there has been developer interest with initial masterplanning having been carried out. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

IG03: Land south west of Railway Station

David Charnley (1310765)

The site has been taken forward as a Mixed Use allocation due in part to efforts between the two main landowners (the Council and the Port of Cromarty Firth) to progress plans for the redevelopment of the site and make the most of the prominent gateway location. It is recognised that several fairly significant constraints need to be resolved prior to development taking place (including land assembly, particularly the areas under lease, and remediating any land contamination). These factors have been considered in allocating the site and, accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

IG04: Disused fuel tank farm

David Charnley (1310765)

The site is a major derelict brownfield site within the centre of Invergordon. Whilst it has been allocated in successive development plans for redevelopment, progress has been made in recent years and certain parts of the site are expected to come forward for development during the plan period. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

IG05: Invergordon Harbour

Port of Cromarty Firth (1178440)

The Port of Cromarty Firth in their role as key facilitator of the Opportunity Cromarty Firth's (OCF) bid for Green Freeport status request that the Plan reflect the content of the bid, including the allocation of the proposed 'tax sites'. In the case of Invergordon Harbour, the Port of Cromarty Firth have requested an expansion of the boundary of allocation IG05 by approximately 20ha to accommodate the manufacturing of floating substructures, alongside their assembly and integration. The response within Issue 11: Renewable Energy & Policy 7 Industrial Land, recognises the transformational potential which the green energy industry can have for the region, and justifies the Council's support for the

work of OCF and its bid for Green Freeport status.

The Council also recognise the strategic importance of Invergordon Harbour and the significant contribution it already makes to the economy of the Highlands. The Port of Cromarty Firth has successfully delivered several major expansions to the port in recent times, including the new £50M Quay West which was opened in 2021 and provides 372m of quayside and over 80,000sqm of open laydown space has been designed to attract offshore renewable projects. It is understood that there are no fixed plans for the proposed expansion of the harbour and several options are being looked at. Whilst the Port Authority are likely to be able to undertake such works as permitted development within the remit of their Harbour Revision Order, early discussions have taken place with the Council's Development Management team and Landscape Officer to flag up key issues. To inform the Marine Licence application an EIA will almost certainly be required. It is expected that the scope of the EIA will include assessment of key considerations including, amongst other issues, landscape and visual impacts, effects on the marine environment and impacts on the transport network. Whilst planning permission may not be required, given the likelihood of further expansion of the harbour, there is believed to be merit in the allocation boundary being enlarged to at least help raise awareness of these plans.

As set out in the Renewable Energy section of the Plan, the Council is open and willing to preparing Masterplan Consent Areas for sites within a Green Freeport – as indicated by the Scottish and UK governments in the joint prospectus [*] - as a means of front loading the planning system. If such a framework taken forward for this site, it would provide another, more formal opportunity for stakeholders (such as key agencies) to input and for further public scrutiny. If awarded Green Freeport status and the benefits and development opportunities are accelerated, the Council will monitor whether there is value in a review of the Local Development Plan within the next 5 years to reassess the strategy and supply and demand land use pressures. However, with crucial investment decisions relating to ScotWind being made in the short term – including the location of necessary manufacturing hubs – the Plan is expected to have significant influence in shaping the future of the area. It is apparent that the misalignment of the Development Plan with industry needs may risk such investment being lost from Scotland altogether.

Taking into account the above response (and that within Issue 11: Renewable Energy & Policy 7 Industrial Land) and noting the clear support provided by the Full Council Committee [*] for the proposals set out by OCF, the Council suggests to the Reporter that the boundary of the allocation is amended to reflect that of the Green Freeport bid [*]. If the Reporter is so minded to amend the allocation boundary, it is suggested that a Developer Requirement is added to ensure that further assessment and engagement is undertaken to determine suitable developable areas. This could be along the lines of: "exact developable areas to be determined through a masterplanning process with further input from and early engagement with key agencies and other stakeholders". In addition, and as outlined in greater detail within Issue 11: Renewable Energy & Policy 7 Industrial Land, to ensure that the Plan can best align with the priorities in the most appropriate way, including in relation to the key site allocations, the Council would welcome the opportunity to engage with the Reporter during the Examination process when the announcement is expected to have been made and further information becomes available on the implications for the area.

IG06: Inverbreakie Industrial Estate
Stephen Smith (1323108)

The land has been allocated for industrial uses in successive development plans. Permission has recently been granted for virtually all of the developable land at IG06: Inverbreakie Industrial Estate (application references 21/04936/FUL and 21/04937/FUL) for an anaerobic digestion facility and energy centre. Taking into account supporting information and assessment in relation to the noise, odour and air pollution, the Council's Environmental Health team raised no objection. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

**IG06: Inverbreakie Industrial Estate and IG07: Cromarty Firth Industrial Estate
Bannermans Group (1312019)**

The respondent, Bannerman Group, is a member of OCF and is one of the key landowners within the consortium. Bannerman Group request that a single allocation for industrial uses is created extending to approximately 253ha to the north of Invergordon. It would incorporate two existing allocations IG06 and IG07, which are both owned by the Bannerman Group. The response provided above (IG05: Invergordon Harbour) and that set out within Issue 11: Renewable Energy & Policy 7 Industrial Land, recognises the transformational potential which the green energy industry can have for the region, and justifies the Council's support for the work of OCF and its bid for Green Freeport status. As set out in the OCF Green Freeport bid [*], the proposed expansion extends beyond what has been submitted as part of the Green Freeport bid.

It is acknowledged that the land put forward has planning merit. It is generally flat, with few neighbouring residential properties and natural constraints and would be relatively easy to develop. It also lies within close proximity to the A9 trunk road, Far North Line and Invergordon Harbour, giving potential access to trunk road, rail and marine connections. Parts of the site, beyond what is proposed for allocation within the Plan, are allocated in the adopted IMFLDP. Approximately 12ha of land to the west of Cromarty Firth Industrial Estate is allocated in the adopted IMFLDP for Mixed Use (site reference IG8: Invergordon Mains North). In addition, parts of the 150ha industrial allocation IG12: Delny located to the east of Invergordon, which was allocated in the adopted IMFLDP for a proposed wood processing plant. The allocations were not taken forward as part of the Plan review as the landowner did not promote them for reallocation during previous stages and there was no known developer interest at that time. It is understood that the interest in developing the wood processing plant fizzled out shortly after the plan was adopted.

The Council is aware, however, that there is now developer interest in certain parts of the land now being promoted by the respondent. It is understood that the land to the east, extending into parts of the adopted allocation IG12: Delny, are being considered by investors for a major hydrogen hub. The ability to access rail, road and marine connections and proximity to industry are understood to be of particular benefit for such a facility. A proposal of application notice (22/03450/PAN) and screening request (22/03887/SCRE) has also recently been submitted by Whyte and Mackay to the Council for "whisky maturation warehousing, offices, associated roads and infrastructure" covering 49ha of land west of Cromarty Firth Industrial Estate. It is noted that since the Plan was published, permission has also been granted for an anaerobic digester associated with the adjoining Whyte and Mackay distillery on IG06 (planning references 21/04936/FUL and 21/04937/FUL). It is assumed that this is the reason that the respondent has not included the site within the land being promoted as part of this representation.

As set out in the Renewable Energy section of the Plan, the Council is open and willing to preparing Masterplan Consent Areas for sites within a Green Freeport – as indicated by

the Scottish and UK governments in the joint prospectus [*] - as a means of front loading the planning system. If such a framework taken forward for this site, it would provide another, more formal opportunity for stakeholders (such as key agencies) to input and for further public scrutiny. If awarded Green Freeport status and the benefits and development opportunities are accelerated, the Council will monitor whether there is value in a review of the Local Development Plan within the next 5 years to reassess the strategy and supply and demand land use pressures. However, with crucial investment decisions relating to ScotWind being made in the short term – including the location of necessary manufacturing hubs – the Plan is expected to have significant influence in shaping the future of the area. It is apparent that the misalignment of the Development Plan with industry needs may risk such investment being lost from Scotland altogether.

Taking into account of the above response and noting the clear support provided by the Full Council Committee [*] for the proposals set out by Opportunity Cromarty Firth, the Council suggests to the Reporter that the boundary of the allocation is amended to reflect that of the Green Freeport bid [*]. If the Reporter is so minded to amend the allocation boundary, it is suggested that a Developer Requirement is added to ensure that further assessment and engagement is undertaken to determine suitable developable areas. This could be along the lines of: “exact developable areas to be determined through a masterplanning process with further input from and early engagement with key agencies and other stakeholders”.

In addition, if the Reporter is so minded, the Council would support the portion of land to the west of IG07 which is allocated for mixed use in the adopted IMFLDP being included for industrial development. This will provide support in principle for the development and ensure key issues can be considered cumulatively and appropriate Developer Requirements attached. In addition, and as outlined in greater detail within Issue 11: Renewable Energy & Policy 7 Industrial Land, to ensure that the Plan can best align with the priorities in the most appropriate way, including in relation to the key site allocations, the Council would welcome the opportunity to engage with the Reporter during the Examination process when the announcement is expected to have been made and further information becomes available on the implications for the area.

Port of Cromarty Firth (1178440)

See the response above.

Reporter’s conclusions:

Reporter’s recommendations:

Issue 45	Seaboard Villages	
Development plan reference:	Seaboard Villages	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Catherine Vass (1261406) Coral Allan (1312311) Kate (Katherine) Simpson (1303285) Marnie O'Connor (1312526) Moira Mackenzie (1312215) NatureScot (1266529) Nigg & Shandwick Community Council (1312227) Nina Westwater (1312346) Robert Mackenzie (1218607) Shandwick Estate c/o Ian F Callie per BNP Paribas Real Estate UK (1220304) Victoria Shearer (1312351)</p>		
Provision of the development plan to which the issue relates:	Seaboard Villages	
Planning authority's summary of the representation(s):		
<p>Settlement Map 28 Seaboard Villages <u>Shandwick Estate c/o Ian F Callie per BNP Paribas Real Estate UK (1220304)</u> Objects to the non-inclusion of the land at New Street and Shore Street [as per location map supplied *] as a housing site for 15 units. Objects to the land being shown as 'greenspace'. Objects for the following reasons: would help meet demand for new homes in the area given the removal of some sites allocated in the adopted plan and reduction in capacity of sites identified in the MIR as 'preferred sites'; Seaboard Villages is classified as a Main Settlement in IMFpLDP2; additional housing land would ensure the future vitality and viability of the settlement and facilitate growth in tourism and economic development; access, drainage, open space, landscaping and all ancillary site services can be accommodated on site; is infill development within settlement boundary; offers scope to improve or upgrade existing community recreational facilities. Supporting statements [*] have been provided by the representee which outline site location, assessment of site context, planning history, response to IMFpLDP2, revised indicative site layout, site viability, urban design principles, flood risk assessment and 3D modelling.</p> <p>SB02 Land South of Shore Street <u>Nigg & Shandwick Community Council (1312227)</u> Objects to the allocation for the following reasons: the changing to the boundary and site numbers between the current adopted Plan and the stages of the IMFpLDP2 has been very confusing, unclear why part of SB07 has been added to SB02 and no explanation has been provided; the developer requirements for the site are unclear with open bracket after "Flood Risk Assessment" and no closed brackets so that subsequent comments are not clarified as to whether they just apply to the previous assessment. If they are stand-</p>		

alone issues, then they show the considerable problems the Council identifies with this site; existing water supply and pressure issues; questions if the developer requirement “improve active travel linkages out of the site” refers to the single track road with limited passing places that provides access to the site, which is unsuitable for use by Motor Homes and will likely be damaged by construction traffic; questions if the Council has a budget to repair the road or if there has been a survey conducted to set out developer’s responsibilities to improve the road prior to any development.

In the MIR the following statements were made:

- Expansion of the village’s is constrained by the steep coastal slope and the “Shandwick Stone” Scheduled Monument to the North.
- Placemaking Priorities 29 Protect the setting of the “Shandwick Stone” Scheduled Monument and the areas of prime agricultural land.

NatureScot (1266529)

Welcomes the developer requirement to demonstrate no adverse effects on the integrity of the Moray Firth SAC and the Moray Firth SPA, however strongly recommends an additional developer requirement to protect the features of the Rosemarkie and Shandwick Coast SSSI. Notes the developer requirement for potential coastal protect works however, unable to support it for addressing the future projections for coastal erosion. Such defences could worsen erosion along the neighbouring undefended coast, and potentially damage part of the Rosemarkie and Shandwick Coast SSSI. However, these future issues could be avoided if built development is avoided near the coastal edge, and/or is only permitted if there are clear provisions for re-location or demounting if required by coastal change risk. Strongly recommends a Developer Requirement for ensuring development avoids the coastal edge and that the reference to potential coastal protection works is removed.

Kate (Katherine) Simpson (1303285)

Objects to the allocation for the following reasons: negative impact from tourism development on the natural environment, rural way of life and visual amenity of an area, the things which attract visitors to the area; questions need for additional capacity as there is sufficient holiday accommodation already; over development in an area of natural beauty; will bring little economic benefit to the local community; inadequate road infrastructure with a single track road and a dangerous blind bend at the entrance to the Shandwick Stone; existing water supply and pressure issues; potential impact on the Moray Firth SPA/SAC and the Rosemarie to Shandwick SSSI, with significant effects likely through increased footfall e.g. disturbance to breeding cormorants and overwintering curlews; loss of public sea view and visual impact on the Shandwick Stone. Suggests an Aires type site with main road access in another location would be more suitable.

Moira Mackenzie (1312215)

Objects to the allocation for the following reasons: sufficient holiday accommodation already, additional capacity would have an adverse impact on the character of the village; adverse visual impact on Shandwick Stone; inadequate road infrastructure with a single-track road with a blind bend and road safety concerns for pedestrians and drivers with lots of near misses; roads through village are narrow with cars parked causing traffic flow issues; constraints on land availability to widen road access due to residential ground source heat and a site of archaeological significance; existing water supply and pressure issues and reports interruptions to water supply, reports that Scottish Water has stated that the water supply is already at capacity and the supply pipes cannot withstand any additional pressure to rectify the problem; electricity supply cannot support further development; inadequate broadband infrastructure; already problems with finding staff in

the local area; coastal erosion which could be exacerbated by additional footfall and particularly in the proposed park area.

Catherine Vass (1261406) and Coral Allan (1312311)

Objects to the allocation for the following reasons: any development of site will impact the character and infrastructure of the village; plans submitted by landowner would increase the permanent and temporary population of the village; any houses built would not be affordable for young local families and inevitably would become retirement, second home or holiday let properties; not required for future housing demand as housing allocation at SB01 has yet to be developed; existing developer requirements on mains water, waste water and sewage and road infrastructure would require significant upgrading of all systems; existing water supply and pressure issues and reports interruptions to water pressure in May 2022; inadequate road infrastructure, single track road to Shandwick needs resurfaced, existing road safety concerns for pedestrians/cyclists and blind bend in the road; constraints on road infrastructure are difficult to improve due to location of Shandwick Slab (a Scheduled Monument), a stream and a private property; proposed entrance to the site would create a three way junction on a blind bend; despite comments from RSPB and NatureScot that this site should be removed from the plan it is included; impact on wildlife including Curlews, Hares, Otters and Skylarks; site may have archaeological importance as an ancient chapel and castle stood on this site; adverse visual impact on Shandwick Stone; erosion of shore path will be exacerbated by additional footfall without significant preventative work; loss of good farmland; loss of greenspace.

Nina Westwater (1312346)

Objects to the allocation for the following reasons: better site at Tain Links where the community support a similar development, it is situated on the NC500, has the infrastructure, services, amenities, shops, restaurants, train/bus links, places of interest and a tourist information hub already in place; SB02 does not benefit from the same services as Tain Links to support a tourism development; landowner owns other more appropriate sites which are flat, closer to the NC500 and not on a single track road with a blind corner; the B9175 already has traffic capacity issues without additional traffic generated from this development; B9175 would require upgrading including straightening of tight bends; claims that the landowner does not maintain another local farm road in their ownership; claims that the landowner has not maintained other buildings within their ownership and worried that this development may not be completed or maintained to a high standard; would require infrastructure upgrades for water (including pressure), sewage and electricity supplies.

Victoria Shearer (1312351)

Objects to the allocation for the following reasons: any development of site will impact the character and infrastructure of the village; insufficient water and sewage infrastructure capacity; any houses built would not be affordable for young local families and would become second home or holiday let properties; not required for future housing demand; adverse natural heritage impact with Otters seen on the site; impact on wildlife including Curlews, Otters and Skylarks; despite comments from RSPB and NatureScot that this site should be removed from the plan it is included; shore path would need reinforced to prevent flooding; inadequate road infrastructure with access off a busy single track road on a blind bend; loss of good farmland; once tourism returns to pre-covid levels there will be no need for this development.

Marnie O'Connor (1312526)

Objects to the allocation for the following reasons: loss of unspoilt views from their

property, sea views as you approach the village and from the Shandwick Stone; adverse impact on the setting of the Shandwick Stone; road infrastructure capacity issues from both access from a single track road and the road through the village; existing water supply and pressure issues; coastal erosion; natural heritage impact; flood risk; additional pollution from light, refuse and human destruction; proximity to Rosemarie to Shandwick SSSI.

Robert Mackenzie (1218607)

Supports the allocation for the following reasons: it is a high quality tourism development that would generate employment, boost local businesses and tourist attractions (such as the John Ross Visitor Centre, ANTA and Nigg Old Church); improve access to Shandwick beach; provide much needed tourist accommodation on the Easter Ross Peninsula.

Modifications sought by those submitting representations:

Settlement Map 28 Seaboard Villages

Shandwick Estate c/o Ian F Callie per BNP Paribas Real Estate UK (1220304)

Delete the greenspace and allocate land at New Street and Shore for housing (15 units).

SB02 Land South of Shore Street

Nigg & Shandwick Community Council (1312227)

Delete allocation

NatureScot (1266529)

Recommends an additional developer requirement to protect the features of the Rosemarkie and Shandwick Coast SSSI.

Strongly recommends a Developer Requirement for ensuring development avoids the coastal edge and that the reference to potential coastal protection works is removed.

Kate (Katherine) Simpson (1303285)

Delete allocation (assumed)

Moira Mackenzie (1312215)

Delete allocation (assumed)

Nina Westwater (1312346)

Delete allocation (assumed)

Victoria Shearer (1312351)

Delete allocation (assumed)

Marnie O'Connor (1312526)

Delete allocation (assumed)

Catherine Vass (1261406) and Coral Allan (1312311)

Delete allocation (assumed) and show as greenspace.

Robert Mackenzie (1218607)

None

Summary of responses (including reasons) by planning authority:

Settlement Map 28 Seaboard Villages

Shandwick Estate c/o Ian F Callie per BNP Paribas Real Estate UK (1220304)

Greenspace

The site is shown as open space in the aIMFLDP and in IMFpLDP2 it is shown as greenspace.

A submission to request the inclusion of land at New Street and Shore for housing was submitted at the Call for Sites stage.

In the MIR the land was shown as an alternative site for housing. It was stated that it presented an opportunity for small to medium scale infill housing development whilst acknowledging that there were issues such as flood risk, loss of amenity land and loss of views over open water. It was suggested that on balance the land may be better shown as 'grey' land within the SDA which would support the principle of development subject to detailed considerations.

Following the MIR consultation, a greenspace audit was completed for the site and it scored highly in a number of areas and concluded that it should be retained as greenspace. This together with concerns received during the consultation about the loss of valued green space led to the recommendation at the Easter Ross Area Committee in November 2021, to not support the site for housing due to the potential impact on the character of the village and its preferred continuation as greenspace. The greenspace safeguard recognises the important physical, visual and habitat connections it provides and ensures these qualities are protected from development, maintaining the open seafront aspect, providing an attractive backdrop to the shore path and retaining the historic settlement pattern.

Housing Supply

The Plan's Settlement Hierarchy [THC***] sets out a strategic view on where future growth should occur, targeting future growth at locations which are most economically viable and environmentally sustainable. In the settlement hierarchy Seaboard Villages is a Tier 3 settlement; Tier 3 settlements are identified as partially sustainable locations suitable for a local scale of growth. As such, IMFpLDP2 allocates land for 37 houses within the next 10 years. The aIMFLdp allocated land for 175 houses and none of the sites have been developed. This low level of housing devt pressure is reflected in the revised Housing land requirement for Easter Ross which as a whole is 752. This figure includes an additional 10% which does not apply to other Housing Market areas to take into account the uplift which could arise from economic activity associated with Opportunity Cromarty Firth partnership. The topic of overall housing land requirement is considered more widely in Issue 3 Housing Requirements.

It is acknowledged that the site itself has merit in particular its central location and relatively easy access to key facilities. The Council also accepts that access, drainage, open space, landscaping and all ancillary site services may be able to be accommodated on site subject to any necessary mitigation. However, taking into account the quantitative need for housing and the potential impact on the character and historic settlement pattern, the Council does not accept that housing would be acceptable on this site. Accordingly, the Council believes the greenspace should be retained without modification.

SB02 Land South of Shore Street

Nigg & Shandwick Community Council (1312227)

During the course of the plan review site numbers and boundaries are routinely changed. The Council appreciates this can be confusing however whilst site numbers may change, we try to ensure that site names remain the same.

In the aIMFLDP the northernly end of the site is allocated as SB4 Land South of Shore Street for Mixed Use (Housing and Business/tourism) with capacity for 23 houses.

During the Call for Sites a submission was made to retain SB4 and extend it further south.

At Main Issues Report stage the site from the aIMFLDP (SB4) was shown as a preferred site SB02 for Mixed Use (Housing, Business, Tourism, Caravan Site) and the additional land to the south that was submitted at Call for Sites stage, was shown as SB07, an alternative site for Mixed Use (Housing, Business, Tourism).

A submission was made on behalf of the landowner to the MIR [THC***] requesting an amendment to the extent of the southern boundary of SB07. A layout for the site was submitted which showed caravan pitches, sites for Pods and five houses.

It was recommended at the Easter Ross Area Committee in November 2021 to reallocate Land South of Shore Street, extending the site to the south, but to a lesser extent than was previously requested by the landowner. This site is shown as allocation SB02 in IMFpLDP2. As outlined at the Easter Ross Area Committee in November 2021, it is considered that a tourism use on the site (caravan site/pods) would be a positive asset to the local community in terms of providing a formal site for caravans/motorhomes to stay.

The developer requirement for a Flood Risk Assessment contains a missing closed bracket, it should read 'Flood Risk Assessment (no development in areas shown to be at risk of flooding)'.

Some of the key pieces of infrastructure are not the responsibility of the Council and it is for the infrastructure provider who has the obligation to ensure suitable capacity is in place. In particular water supply is the responsibility Scottish Water. Issues relating to inadequacies with the current service or concerns over plans for upgrading of the assets should be directed to Scottish Water directly.

Sustainable transport was considered through the Strategic Environmental Assessment and it identified that there was a lack of safe active travel routes. The Developer Requirement: "improve active travel linkages out of the site" is aimed at trying to address this deficiency as part of any planning application. It is acknowledged that the road network includes single track roads. However, road infrastructure and a suitable access solution including provision of appropriate levels of visibility, including any survey work, can be adequately addressed at the development management stage. Road maintenance falls outwith the scope of the local development plan and is dealt with via decisions taken on the Council's Capital Programme.

NatureScot (1266529)

The features of the Rosemarkie and Shandwick Coast SSS are already protected by HwDLP Policy 57 Natural, Built and Cultural Heritage. Therefore, the Council considers that an additional developer requirement is not necessary.

Coastal erosion has been considered through the Strategic Environmental Assessment

and a Developer Requirement has been identified: 'coastal protection works may be required'. However, based on the advice from NatureScot that this could have the potential of worsening coastal erosion along the neighbouring undefended coast and potentially damage part of the Rosemarkie and Shandwick Coast SSSI, then as requested by NatureScot, the Council would be supportive of deleting this developer requirement and replacing it with one that states that development must avoid the coastal edge.

Kate (Katherine) Simpson (183) (1303285), Moira Mackenzie (272) (1312215), Nina Westwater (443) (1312346), Victoria Shearer (457) (1312351), Marnie O'Connor (752) (1312526), Catherine Vass (350) (1261406) and Coral Allan (403) (1312311)

Part of the site is already allocated for Mixed Use (housing and tourism) in the aIMFLDP.

Affordable housing, housing supply

As per HwLDP Policy 32 Affordable Housing, the Council expects developers to contribute towards the delivery of affordable housing. Where 4 or more units are proposed, the Council expects 25% of these to be affordable. The Planning system has no control over who affordable housing is given to or who buys any houses and whether or not they are used as second homes or holiday lets. The topic of overall housing land requirement is considered more widely in Issue 3 Housing Requirements.

Need for tourist accommodation

Part of the overall spatial strategy for IMFpLDP2 is sustainable tourism and it recognises that tourism is an increasingly important part of the Inner Moray Firth economy and that it helps to sustain employment and economic activity in both urban and rural communities. As outlined at the Easter Ross Area Committee in November 2021, it is considered that a tourism use on the site (caravan site/pods) would be a positive asset to the local community in terms of providing a formal site for caravans/motorhomes to stay. The Plan therefore supports development which increases the length of people's stay and visitor spending. The Council does not agree that a tourism development on this site would bring little economic benefit to the area. It would encourage visitors to stay for longer and spend money in the local area.

Visual amenity, loss of view

In terms of loss of view, there is no legal right to a private view. For public sea view, all development will be on the landward side of the core path, so sea views from it will not be affected. However, there is protection from HwLDP Policy 49 Coastal Development and Policy 57 Natural, Built and Cultural Heritage which mean that development proposals must demonstrate that they will not have an unacceptable impact. Additionally, the developer requirements for the site state that there should be a development masterplan which should include high quality siting and design with positive contribution to the streetscape/settlement settings. During the development management process there will be options for the design of the layout which could help minimise any potential impacts on views.

Impact on natural environment

Any future developer will have to comply with statutory controls to ensure that protected species are not disturbed. There is also protection offered through HwLDP Policy 57 Natural, Built and Cultural Heritage, Policy 58 Protected Species and Policy 59 Other Important Species to ensure any impacts are addressed and mitigated. It is considered that the Developer Requirement to Demonstration of no adverse effect on the integrity of Moray Firth SAC and Moray Firth SPA, which is mitigation introduced via the associated

Appropriate Assessment, is sufficient. Policy 2 'Nature Protection, Preservation and Enhancement' of IMDpLDP2 also seeks to ensure that development proposals demonstrate a positive contribution to biodiversity.

Inadequate infrastructure

Some of the key pieces of infrastructure are not the responsibility of the Council and it is for the infrastructure provider who has the obligation to ensure suitable capacity is in place. In particular, the electricity network is the responsibility of the Scottish Government, water and waste water is the responsibility Scottish Water and SEPA. Issues relating to inadequacies with the current service or concerns over plans for upgrading of the assets should be directed to those public agencies directly.

In terms of overall water treatment capacity, the Seaboard Villages are within the Assynt-Newmore Water Operational Area (WOA) and Scottish Water has confirmed that this area has sufficient levels of treatment capacity to provide water. Issues in May 2022 were localised network incidents (pressure and interruption to services) and Scottish Water has confirmed that these incidents were attended and resolved in line with their agreed service commitments to customers. Scottish Water would not grant any connections to the public networks be they current or proposed, unless modelling was undertaken and formal agreement was in place for any developer to mitigate the detrimental impact to existing customers that any new development might cause.

The topic of infrastructure needs and delivery is discussed more widely within Issue 13: Delivering Development and Infrastructure.

Road infrastructure, road safety

It is acknowledged that the road network includes single track roads. However, road infrastructure and a suitable access solution including provision of appropriate levels of visibility, can be adequately addressed at the development management stage. The developer will be required to contribute towards any increased infrastructure provision required as a direct consequence of the development consistent with the Council's Developer Contributions Supplementary Guidance, this includes upgrades to road infrastructure. Road safety for cyclists and pedestrians is always an issue on rural roads however this site is adjacent to the core path that provides an active travel link to the site to the rest of the village. There is already a placemaking priority which states: 'Improve and enhance the shore paths' and developer requirements for: 'improve active travel linkages out with the site' and 'retain and where possible enhance the core path network'.

Built Heritage

Development proposals will be assessed against HwDLP Policy 57 Natural, Built and Cultural Heritage to ensure any impacts on the Shandwick Stone Scheduled Monument and its setting are addressed and mitigated. There is also a Developer Requirement to programme of work for the evaluation, preservation and recording of any archaeological and historic features and a Placemaking Priority to protect the setting of the 'Shandwick Stone' Scheduled Monument.

Coastal erosion, shore paths

Coastal erosion has been considered through the Strategic Environmental Assessment and a Developer Requirement has been identified: 'coastal protection works may be required'. However, based on the advice from NatureScot that this could have the potential of worsening coastal erosion along the neighbouring undefended coast and potentially damage part of the Rosemarkie and Shandwick Coast SSSI, then as requested

by NatureScot, the Council would be supportive of deleting this developer requirement and replacing it with one that states that development must avoid the coastal edge. It is accepted that this site may increase use of the coastal path and as such one of the placemaking priorities is to improve and enhance the shore paths.

Flood Risk

Flood risk has been considered through the Strategic Environmental Assessment and suitable Developer Requirements have already been identified which will ensure that the issue is fully addressed as part of the planning application process. These requirements include the need for a “Flood Risk Assessment (no development in areas shown to be at risk of flooding) [and a] Drainage Impact Assessment”.

Loss of greenspace, loss of agricultural Land

The land is farmland not formal greenspace both within the aIMFLDP and the IMFpLDP2. The settlement map for Seaboard Villages shows considerable areas of greenspace.

A portion of the site is classed as 3.1 in the Land Capability for Agriculture (LCA). The LCA classification is used to rank land on the basis of its potential productivity and cropping flexibility. Class 1 represents land that has the highest potential flexibility of use whereas Class 7 land is of very limited agricultural value. The land is used for rough grazing.

Scottish Planning Policy advises that development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy. Part of the overall spatial strategy for IMFpLDP2 is sustainable tourism and it recognises that tourism is an increasingly important part of the Inner Moray Firth economy and that it helps to sustain employment and economic activity in both urban and rural communities. The Plan therefore supports development which increases the length of people’s stay and visitor spending. This site is well placed within the villages and it is considered an opportunity to help achieve an essential component of the strategy and therefore is consistent with Scottish Planning Policy. The settlement text also recognises that the location of the villages is an attractive place for visitors and there is a potential for this to provide economic and employment opportunities. As such the Council does not propose changing the site to greenspace.

Alternative sites

The alternative site suggested at Tain Links has not been submitted by the community or landowner as site for tourism.

Pollution

Additional pollution from the any development proposal such as from lights, can be adequately addressed at the development management stage.

Non-material considerations

Future maintenance of the site and availability of staff are not material planning considerations.

Robert Mackenzie (1218607)

Support for the allocation is noted.

Reporter’s conclusions:

Reporter's recommendations:

Issue 47	Tain	
Development plan reference:	Tain	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Cairngorm Properties per GH Johnston Building Consultants (1220297) David Lauritson (1323207) Gavin MacDonald (1312250) Gavin Ward (1312533) Highland Housing Hub (1154846) Jan Witts (1310251) Katrina McKenzie (1312313) Lauren Gardner (1312312) MacDonald & Muir Ltd/Glenmorangie Ltd per Bidwells LLP (1273032) NatureScot (1266529) Oliver Fleming (1324106) Pat Munro (Alness) Limited (1312301) Patricia Toshney (1310597) Rosslyn Borland (1324105) Sarah Smith (1323051) SEPA (906306) Sportscotland (1323065) Stuart & Leslie Campbell (1324541) Transport Scotland (1324298)</p>		
Provision of the development plan to which the issue relates:	Tain	
Planning authority's summary of the representation(s):		
<p><u>Placemaking Priorities</u> <u>MacDonald & Muir Ltd/Glenmorangie Ltd per Bidwells LLP (1273032)</u> Objects to de-allocation of site TN1 for housing for the following reasons: site continues to be suitable for housing; proximity to employment and other services; accessible; sustainable. Request that the site is allocated for Mixed Use (housing/education/business) because the landowner has been approached by Gro-for-You, an organisation financially supported by the Scottish Government, HIE, private and corporate business who are seeking to develop an educational environmental campus at Tain. Contact with the Council's Planning Department has already been made. The site at Tain would be one of three in Highland, acting as an education and business incubator. The site is close to existing supermarkets and adjacent to the NC500 (North Coast 500 route) which would attract tourist revenue. The site is considered effective because: it has the capacity to deliver a mix of housing including affordable housing; aligned with SPP policy principle for sustainability as per paragraph 28; sits within the settlement boundary of Tain; previous planning consent (07/01267/FULRC) for residential development; active interest in site; close to services and local facilities; good transport connections; could consolidate the</p>		

north-west of the settlement; level topography; no environmental constraints; aligned to draft NPF4.

Objects to non-allocation of land at Morangie Farm and requests land to be allocated for industrial use for a bio-energy plant for the following reasons: climate change and the climate emergency are key themes in draft NPF4 and a bio-energy plant would reduce the distillery's dependence on fossil fuels and carbon. It would also align with the Low Carbon Development section and paragraph 42 in the Proposed Plan; company has a good track record of committing to a sustainable future by enhancing biodiversity of the Dornoch Firth to restore oyster reefs by purifying the by-products created through the distillation process; would be similar to successful on site bio-energy plant at Glendullan distillery in Speyside; in immediate proximity to the distillery; benefits from minimal constraints - land is available, adequate, has level topography, direct access off the A9, no environmental or cultural heritage designations; part of site is already developed for underground LPG storage and benefits from associated access.

Patricia Toshney (1310597)

Commercial viability of High Street and tourist facilities should be prioritised before building more housing in Tain.

Settlement Map 30 Tain

Cairngorm Properties per GH Johnston Building Consultants (1220297)

Objects to non-identification of site TN5 in the adopted IMFLDP and TN08 in the MIR, in IMFpLDP2. Seeks the allocation of this land– Knockbreck and Burgage Farm Road – for Mixed Use including housing, business, commercial, community and green space, with an area of 24.9ha for up to 250 houses including serviced house plots and 25% affordable housing.

Objects to the non-identification of site (TN5 in adopted IMFLDP) for the following reasons: concerned that the Housing Land Supply assumptions are unlikely to be sufficient to deal with the needs and demands presented for Easter Ross over the plan period, national population projections don't reflect buoyant local housing market; 10% growth allowance for Greenport/Freeport jobs led growth is insufficient; representations made at MIR stage were not fully considered, summary of MIR comments, recommended responses and mapping supplied to Easter Ross Committee were insufficient in detail; disputes assumption that the site is not deliverable within the Plan period, it has always been expected that development of the site would take longer than 10 years and two sites west of the bypass owned by the Council are being promoted as providing houses over the longer-term; sites at Craighill, Tain Royal Academy, Burgage Drive, Croft Arthur and Viewfield are all owned by either Highland Council or Albyn Housing Society; sites to the west of the bypass, whilst being promoted by Local Members, are less suited to development and less effective than the land at TN5; it has an approved Masterplan and has live/active developer interest; site has always been available for development since its first allocation in 2007, landowner has incurred costs in promoting it for development; is serviced by existing infrastructure with direct road and drainage access available via Asda roundabout; previously land has been considered as too large for the market or for the needs of developers in terms of upfront Infrastructure costs, however in February 2022 an offer from Cairngorm Properties Ltd was accepted for all of the land; a PAN was submitted in April 2022, reported to the Council's North Planning Applications Committee on 15 June 2022, first community consultation undertaken on 25 May 2022 and steps currently being undertaken to commence formal pre-application process for a new masterplan and Permission in Principle; first phase of housing could be available in the

next two years; concerned that the Council is willing to allow development to proceed at TN09 potentially removing the overall development requirements of the approved Master Plan from that part of the land; questions whether land to the west of the bypass and the Tain Academy site will be able to provide early delivery of housing; the mixed use allocation of the existing Tain Royal Academy site is not expected to be redeveloped to deliver housing and other uses for another 3 to 4 years; would support the delivery of the emerging concept of the 20-minute neighbourhood, is well positioned in location and sustainability terms giving access to existing path networks, retail, education, recreation/leisure, community and public transport provision; will deliver non-residential uses to meet local needs and demands over time; can meet a range of housing types including self build plots and affordable housing and could help achieve the self-build policy in IMFpLDP2; self-build plots could divert pressure from developing houses in the countryside; development of land west of the A9 was rejected by Reporters to the previous Local Plan Inquiry in 2005 and IMFLDP Examination in 2015.

Highland Housing Hub (1154846)

Objects to the non-inclusion of land previously allocated at Knockbreck Road (TN5 in IMF1) and seeking re-allocation of site because: site is well serviced; has an approved masterplan which lapsed due to lack of development activity; economic activity in the area is increasing with potential for 5000 jobs to be created and linked requirement for additional housing in excess of what the Council's Housing needs and Demands Assessment is suggesting; is within walking/wheeling distances to existing services, retail and schools; sits within the A9(T);

Transport Scotland (1324298)

Objects to allocations TN03, TN04, TN05 and TN06 and seeks their deletion as they do not meet sustainable travel and investment hierarchies. If the allocations are kept then required trunk road network improvements must be listed within the Plan as per DPMTAG. In accordance with SPP paragraphs 274 and 275 (and reiterated within the draft NPF4 Policies 8 and 10), the plan should identify any required infrastructure improvements and how they will be funded and delivered. To achieve this the Council will be required to undertake junction modelling of the allocations for Tain as the level of development has the potential to cumulatively impact the A9 trunk road and associated junctions. How people will safely cross the trunk road should also be considered. Any required mitigation from this should be included within IMDpLDP2 to fully outline the infrastructure requirements to deliver the spatial strategy. Transport Scotland has determined that the level of development allocated in Tain has the potential to cumulatively impact the A9 trunk road junctions. The Highland Council has undertaken a DPMTAG based appraisal engaging with Transport Scotland throughout the process. The appraisal identifies a total of 193 housing units and approximately 30ha of business which results in a maximum of 591 trips over the 10 year period of the plan taken from the Council's Transport Appraisal Trip Rate Spreadsheet undertaken as part of the DPMTAG based appraisal. As a result of trip generation information provided by the Council, it is considered further assessment of the A9 junctions around Tain is required to determine the cumulative impact to ensure the level of traffic can be safely and sufficiently accommodated within the current junctions or if junction improvements are required. As detailed within SPP and the draft NPF4, any infrastructure improvements should be identified within the plan, with information provided on how they will be funded and delivered. This information is crucial in providing an infrastructure first approach to planning as outlined within the draft NPF4.

TN03 Ardlarach Farm
SEPA (906306)

Site is remote from rest of settlement and connection to public sewer may be difficult. Seek additional developer requirement: "connection to public sewer" to ensure connection is sought.

Cairngorm Properties per GH Johnston Building Consultants (1220297)

Objects to the allocation for the following reasons: will not provide available development opportunities any quicker than land at Knockbreck and Burgage Farm; less sustainable location than land within the A9 bypass; impact on road safety for pedestrians and vehicles crossing the A9; will not encourage active travel; will undermine the properly planned development of Tain within the confines of the A9 trunk road; stretches the built form of Tain further away from its centre and key facilities and is contrary to the placemaking priority of focussing house building closer to the town centre and the concept of 20-minute neighbourhoods; even with part ownership by public sector, question if it an effective site; development of land west of the A9 was rejected by Reporters to the previous Local Plan Inquiry in 2005 and IMFLDP Examination in 2015.

Gavin Ward (1312533)

Unclear why majority of new housing for the town is now earmarked for this area and objects collectively to sites TN03, TN04, TN05 and TN06 for the following reasons: Scotsburn Road is a country road with some single track and two narrow bridges used by walkers and is not suitable for additional traffic (pre and post construction); Scotsburn Road junction could become another accident hotspot on the A9 and more school children will try to cross the A9; creates built up areas adjacent to Morangie Forest SPA; poor natural drainage which would require major drainage systems. Alternatives to this should be: development concentrated on the centre of Tain; building out one site in its entirety before moving onto another site, rather than several at once; land adjacent to Asda should be re-allocated for development; plan does not mention re-use of future redundant school sites at Knockbreck Primary School and Tain Academy once the new campus is built.

Rosslyn Borland (1324105)

Assumed that representee is objecting to land allocated west of the A9 bypass at TN03, TN04, TN05 and TN06 for the following reasons: no opportunity to previously express views; development of land is premature and other areas for housing within the bypass at Kirksheaf Road, adjacent to Asda, north of the tennis courts and west of the Morangie Hotel should be developed first; difficult to service; poor road infrastructure; poor drainage infrastructure; poor broadband; school children unlikely to use the existing A9 road underpass.

NatureScot (1266529)

Recommend removing due to concerns over deliverability. It will be extremely challenging to develop adequate mitigation measures in a Recreation Access Management Plan (RAMP) to avoid significant disturbance to Capercaillie in the Morangie Forest SPA arising from recreational use by occupants of housing in TN03, and thus to demonstrate no adverse effects on site integrity. The advice from Nature Scot is based on reviewing: the distribution of capercaillie records and leks in and around the SPA; an indication of current patterns of recreation in the area from the Strava global heatmap; and the location of TN03 and likely patterns of recreational use by occupants, in relation to areas used by capercaillie. If the allocation is not removed a Recreation Action Management Plan (RAMP) would need to be produced to ascertain whether mitigation is practically possible to remove the risk of significant disturbance to capercaillie in the SPA, and if so, what measures are required. The scale and nature of the work required to produce the RAMP should be outlined in a revised Developer Requirement, along with a warning that

mitigation may not be possible and the site may not be effective. The developer requirement for a RAMP should be amended to state that it should contain the following: a study/survey of current levels and patterns of recreational use around Tain and Morangie Forest SPA, including infrequent and dispersed recreational types and behaviours that are known to be particularly disturbing for capercaillie; expert predictions of how existing levels and patterns of recreational use would change should TN03 be developed; a review of whether existing data on capercaillie use of the Morangie Forest SPA area is sufficient, or whether additional survey effort is required. If so, it should be commissioned; an assessment of the predicted changes in recreational use alongside capercaillie use of the woods to identify which predicted changes could result in significant disturbance to capercaillie; and identification of a package of mitigation measures, and arrangements for their long term monitoring and maintenance, to remove each of these risks. This may or may not prove to be possible. Mitigation measures would likely include, but not be restricted to: provision of alternative recreational opportunities of equivalent amenity and convenience; long term monitoring and management within the SPA to remove any new informal paths that develop in sensitive areas; and trackside vegetation screening in sensitive parts of the SPA. Awareness raising and promotion of responsible behaviour, as suggested in the current developer requirement, would not be effective without additional measures given the ease of access from TN03 to areas used by capercaillie, including for breeding. The current wording used in the Developer Requirements about the RAMP implies a significantly greater degree of deliverability than is the case. Note that the Developer Requirements refer to the Dornoch Firth and Morrich More SAC and the Dornoch Firth and Loch Fleet SPA, when the concern should actually be with the Morangie Forest SPA, and we assume this to be an error. It should be amended to refer to the Morangie Forest SPA.

Transport Scotland (1324298)

Objects to allocations TN03, TN04, TN05 and TN06 and seeks their deletion. It is strongly considered their siting will promote the use of the private car over more sustainable modes to access services and facilities within Tain, which is contrary to policies and priorities within SPP, NTS2 and Draft NPF4 which promote sustainable travel and access. It is also considered the siting of the housing may result in increased pedestrian movements across the A9 trunk road which could result in a road safety concern and impact on the safe and efficient operation of the trunk road. Any proposals which compromise road safety will be strongly opposed by Transport Scotland. If the allocations are kept then required trunk road network improvements must be listed within the Plan as per DPMTAG. Transport Scotland agrees with the following statement made in the MIR: "A number of additional sites to the west of the A9 were suggested however the future growth of Tain should be re-directed to more central sites closer to the town centre which benefit from better active travel connectivity to the town centre and the services provided there."

Scotland's National Transport Strategy 2 states "Planning and development have a major influence on our transport system....In identifying sites for development of housing, employment, schools, offices, factories, hospitals, and tourist attractions transport considerations will play a crucial role and will do so as early in the planning process as possible. This will have a positive impact on the choices about the types of journeys we make, when we make them and how we make them." Furthermore, "the transport system and the consideration of the current and future transport needs of people will be at the heart of planning decisions to ensure sustainable places." NTS2 outlines the sustainable travel hierarchy and the sustainable investment hierarchy; which should be embedded within decision making to focus on reducing inequalities and the need to travel unsustainably with the use of the private car (including electric vehicles) at the bottom of

the hierarchy.

In accordance with SPP paragraph 273, the plan should identify active travel networks and promote opportunities for travel by more sustainable modes in the following order of priority: walking, cycling, public transport, cars and should facilitate integration between transport modes. Draft National Planning Framework 4 (NPF4) states that the planning system should support development that minimises the need to travel unsustainably and prioritises walking, wheeling, cycling, public transport and shared transport options in preference to single occupancy private car use for the movement of people.

TN04 Croft Arthur

Lauren Gardner (1312312)

Objects for the following reasons: no previous opportunity to express views; better land allocated within bypass at Asda, Kirksheaf Road, adjacent to Morangie Hotel and within town centre; poor road infrastructure with single track; poor water provision and drainage infrastructure; poor broadband; more pedestrians crossing the A9; disruption to existing houses. Should instead prioritise: new school campus; new swimming pool; re-using old Council owned buildings including Duthac House; keeping green spaces including all land west of the bypass; developing land that is already available for development.

Katrina McKenzie (1312313)

Objects for the following reasons: poor road infrastructure with single track; creates an unsafe route for walking, cycling or driving; concerned that more cars would be using junction onto A9; adverse natural heritage and species impact; poor drainage infrastructure and potential flood risk as seen by representee in their garden adjacent to the site.

Rossllyn Borland (1324105)

Assumed that representee is objecting to land allocated west of the A9 bypass at TN03, TN04, TN05 and TN06 for the following reasons: no opportunity to previously express views; development of land is premature and other areas for housing within the bypass at Kirksheaf Road, adjacent to Asda, north of the tennis courts and west of the Morangie Hotel should be developed first; difficult to service; poor road infrastructure; poor drainage infrastructure; poor broadband; school children unlikely to use the existing A9 road underpass

Cairngorm Properties per GH Johnston Building Consultants (1220297)

Objects to the allocation for the following reasons: will not provide available development opportunities any quicker than land at Knockbreck and Burgage Farm; less sustainable location than land within the A9 bypass; impact on road safety for pedestrians and vehicles crossing the A9; will not encourage active travel; will undermine the properly planned development of Tain within the confines of the A9 trunk road; stretches the built form of Tain further away from its centre and key facilities and is contrary to the placemaking priority of focussing house building closer to the town centre and the concept of 20-minute neighbourhoods; even with part ownership by public sector, question if it an effective site; development of land west of the A9 was rejected by Reporters to the previous Local Plan Inquiry in 2005 and IMFLDP Examination in 2015.

Gavin Ward (1312533)

Unclear why majority of new housing for the town is now earmarked for this area and objects collectively to sites TN03, TN04, TN05 and TN06 for the following reasons: Scotsburn Road is a country road with some single track and two narrow bridges used by

walkers and is not suitable for additional traffic (pre and post construction); Scotsburn Road junction could become another accident hotspot on the A9 and more school children will try to cross the A9; creates built up areas adjacent to Morangie Forest SPA; poor natural drainage which would require major drainage systems. Alternatives to this should be: development concentrated on the centre of Tain; building out one site in its entirety before moving onto another site, rather than several at once; land adjacent to Asda should be re-allocated for development; plan does not mention re-use of future redundant school sites at Knockbreck Primary School and Tain Academy once the new campus is built.

Oliver Fleming (1324106)

Objects for the following reasons: owns land to west of allocation, no previous opportunity to express views or formal notice received; previous negative planning advice for his land as is greenbelt, queries why Council should support development on its land but not on his.

Gavin MacDonald (1312250)

Objects for the following reasons: no previous opportunity to express views or formal notice received; ample more suitable housing sites within the bypass which has either planning permission or already allocated for housing development, including land to the west of Morangie Hotel, Kirksheaf Farm and land between Stagcroft Park and the Craighill area; once the new school campus is built there will be land available for housing on the current Tain Royal Academy Site; unclear how land will be serviced; poor drainage infrastructure and potential flood risk; poor road infrastructure with single track; poor broadband; school children unlikely to use the existing A9 road underpass; Highland Council have a duty of care to ensure the safe development and expansion of housing within the boundaries of Tain on land already allocated for development.

NatureScot (1266529)

Advises that this allocation will have likely significant effects both individually and cumulatively on the capercaillie qualifying interest of Morangie Forest SPA as a consequence of increased recreational disturbance. Noted that the site has been subject to an HRA for the Morangie SPA in-combination with TN03, TN05 and TN06, however, we advise that an HRA for this site as AA Alone for this SPA is required. It may be possible to mitigate the risk of these allocations causing significant disturbance to capercaillie in Morangie Forest SPA, but further information and assessment would be needed to confirm. Advice from NatureScot is based on reviewing the distribution of capercaillie records and leks in and around the SPA; an indication of current patterns of recreation in the area from the Strava global heatmap; the locations of TN04 (and TN05, TN06) and likely patterns of recreational use by occupants, in relation to areas used by capercaillie.

Additional information and assessment is required to confirm whether the risks of these allocations resulting in significant disturbance to capercaillie in Morangie Forest SPA can be mitigated and if so by what measures.

Recommend modifying the developer requirements to make the nature and scale of the work required for Recreation Access Management Plans, to contain the following: a study/survey of current levels and patterns of recreational use around Tain and Morangie Forest SPA, including infrequent and dispersed recreational types and behaviours that are known to be particularly disturbing for capercaillie; expert predictions of how existing levels and patterns of recreational use would change should TN04 (and TN05, TN06) be developed; a review of whether existing data on capercaillie use of the Morangie Forest SPA area is sufficient, or whether additional survey effort is required. If so, it should be

commissioned; an assessment of the predicted changes in recreational use alongside capercaillie use of the woods to identify which predicted changes could result in significant disturbance to capercaillie; and identification of a package of mitigation measures, and arrangements for their long term monitoring and maintenance, to remove each of these risks. Mitigation measures would likely include, but not be restricted to: provision and promotion of alternative recreational opportunities of equivalent amenity and convenience; and long term monitoring and management within the SPA to remove any new informal paths that develop in sensitive areas. Awareness raising and promotion of responsible behaviour, as suggested in the current developer requirement, is unlikely to be effective alone without additional measures. Developer Requirements refer to the Dornoch Firth and Morrich More SAC and the Dornoch Firth and Loch Fleet SPA only. The Morangie Forest SPA is missing, and we assume this to be an error. We advise that this is amended to include reference to the Morangie Forest SPA.

Transport Scotland (1324298)

Objects to allocations TN03, TN04, TN05 and TN06 and seeks their deletion. It is strongly considered their siting will promote the use of the private car over more sustainable modes to access services and facilities within Tain, which is contrary to policies and priorities within SPP, NTS2 and Draft NPF4 which promote sustainable travel and access. It is also considered the siting of the housing may result in increased pedestrian movements across the A9 trunk road which could result in a road safety concern and impact on the safe and efficient operation of the trunk road. Any proposals which compromise road safety will be strongly opposed by Transport Scotland. If the allocations are kept then required trunk road network improvements must be listed within the Plan as per DPMTAG. Transport Scotland agrees with the following statement made in the MIR: "A number of additional sites to the west of the A9 were suggested however the future growth of Tain should be re-directed to more central sites closer to the town centre which benefit from better active travel connectivity to the town centre and the services provided there."

Scotland's National Transport Strategy 2 states "Planning and development have a major influence on our transport system....In identifying sites for development of housing, employment, schools, offices, factories, hospitals, and tourist attractions transport considerations will play a crucial role and will do so as early in the planning process as possible. This will have a positive impact on the choices about the types of journeys we make, when we make them and how we make them." Furthermore, "the transport system and the consideration of the current and future transport needs of people will be at the heart of planning decisions to ensure sustainable places."

NTS2 outlines the sustainable travel hierarchy and the sustainable investment hierarchy; which should be embedded within decision making to focus on reducing inequalities and the need to travel unsustainably with the use of the private car (including electric vehicles) at the bottom of the hierarchy.

In accordance with SPP paragraph 273, the plan should identify active travel networks and promote opportunities for travel by more sustainable modes in the following order of priority: walking, cycling, public transport, cars and should facilitate integration between transport modes. Draft National Planning Framework 4 (NPF4) states that the planning system should support development that minimises the need to travel unsustainably and prioritises walking, wheeling, cycling, public transport and shared transport options in preference to single occupancy private car use for the movement of people.

TN05 West of Viewfield Road

Cairngorm Properties per GH Johnston Building Consultants (1220297)

Objects to the allocation for the following reasons: will not provide available development opportunities any quicker than land at Knockbreck and Burgage Farm; less sustainable location than land within the A9 bypass; impact on road safety for pedestrians and vehicles crossing the A9; will not encourage active travel; will undermine the properly planned development of Tain within the confines of the A9 trunk road; stretches the built form of Tain further away from its centre and key facilities and is contrary to the placemaking priority of focussing house building closer to the town centre and the concept of 20-minute neighbourhoods; even with part ownership by public sector, question if it an effective site; development of land west of the A9 was rejected by Reporters to the previous Local Plan Inquiry in 2005 and IMFLDP Examination in 2015.

Gavin Ward (1312533)

Unclear why majority of new housing for the town is now earmarked for this area and objects collectively to sites TN03, TN04, TN05 and TN06 for the following reasons: Scotsburn Road is a country road with some single track and two narrow bridges used by walkers and is not suitable for additional traffic (pre and post construction); Scotsburn Road junction could become another accident hotspot on the A9 and more school children will try to cross the A9; creates built up areas adjacent to Morangie Forest SPA; poor natural drainage which would require major drainage systems. Alternatives to this should be: development concentrated on the centre of Tain; building out one site in its entirety before moving onto another site, rather than several at once; land adjacent to Asda should be re-allocated for development; plan does not mention re-use of future redundant school sites at Knockbreck Primary School and Tain Academy once the new campus is built.

Rosslyn Borland (1324105)

Assumed that representee is objecting to land allocated west of the A9 bypass at TN03, TN04, TN05 and TN06 for the following reasons: no opportunity to previously express views; development of land is premature and other areas for housing within the bypass at Kirksheaf Road, adjacent to Asda, north of the tennis courts and west of the Morangie Hotel should be developed first; difficult to service; poor road infrastructure; poor drainage infrastructure; poor broadband; school children unlikely to use the existing A9 road underpass.

NatureScot (1266529)

Advises that this allocation will have likely significant effects both individually and cumulatively on the capercaillie qualifying interest of Morangie Forest SPA as a consequence of increased recreational disturbance. Noted that the site has been subject to an HRA for the Morangie SPA in-combination with TN03, TN05 and TN06, however we advise that an HRA for this site as AA Alone for this SPA is required. It may be possible to mitigate the risk of these allocations causing significant disturbance to capercaillie in Morangie Forest SPA, but further information and assessment would be needed to confirm. Advice from NatureScot is based on reviewing the distribution of capercaillie records and leks in and around the SPA; an indication of current patterns of recreation in the area from the Strava global heatmap; the locations of TN05 (and TN04, TN06) and likely patterns of recreational use by occupants, in relation to areas used by capercaillie.

Additional information and assessment is required to confirm whether the risks of these allocations resulting in significant disturbance to capercaillie in Morangie Forest SPA can be mitigated and if so by what measures.

Recommend modifying the developer requirements to make the nature and scale of the work required for Recreation Access Management Plans, to contain the following: a study/survey of current levels and patterns of recreational use around Tain and Morangie Forest SPA, including infrequent and dispersed recreational types and behaviours that are known to be particularly disturbing for capercaillie; expert predictions of how existing levels and patterns of recreational use would change should TN05 (and TN04, TN06) be developed; a review of whether existing data on capercaillie use of the Morangie Forest SPA area is sufficient, or whether additional survey effort is required. If so, it should be commissioned; an assessment of the predicted changes in recreational use alongside capercaillie use of the woods to identify which predicted changes could result in significant disturbance to capercaillie; and identification of a package of mitigation measures, and arrangements for their long term monitoring and maintenance, to remove each of these risks.

Mitigation measures would likely include, but not be restricted to: provision and promotion of alternative recreational opportunities of equivalent amenity and convenience; and long term monitoring and management within the SPA to remove any new informal paths that develop in sensitive areas. Awareness raising and promotion of responsible behaviour, as suggested in the current developer requirement, is unlikely to be effective alone without additional measures. Developer Requirements refer to the Dornoch Firth and Morrich More SAC and the Dornoch Firth and Loch Fleet SPA only. The Morangie Forest SPA is missing, and we assume this to be an error. We advise that this is amended to include reference to the Morangie Forest SPA.

Transport Scotland (1324298)

Objects to allocations TN03, TN04, TN05 and TN06 and seeks their deletion. It is strongly considered their siting will promote the use of the private car over more sustainable modes to access services and facilities within Tain, which is contrary to policies and priorities within SPP, NTS2 and Draft NPF4 which promote sustainable travel and access. It is also considered the siting of the housing may result in increased pedestrian movements across the A9 trunk road which could result in a road safety concern and impact on the safe and efficient operation of the trunk road. Any proposals which compromise road safety will be strongly opposed by Transport Scotland. If the allocations are kept then required trunk road network improvements must be listed within the Plan as per DPMTAG. Transport Scotland agrees with the following statement made in the MIR: "A number of additional sites to the west of the A9 were suggested however the future growth of Tain should be re-directed to more central sites closer to the town centre which benefit from better active travel connectivity to the town centre and the services provided there."

Scotland's National Transport Strategy 2 states "Planning and development have a major influence on our transport system....In identifying sites for development of housing, employment, schools, offices, factories, hospitals, and tourist attractions transport considerations will play a crucial role and will do so as early in the planning process as possible. This will have a positive impact on the choices about the types of journeys we make, when we make them and how we make them." Furthermore, "the transport system and the consideration of the current and future transport needs of people will be at the heart of planning decisions to ensure sustainable places." NTS2 outlines the sustainable travel hierarchy and the sustainable investment hierarchy; which should be embedded within decision making to focus on reducing inequalities and the need to travel unsustainably with the use of the private car (including electric vehicles) at the bottom of the hierarchy.

In accordance with SPP paragraph 273, the plan should identify active travel networks and promote opportunities for travel by more sustainable modes in the following order of priority: walking, cycling, public transport, cars and should facilitate integration between transport modes. Draft National Planning Framework 4 (NPF4) states that the planning system should support development that minimises the need to travel unsustainably and prioritises walking, wheeling, cycling, public transport and shared transport options in preference to single occupancy private car use for the movement of people.

TN06 Viewfield

Gavin MacDonald (1312250)

Objects for the following reasons: no previous opportunity to express views or formal notice received; ample more suitable housing sites within the bypass which has either planning permission or already allocated for housing development, including land to the west of Morangie Hotel, Kirksheaf Farm and land between Stagcroft Park and the Craighill area; once the new school campus is built there will be land available for housing on the current Tain Royal Academy Site; unclear how land will be serviced; poor drainage infrastructure and potential flood risk; poor road infrastructure with single track; poor broadband; school children unlikely to use the existing A9 road underpass; Highland Council have a duty of care to ensure the safe development and expansion of housing within the boundaries of Tain on land already allocated for development.

Cairngorm Properties per GH Johnston Building Consultants (1220297)

Objects to the allocation for the following reasons: will not provide available development opportunities any quicker than land at Knockbreck and Burgage Farm; less sustainable location than land within the A9 bypass; impact on road safety for pedestrians and vehicles crossing the A9; will not encourage active travel; will undermine the properly planned development of Tain within the confines of the A9 trunk road; stretches the built form of Tain further away from its centre and key facilities and is contrary to the placemaking priority of focussing house building closer to the town centre and the concept of 20-minute neighbourhoods; even with part ownership by public sector, question if it an effective site; development of land west of the A9 was rejected by Reporters to the previous Local Plan Inquiry in 2005 and IMFLDP Examination in 2015.

Gavin Ward (1312533)

Unclear why majority of new housing for the town is now earmarked for this area and objects collectively to sites TN03, TN04, TN05 and TN06 for the following reasons: Scotsburn Road is a country road with some single track and two narrow bridges used by walkers and is not suitable for additional traffic (pre and post construction); Scotsburn Road junction could become another accident hotspot on the A9 and more school children will try to cross the A9; creates built up areas adjacent to Morangie Forest SPA; poor natural drainage which would require major drainage systems. Alternatives to this should be: development concentrated on the centre of Tain; building out one site in its entirety before moving onto another site, rather than several at once; land adjacent to Asda should be re-allocated for development; plan does not mention re-use of future redundant school sites at Knockbreck Primary School and Tain Academy once the new campus is built.

Stuart & Leslie Campbell (1324541)

Objects for the following reasons: should remain as agricultural land; representees house will be surrounded on three sides by housing, impacting on their amenity and enjoyment of their property, as well as the house value; more suitable housing sites within bypass; Scotsburn Road unsuitable for additional traffic due to its narrowness; poor infrastructure

and cost to improve it.

Rosslyn Borland (1324105)

Assumed that representee is objecting to land allocated west of the A9 bypass at TN03, TN04, TN05 and TN06 for the following reasons: no opportunity to previously express views; development of land is premature and other areas for housing within the bypass at Kirksheaf Road, adjacent to Asda, north of the tennis courts and west of the Morangie Hotel should be developed first; difficult to service; poor road infrastructure; poor drainage infrastructure; poor broadband; school children unlikely to use the existing A9 road underpass.

NatureScot (1266529)

Advises that this allocation will have likely significant effects both individually and cumulatively on the capercaillie qualifying interest of Morangie Forest SPA as a consequence of increased recreational disturbance. We note that this site has been subject to an HRA for the Morangie SPA in-combination with TN03, TN04 and TN05, however, we advise an HRA for this site as AA Alone for this SPA is required. It may be possible to mitigate the risk of these allocations causing significant disturbance to capercaillie in Morangie Forest SPA, but further information and assessment would be needed to confirm. Advice from NatureScot is based on reviewing the distribution of capercaillie records and leks in and around the SPA; an indication of current patterns of recreation in the area from the Strava global heatmap; the locations of TN06 (and TN04, TN05) and likely patterns of recreational use by occupants, in relation to areas used by capercaillie.

Additional information and assessment is required to confirm whether the risks of these allocations resulting in significant disturbance to capercaillie in Morangie Forest SPA can be mitigated and if so by what measures. Recommend modifying the developer requirements to make the nature and scale of the work required for Recreation Access Management Plans, to contain the following: a study/survey of current levels and patterns of recreational use around Tain and Morangie Forest SPA, including infrequent and dispersed recreational types and behaviours that are known to be particularly disturbing for capercaillie; expert predictions of how existing levels and patterns of recreational use would change should TN06 (and TN04, TN05) be developed; a review of whether existing data on capercaillie use of the Morangie Forest SPA area is sufficient, or whether additional survey effort is required. If so, it should be commissioned; an assessment of the predicted changes in recreational use alongside capercaillie use of the woods to identify which predicted changes could result in significant disturbance to capercaillie; and identification of a package of mitigation measures, and arrangements for their long term monitoring and maintenance, to remove each of these risks.

Mitigation measures would likely include, but not be restricted to: provision and promotion of alternative recreational opportunities of equivalent amenity and convenience; and long term monitoring and management within the SPA to remove any new informal paths that develop in sensitive areas. Awareness raising and promotion of responsible behaviour, as suggested in the current developer requirement, is unlikely to be effective alone without additional measures. Developer Requirements refer to the Dornoch Firth and Morrich More SAC and the Dornoch Firth and Loch Fleet SPA only. The Morangie Forest SPA is missing, and we assume this to be an error. We advise that this is amended to include reference to the Morangie Forest SPA.

Transport Scotland (1324298)

Objects to allocations TN03, TN04, TN05 and TN06 and seeks their deletion. It is strongly considered their siting will promote the use of the private car over more sustainable modes to access services and facilities within Tain, which is contrary to policies and priorities within SPP, NTS2 and Draft NPF4 which promote sustainable travel and access. It is also considered the siting of the housing may result in increased pedestrian movements across the A9 trunk road which could result in a road safety concern and impact on the safe and efficient operation of the trunk road. Any proposals which compromise road safety will be strongly opposed by Transport Scotland. If the allocations are kept then required trunk road network improvements must be listed within the Plan as per DPMTAG. Transport Scotland agrees with the following statement made in the MIR: "A number of additional sites to the west of the A9 were suggested however the future growth of Tain should be re-directed to more central sites closer to the town centre which benefit from better active travel connectivity to the town centre and the services provided there."

Scotland's National Transport Strategy 2 states "Planning and development have a major influence on our transport system....In identifying sites for development of housing, employment, schools, offices, factories, hospitals, and tourist attractions transport considerations will play a crucial role and will do so as early in the planning process as possible. This will have a positive impact on the choices about the types of journeys we make, when we make them and how we make them." Furthermore, "the transport system and the consideration of the current and future transport needs of people will be at the heart of planning decisions to ensure sustainable places." NTS2 outlines the sustainable travel hierarchy and the sustainable investment hierarchy; which should be embedded within decision making to focus on reducing inequalities and the need to travel unsustainably with the use of the private car (including electric vehicles) at the bottom of the hierarchy.

In accordance with SPP paragraph 273, the plan should identify active travel networks and promote opportunities for travel by more sustainable modes in the following order of priority: walking, cycling, public transport, cars and should facilitate integration between transport modes. Draft National Planning Framework 4 (NPF4) states that the planning system should support development that minimises the need to travel unsustainably and prioritises walking, wheeling, cycling, public transport and shared transport options in preference to single occupancy private car use for the movement of people.

Pat Munro (Alness) Limited (1312301)

Supports the allocation TN06. Tain is a Tier 1 settlement and forms a vital part of the settlement strategy and delivering the housing land requirements. Land to the west of Tain, including TN04, TN05 and TN06 are well located to provide a community expansion in an accessible location and positively contribute towards sustainable development. Further supporting information on the benefits of development in this location have been submitted [*].

TN07 Land to Rear of Craighill Primary School

Sportscotland (1323065)

Assumes that whilst the site has substantial greenspace, this is not included as it allocated for development. Contains a sports facility resource and request that this is referenced in the developer requirements along with a recognition that the outdoor sports facilities will require appropriate compensation as part of any redevelopment of the site. In terms of the replacement school, it is not yet clear if this will provide replacement outdoor sports facilities which satisfies the national policy tests and until this is clear this should be referenced in these allocations.

TN08 Tain Royal Academy

David Lauritson (1323207)

Not opposed in principle to allocation but as an adjoining property owner has the following concerns: could affect daily enjoyment of our garden and impact on privacy; hockey pitch directly behind property is at an elevated position level with stone boundary wall, if new houses built on this elevated site there would be overlooking and privacy issues all the time, not just during school hours; request that the soil that was used to elevate the hockey pitch be removed before any building commences.

Sarah Smith (1323051)

Supports allocation but requests additional developer requirements: height of any buildings should not exceed those of existing buildings on site; road access (pre and post construction) should be shared between Scotsburn Road and Hartfield Road to avoid congestion; community use should include public open space; green corridors should be established to maintain the open feel that the Academy playing fields currently provide.

Sportscotland (1323065)

Assumes that whilst the site has substantial greenspace, this is not included as it allocated for development. Contains a sports facility resource and request that this is referenced in the developer requirements along with a recognition that the outdoor sports facilities will require appropriate compensation as part of any redevelopment of the site. In terms of the replacement school, it is not yet clear if this will provide replacement outdoor sports facilities which satisfies the national policy tests and until this is clear this should be referenced in these allocations.

TN09 East of Burgage Drive

Jan Witts (1310251)

Objects for the following reasons: loss of greenspace and outlook; would result in an over-built area; construction disruption; alternative sites available adjacent to Asda; Council should concentrate on repairs to existing paths and roads before building more housing. Plan has incorrectly labelled the site as being off Seaforth Road, Burgage Drive actually loops round and terminates at corner of TN09. Maps and road signs have been incorrect for years and has led to issues with emergency services and postal deliveries

Patricia Toshney (1310597)

Objects for the following reasons: Site should be used for greenspace as (existing); Council should concentrate on essential repairs to existing housing, roads and commercial viability of High Street before looking for more housing.

TN10 Blarliath

MacDonald & Muir Ltd/Glenmorangie Ltd per Bidwells LLP (1273032)

Fully support the allocation of TN10: Blarliath.

TN11 Glenmorangie

MacDonald & Muir Ltd/Glenmorangie Ltd per Bidwells LLP (1273032)

Fully support allocation TN11 Glenmorangie, however seeks an extension to the allocation boundary to include the extent of the warehouses as shown on drawing B.17.331 [*].

Modifications sought by those submitting representations:

Placemaking Priorities

Patricia Toshney (1310597)

Prioritise the commercial viability of the High Street and tourist facilities before building more houses.

MacDonald & Muir Ltd/Glenmorangie Ltd per Bidwells LLP (1273032)

Re-allocation of aIMFLDP site TN1 for Mixed Use including housing, education and business.

Allocation of land at Morangie Farm for industrial use.

Settlement Map 30 Tain

Highland Housing Hub (1154846)

Re-allocation of land referenced TN5 in the aIMFLDP and TN08 in the MIR for Mixed Use

Cairngorm Properties per GH Johnston Building Consultants (1220297)

Land identified under reference TN5 in the existing adopted IMFLDP and reference TN08 in the IMFLDP2 Main Issues Report is carried forward or included as an allocation for Mixed Uses including housing (up to 250 homes including serviced house plots and 25% affordable housing), business, commercial, community and green space, in the finalised version of the new LDP.

Transport Scotland (1324298)

In accordance with SPP, the plan should identify any required infrastructure improvements and how they will be funded and delivered. In order for this to be achieved, the Council will be required to undertake junction modelling of the allocations for Tain as the level of development has the potential to cumulatively impact the A9 trunk road and associated junctions. Consideration of how people will safely cross the trunk road should also be considered. Any required mitigation should be included within the plan to fully outline the infrastructure requirements to deliver the spatial strategy.

TN03 Ardlarach Farm

Gavin Ward (1312533)

Delete allocation (assumed) and focus housing development on more central sites.

Roslyn Borland (1324105)

Delete allocation (assumed).

Cairngorm Properties per GH Johnston Building Consultants (1220297)

Delete allocation.

NatureScot (1266529)

Delete allocation or revise the developer requirement for a Recreational Access Management Plan.

Amend developer requirement reference to: 'Dornoch Firth and Morrich More SAC and the Dornoch Firth and Loch Fleet SPA' to 'Morangie Forest SPA'.

Transport Scotland (1324298)

Delete allocation.

SEPA (906306)

Seeks additional developer requirement: "connection to public sewer".

TN04 Croft Arthur

Cairngorm Properties per GH Johnston Building Consultants (1220297)

Delete allocation.

Oliver Fleming (1324106)

Delete allocation (assumed).

Gavin MacDonald (1331)

Delete allocation (assumed).

Rosslyn Borland (1324105)

Delete allocation (assumed).

Gavin Ward (1312533)

Delete allocation (assumed) and focus housing development on more central sites.

NatureScot (1266529)

Revise the developer requirement for a Recreational Access Management Plan.
Amend developer requirement reference to: 'Dornoch Firth and Morrich More SAC and the Dornoch Firth and Loch Fleet SPA' to 'Morangie Forest SPA'.

Transport Scotland (1324298)

Delete allocation.

Lauren Gardner (1312312)

Delete allocation (assumed) and focus housing development on more central sites.

Katrina McKenzie (1312313)

Delete allocation (assumed).

TN05 West of Viewfield Road

Cairngorm Properties per GH Johnston Building Consultants (1220297)

Delete allocation.

Gavin Ward (1312533)

Delete allocation (assumed) and focus housing development on more central sites.

Rosslyn Borland (1324105)

Delete allocation (assumed).

NatureScot (1266529)

Revise the developer requirement for a Recreational Access Management Plan.
Amend developer requirement reference to: 'Dornoch Firth and Morrich More SAC and the Dornoch Firth and Loch Fleet SPA' to 'Morangie Forest SPA'.

Transport Scotland (1324298)

Delete allocation.

TN06 Viewfield

Cairngorm Properties per GH Johnston Building Consultants (1220297)

Delete allocation.

Gavin Ward (1312533)

Delete allocation (assumed) and focus housing development on more central sites.

Rosslyn Borland (1324105)

Delete allocation (assumed).

NatureScot (1266529)

Revise the developer requirement for a Recreational Access Management Plan.
Amend developer requirement reference to: 'Dornoch Firth and Morrich More SAC and the Dornoch Firth and Loch Fleet SPA' to 'Morangie Forest SPA'.

Transport Scotland (1324298)

Delete allocation.

Gavin MacDonald (1312250)

Delete allocation (assumed).

Stuart & Leslie Campbell (1324541)

Delete allocation (assumed).

Pat Munro (Alness) Limited (1312301)

None

TN07 Land to Rear of Craighill Primary School

Sportscotland (1323065)

Requests additional developer requirement that references the requirement for replacement outdoor sports facility which satisfies the national policy tests.

TN08 Tain Royal Academy

David Lauritson (1323207)

Additional developer requirements on loss of privacy and changes to ground levels.

Sarah Smith (1323051)

Requests additional developer requirements on design, layout, access, green corridors.
Community Use should include public open space.

Sportscotland (1323065)

Requests additional developer requirement: reference the current sports facility resource and recognises that the outdoor sports facilities will require appropriate compensation as part of any redevelopment of the site.

TN09 East of Burgage Drive

Jan Witts (1310251)

Delete site (assumed).

Patricia Toshney (1310597)

Delete site (assumed) and show as greenspace.

TN10 Blarliath

MacDonald & Muir Ltd/Glenmorangie Ltd per Bidwells LLP (1273032)

None

TN11 Glenmorangie

MacDonald & Muir Ltd/Glenmorangie Ltd per Bidwells LLP (1273032)

Extend allocation boundary.

Summary of responses (including reasons) by planning authority:

Placemaking Priorities

MacDonald & Muir Ltd/Glenmorangie Ltd per Bidwells LLP (1273032)

Non-Inclusion of Site Previously Consulted on

This site is allocated for housing in the aIMFLDP as TN1. There was previously a planning permission granted for the site (07/01267/FULRC) although this expired prior to the review of the Plan. In the MIR it was shown as an alternative site (TN06) for housing due to the lack of developer interest and a wider variety of alternative sites for housing around Tain. At Easter Ross Area Committee in November 2021, it was stated that at TN06 there was no indication of active interest for housing development on the site and there are road access issues to overcome. It was however recommended that the land stays within the SDA. Therefore, in IMFpLDP the site is not allocated but it remains within the SDA boundary. HwLDP Policy 34 Settlement Development Areas, gives support to proposals within SDA if they meet the requirements of Policy 28 Sustainable Design and all other relevant policies of the plan.

The Council accepts that the site has merits including that it is central and is in close proximity to employment and other services, is accessible and is sustainable in the sense that it is within active travel distance of the town centre and local services. The Council also accepts that it may have potential for housing on it, but there has been no active interest on the site and there are adequate alternative housing sites in Tain.

Informal contact was made with the Development Plans Team just before Committee in 2021. At this point no detailed information was available. This helped inform the recommendation to Committee to keep the land within the SDA which would allow flexibility for potential use of the land. It is recognised that an educational environmental campus and business incubator would be a benefit to Tain however the site would probably benefit from a masterplan to ensure that the education and business element of any proposal was the key and early component of the site. As such if the Reporter is so minded to allocate the land for a mixed use site to include education and business but not housing, then the Council would be supportive of it.

Inclusion of Site not Previously Consulted on

A representation was made to the MIR to include land at Morangie Farm [*] as an allocation in the proposed Plan. In response to this request, at the Easter Ross Area Committee in November 2021, it was acknowledged that a new site was requested on land adjacent to the former Morangie Farm Steading (west of A9) for a potential Eco-Energy Plant linked to the distillery. It also stated that no additional sites consultation was being undertaken for new sites proposed.

The merits of the site are recognised in that it has level topography, direct access off the A9 and the land is available. It is also recognised that in terms of climate change and the climate emergency there may be benefits in the creation of a bio-energy plant. However the land sits outwith the SDA, is physically removed from the rest of the

settlement and is not considered an appropriate extension of the SDA. Accordingly, the Council believes the Plan content should remain unaltered in respect of this site.

Patricia Toshney (1310597)

The Planning authority has a legal obligation to prepare development plans which provide a framework for growth in the future. There is already the following Placemaking Priority: 'Improve town centre environment, diversify activity and improve accessibility'. The Council believes no change is required to the Plan content.

Settlement Map 30 Tain

Cairngorm Properties per GH Johnston Building Consultants (1220297) and Highland Housing Hub (1154846)

Non-Inclusion of Site Previously Consulted on

This site is allocated as TN5 Knockbreck Road for Mixed Use (250 homes, business, commercial, community) in the aIMFLDP. In the MIR the majority of the site as shown as TN08 Knockbreck Road, an alternative site for Mixed Use (housing, business, community, commercial), a small section of the site was shown as a preferred TN03 East of Burgage Drive for Mixed Use (Housing, community). There was also additional land which was submitted at Call for Sites which was shown in the MIR as a non-preferred site for Mixed Use as TN15 Southeast of Knockbreck House. The objection does not reference this additional land at TN15 in the MIR. The land shown as TN03 in the MIR is allocated in the IMFpLDP2 as TN09 East of Burgage Drive.

Housing Land Supply

As per the Housing Needs and Demand Assessment, the overall level of housing required for Easter Ross as a whole is 752. This figure includes an additional 10% which does not apply to other Housing Market areas to take into account the uplift which could arise from economic activity associated with Opportunity Cromarty Firth partnership. In terms of Tain the Proposed IMF allocates land for 193 houses within the next 10 years and identifies a further 372 beyond that. Taking into account the quantitative need there is sufficient housing land for the Plan period. The topic of overall housing land requirement is considered more widely in Issue 3.

MIR comments

All comments made at the MIR consultation were considered by the Council and reported to the Easter Ross Area Committee in November 2021. A summary of comments and recommendations were provided for Councillors and verbatim comments were all available publicly online for Councillors to read.

Deliverability of site

Planning permission was granted in 2013 for a mix of uses (10/02217/PIP) and was renewed in 2017 under 16/03969/PIP for a mix of uses supported by a masterplan.

Paragraph 120 of Scottish Planning Policy states that local development plans should allocate sites that are effective or expected to become effective in the plan period. At the time of preparing the MIR and indeed when considering and recommending the content of the IMFpLDP2, there was considerable doubt over the effectiveness of the site, given the amount of time that has passed since the original and renewed applications. The IMFpLDP2 therefore took the opportunity for a fresh approach to the delivery of housing development in Tain and at the Easter Ross Area Committee in November 2021 it was

recommended that there were other more centrally located and viable sites and once these were developed then the land at Knockbreck Road could provide a potential future long-term direction of growth for Tain. However the potential effectiveness of the Knockbreck site has recently changed as it has been confirmed that landownership has changed. A PAN (22/01716/PAN) was submitted in April 2022 for mixed use development comprising up to 250 residential units, community uses, business/tourism uses, open space and ancillary infrastructure which corresponds with the masterplan previously approved under applications 10/02217/PIP and 16/03969/PIP. The agent for the landowner is indicating that steps are currently being undertaken to commence formal pre-application process for a new masterplan and Permission in Principle. No pre-application or planning application has been received by the Council.

Alternative sites

Other sites which are allocated all have their own merits and constraints and they have all been assessed by the Council. Land at TN09 East of Burgage Drive has been assessed and has developer requirements set out and it was considered that it was capable of being developed in advance of any land at the wider TN5 site. There is also a line of trees separating the sections of land which creates a sense of separation between the two. Land to the west of the bypass at TN03, TN04, TN05 and TN06 is discussed further below. It is acknowledged that land at TN08 Tain Royal Academy will not be capable of being developed until the new campus is built, however there are sufficient other sites allocated in Tain that can be developed in advance of it.

Location of site

The merits of the site as set out by the representees are recognised by the Council. It is acknowledged that the site itself has merit on particular proximity to existing residential areas and relatively easy access to key facilities and employment opportunities (including via active travel and public transport) and it sits within the A9 bypass. The site would deliver many of the factors associated with a 20 minute community. Taking into account the quantitative need, the Council considers that there is sufficient land allocated for housing in Tain in IMFpLDP2 and whilst this particular site may have merits and the circumstances of ownership and deliverability have changed, alternatives to this site have been allocated.

Transport Scotland (1324298)

As part of the plan preparation process The Highland Council undertook a qualitative Level 1 transport appraisal, following the DPMTAG, and liaising with Transport Scotland throughout the process, this included providing potential trip generation figures, based on the TRICS database. Transport Scotland's comments relating to concerns over the potential for cumulative impacts of sites allocated in Tain, and particular objection to sites TN03-TN06, due to the potential for development of these sites to impact upon the A9 junctions around Tain are therefore noted. The Highland Council considers that Tain has the potential to continue to grow in a sustainable way, and in line with the modal hierarchy set out in National Transport Strategy (NTS). Therefore, whilst concerns about the potential for impacts on A9 junctions around Tain, based on trip-rate predictions, are understandable, these rates are considered to be a worst-case scenario. With major shifts in policy (e.g. NTS & 20% reduction in car KM target by 2032) and funding (e.g. Bus Partnership Fund & minimum £320M budget for Active Travel by 2024/25) the Council expects actual trip rates to be more sustainable, particularly given the emphasis in the Plan on sustainable transport set out in Policy 14. It is not possible at this stage in the process to undertake an appraisal in line with STAG to inform mitigation required on the A9 to support sites TN03-TN06. However, in order that the Plan can address Transport

Scotland's concerns about the trunk road junctions, if the reporter was so minded, the Council would be supportive of the following additional Placemaking Priority: "Development in Tain may have the potential to cumulatively impact the A9 Trunk Road. Following Transport Scotland's Strategic Transport Appraisal Guidance, an appraisal of the impacts and potential solutions to address them may be required to be undertaken by applicants of any major-scale planning application in Alness".

TN03, TN04, TN05, TN06

There were a number of representees who objected to one or more of the above sites for one or more of the same reasons. The Council's response is below:

TN03: Gavin Ward (1312533), Cairngorm Properties per GH Johnston Building Consultants (1220297), Rosslyn Borland (1324105)

TN04: Gavin Ward (1312533), Cairngorm Properties per GH Johnston Building Consultants (1220297), Lauren Gardner (1312312), Katrina McKenzie (1312313), Oliver Fleming (1324106), Gavin MacDonald (1312250), Rosslyn Borland (1324105)

TN05: Gavin Ward (1312533), Cairngorm Properties per GH Johnston Building Consultants (1220297), Rosslyn Borland (1324105)

TN06: Gavin Ward (1312533), Cairngorm Properties per GH Johnston Building Consultants (1220297), Stuart & Leslie Campbell (1324541), Rosslyn Borland (1324105), Gavin MacDonald (1312250)

General comments for land west of A9

The IMFpLDP2 allocates further land for development to the west of the A9 at Croft Arthur, Ardlarach Farm and Viewfield. As set out in the Easter Ross Area Committee in November 2021, these were identified as allocations at the request of Local Councillors. They have merits including: willing landowners; opportunities at Croft Arthur to provide serviced self-build plots; provides a short and longer term, supply of housing for the town. The settlement text states that the wider area would benefit from a masterplan approach to development and that during the 10 year period of the Plan it is considered that the sites would not be fully built out and this is reflected in the indicative housing capacity figures. It is acknowledged that there are constraints associated with the site however as outlined below many of these constraints can be mitigated against or can be dealt with at development management stage. However, this is not the first land in recent times to be allocated for development to the west of the A9. Land is allocated in the aIMFLDP at TN4 Rowan Drive for housing, with the site now completed. Since the adoption of the aIMFLDP, this is the only allocation which has seen any housing development.

Alternative locations for housing

The levels of growth required are identified through various factors, but for housing, as required within Scottish Planning Policy 2010 (SPP), a key source of evidence is the Housing Need and Demand Assessment. The topic of overall housing land requirement is considered more widely in Issue 3. Representees have set out a number of sites which they think should be developed prior to land west of the bypass. IMFpLDP2 allocates land for housing at TN01 The Grove, TN02 Kirksheaf Road, TN08 Tain Royal Academy, TN09 East of Burgage Drive, all of which are central sites within the A9 bypass. The placemaking priorities already encourage development in the centre of Tain by referring to improving the town centre environment, diversifying activity and improving accessibility

and developing new uses for redundant space and buildings, including The Grove and Tain Picture House. Land adjacent to Morangie Hotel is allocated for housing in the aIMFLDP as TN1 and in IMFpLDP the site is not allocated but it remains within the SDA boundary. Further details on this site can be found in the Placemaking Priority section above. Land adjacent to Asda (Knockbreck and Burgage Farm) – for further discussion on this refer to response to Cairngorm Properties above. Land at Stagcroft Park is allocated in IMFpLDP as TN07 Land to the Rear of Craighill Primary School for the new 3-18 campus and for some housing. With regards to re-use of future redundant school sites, Tain Royal Academy is allocated (TN08) for Mixed Use including housing in IMFpLDP2. However it is acknowledged that there is no reference to the other school sites that will become redundant once the new 3-18 Campus is functioning. If the Reporter is so minded, the Council would be supportive of additional text being added to the settlement text to reflect this.

Phasing of sites

The phasing of parcels of land will be governed largely by land ownership and the attitude of landowners to release land and the availability of other supporting infrastructure. The Plan does not prescribe a particular order of development but the settlement text at paragraph xx does state that the wider area would benefit from a masterplan approach to development.

Road access and safety, infrastructure

It is acknowledged that Scotsburn Road has constraints however, road infrastructure and a suitable access solution including provision of appropriate levels of visibility, can be adequately addressed at the development management stage.

Road safety with people trying to cross the A9 is a valid concern however there is already an underpass going under the A9 but it is acknowledged that active travel will need to be encouraged and as such there is already a developer requirement for active travel: 'improve active travel linkages out with the site'. A condition of the permission for the new Tain Community Campus at TN07 (21/05639/FUL) includes the upgrade and refurbishment of the A9 pedestrian underpass between St Vincent Road and Birch Place.

Natural heritage, protected species

The impact of development on Morangie Forest SPA has been considered through the HRA and associated Appropriate Assessment. Further comments on this are provided in the Council's response to NatureScot. Any future developer will have to comply with statutory controls to ensure that protected species are not disturbed. There is also protection offered through HwLDP Policy 57 Natural, Built and Cultural Heritage, Policy 58 Protected Species and Policy 59 Other Important Species.

Flood risk and Drainage

Flood risk and drainage have been considered through the Strategic Environmental Assessment and suitable Developer Requirements have already been identified which will ensure that the issue is fully addressed as part of the planning application process. These requirements include the need for a "Flood Risk Assessment (no development in areas shown to be at risk of flooding) and a Drainage Impact Assessment".

Other development priorities

The Council accepts there are many other development priorities for Tain as a whole, however the Planning authority has a legal obligation to prepare development plans which provide a framework for growth in the future. The Plan seeks to identify appropriate levels

of land supply for housing, employment and community uses for each settlement to support sustainable growth of each settlement identified in the Plan area. A new school campus is recognised in the settlement text and features as an allocation (TN08). The placemaking priorities already include developing new uses for redundant space and buildings, including The Grove and Tain Picture House.

Consultation, hinterland, construction noise

There has been consultation carried out at each stage of the plan process as set out in the Participation Statement. Anyone can submit a planning application for a development proposal and it will be assessed on its individual merits against the adopted Local Development Plan at that point in time. There is no greenbelt policy in Highland, however there is a Hinterland policy (HwLDP Policy 35 Housing in the Countryside (Hinterland Areas)) for proposals outwith the SDA. This policy presumes against housing in the open countryside subject to a number of exceptions. Any potential disruption to existing houses from construction activity is a matter that would be conditioned through the development management process.

Greenspace

Whilst there are no formal greenspaces in area west of the A9 the Tain settlement map does identify some green network. This recognises the important physical, visual and habitat connections it provides and ensures these qualities are protected from development. The development of this site will result in the creation of formal amenity space for the residents which in the future could become protected greenspace. Also, under Policy 2 Nature Protection, Preservation and Enhancement, the development would be required to contribute towards the enhancement of biodiversity, including restoring degraded habitats and building and strengthening nature networks and the connections between them.

Agricultural land

There is an assertion that TN06 should be left as agricultural land. The eastern half of the site is classed as prime agricultural land, the remainder heading west towards the forest is not. Scottish Planning Policy advises that development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy. It is therefore considered that loss of prime agricultural land at this location, whereby Tain is listed as Tier 1 settlement in the Plan's Settlement Hierarchy, is consistent with Scottish Planning Policy. The Plan's Settlement Hierarchy [THC***] sets out a strategic view on where future growth should occur, targeting future growth at locations which are most economically viable and environmentally sustainable. In the settlement hierarchy Alness is a Tier 1 settlement; Tier 1 settlements are identified as the most sustainable locations suitable for a strategic scale of growth.

Infrastructure, services

Some of the key pieces of infrastructure are not the responsibility of the Council and it is for the infrastructure provider who has the obligation to ensure suitable capacity is in place. In particular water and waste water is the responsibility Scottish Water and SEPA. The topic of infrastructure needs and delivery is discussed more widely within Issue XX: Delivering Development and Infrastructure.

Impact on amenity

Amenity concerns and the other issues raised can be addressed at the planning application stage and proposals will be considered against HwLDP Policy 28 Sustainable Design and Policy 34 Settlement Development Areas in relation to the delivery of an

appropriate design.

Pat Munro (Alness) Limited (1312301)

Support for allocations TN04, TN05 and TN06 is noted.

TN03, TN04, TN05, TN06

Transport Scotland (1324298)

See the response above under Settlement Map 30 Tain. Road safety with people trying to cross the A9 is a valid concern however there is already an underpass going under the A9 but it is acknowledged that active travel will need to be encouraged and as such there is already a developer requirement for active travel: 'improve active travel linkages out with the site'. A condition of the permission for the new Tain Community Campus at TN07 (21/05639/FUL) includes the upgrade and refurbishment of the A9 pedestrian underpass between St Vincent Road and Birch Place.

TN03 Ardlarach Farm

NatureScot (1266529)

The Habitats Regulations Appraisal (HRA) and the Appropriate Assessment of Morangie Forest SPA identified mitigation in the form a Recreational Management Action Plan (RAMP) and this was included in TN03 as a developer requirement. Text was also included at paragraph xx on the IMFpLDP2 that requires any development to assess and demonstrate measures which ensure avoidance of any adverse effect of the integrity of Morangie Forest SPA and the final placemaking priority states: 'avoid any adverse effect on adjacent European nature conservation sites'. However, following further investigation by NatureScot since the publication of IMFpLDP2, on the local distribution of capercaillie and recreation, NatureScot are recommending that the mitigation for a RAMP is revised and warning given that mitigation may not be possible and the site may not be effective.

NatureScot are recommending that the developer requirement for a RAMP should be amended to state that it should contain the following: a study/survey of current levels and patterns of recreational use around Tain and Morangie Forest SPA, including infrequent and dispersed recreational types and behaviours that are known to be particularly disturbing for capercaillie; expert predictions of how existing levels and patterns of recreational use would change should TN03 be developed; a review of whether existing data on capercaillie use of the Morangie Forest SPA area is sufficient, or whether additional survey effort is required. If so, it should be commissioned; an assessment of the predicted changes in recreational use alongside capercaillie use of the woods to identify which predicted changes could result in significant disturbance to capercaillie; and identification of a package of mitigation measures, and arrangements for their long term monitoring and maintenance, to remove each of these risks. This may or may not prove to be possible. Mitigation measures would likely include, but not be restricted to: provision of alternative recreational opportunities of equivalent amenity and convenience; long term monitoring and management within the SPA to remove any new informal paths that develop in sensitive areas; and trackside vegetation screening in sensitive parts of the SPA.

To align with the Habitats Regulations Appraisal (HRA) and ensure the environmental designations are fully protected, if the Reporter is so minded, the Council would support the suggested amendments by NatureScot being made to the Developer Requirement for TN03. The Council recognises that the mitigation required to ensure avoidance of any adverse effect of the integrity of Morangie Forest SPA may be onerous on a developer

and may cause issues with the deliverability of the site. The following developer requirement: 'Demonstration of no adverse effect on the integrity of Dornoch Firth and Morrich More SAC and the Dornoch Firth and Loch Fleet SPA by preparation of a Recreational Access Management Plan' erroneously states the incorrect European nature conservation sites. It should say Morangie Forest SPA.

SEPA (906306)

HwLDP Policy 65 Waste Water Treatment sets out the overall strategy for the Highland Council area with regard to waste water treatment. The Council does not therefore consider that an additional developer requirement for connecting to the public sewer is required.

TN04 Croft Arthur, TN05 West of Viewfield Road, TN06 Viewfield

NatureScot (1266529)

Habitats Regulations Appraisal (HRA) and the Appropriate Assessment of Morangie Forest SPA identified mitigation in the form a Recreational Management Action Plan (RAMP) and this was included in TN04, TN05 and TN06 as a developer requirement. Text was also included at paragraph xx on the IMFpLDP2 that requires any development to assess and demonstrate measures which ensure avoidance of any adverse effect of the integrity of Morangie Forest SPA and the final placemaking priority states: 'avoid any adverse effect on adjacent European nature conservation sites'. However following from on from further investigation from NatureScot on the local distribution of capercaillie and recreation since the publication of IMFpLDP2, NatureScot are recommending that the mitigation for a RAMP is revised. NatureScot are recommending modifying the developer requirement to make the nature and scale of the work required for Recreation Access Management Plans, to contain the following: a study/survey of current levels and patterns of recreational use around Tain and Morangie Forest SPA, including infrequent and dispersed recreational types and behaviours that are known to be particularly disturbing for capercaillie; expert predictions of how existing levels and patterns of recreational use would change should TN04, TN05 and TN06 be developed; a review of whether existing data on capercaillie use of the Morangie Forest SPA area is sufficient, or whether additional survey effort is required. If so, it should be commissioned; an assessment of the predicted changes in recreational use alongside capercaillie use of the woods to identify which predicted changes could result in significant disturbance to capercaillie; and identification of a package of mitigation measures, and arrangements for their long term monitoring and maintenance, to remove each of these risks. To align with the Habitats Regulations Appraisal (HRA) and ensure the environmental designations are fully protected, if the Reporter is so minded, the Council would support the suggested amendments by NatureScot being made to the Developer Requirement for TN04, TN05 and TN06. The following developer requirement: 'Demonstration of no adverse effect on the integrity of Dornoch Firth and Morrich More SAC and the Dornoch Firth and Loch Fleet SPA by preparation of a Recreational Access Management Plan' erroneously states the incorrect European nature conservation sites. It should say Morangie Forest SPA.

TN07 Land to Rear of Craighill Primary School

Sportscotland (1323065)

The section of the allocation which is in the grounds of Craighill Primary School, has open space included in its current use which is not shown as protected greenspace in recognition that the land is part of the allocated land for the 3-18 Campus. Subsequent to the IMFpLDP2 being published for consultation, planning permission (21/05639/FUL) was granted in 2022 for the Erection of community campus including nursery, school,

playgrounds, sport pitches and associated infrastructure. It has subsequently become extant with a notice of initiation being submitted in September 2022. In terms of sports field provision the permission includes: one grass pitch measuring 100m x60m with flood lighting; 2no. 3G pitches, one measuring 100m x 60m, the second measuring 60m x 40m; 3no. enclosed Multi Use Games Areas (MUGA). If the Reporter is so minded the Council would be supportive of the recommended additional developer requirement from Sportscotland that references the requirement for replacement outdoor sports facility which satisfies the national policy tests.

TN08 Tain Royal Academy

David Lauritson (1323207)

In terms of any loss of privacy with regards to either development proximity or ground levels, is a detailed matter that will be considered at development management stage. However given the size of the site it is likely that there will be layout options for the site that do not affect the privacy of surrounding properties to an unacceptable standard consistent with Policy 28 Sustainable Design of the HwLDP. However if the Reporter wishes to recommend an additional developer requirement to achieve a setback from adjoining properties then the Council would be content with such a change.

Sarah Smith (1323051)

The Council accepts that visual amenity for surrounding housing is important and as such there is an existing Developer Requirement for: 'high quality siting and design with positive contribution to the streetscape', however if the Reporter wishes to recommend an additional developer requirement to restrict the height of new buildings, then the Council would be content with such a change. Access to the site is a matter that would be conditioned through the development management process. In terms of green corridors, there is an existing Developer Requirement for: 'landscaping scheme which integrates with the green network' and there is a Placemaking Priority for 'Preserve blue and green networks and enhance their role as active travel routes'. The Council considers that these along with Policy 4 Greenspace and Policy 5 Green Networks, will be sufficient to ensure that green corridors are established within the site. The Community Use does currently specify that it should include public open space but if the Reporter wishes to recommend that Greenspace should be specified as one of the Community Uses, then the Council would be content with such a change.

Sportscotland (1323065)

The site is not shown as protected greenspace as it is allocated for development in recognition that once the new 3-18 Campus is built, this site will become redundant as a school facility. It is recognised that outdoor sports facilities will be lost at this site however there will be replacement ones at the new Campus. If the Reporter is so minded the Council would be supportive of the recommended additional developer requirement from Sportscotland which references the current sports facility resource and recognises that the outdoor sports facilities will require appropriate compensation as part of any redevelopment of the site.

TN09 East of Burgage Drive

Jan Witts (1310251) and Patricia Toshney (1310597)

Loss of greenspace and over built area

The site is within the SDA and is adjacent to an existing neighbourhood and would be of a similar density to the adjacent housing area. The site is already part of a larger allocation for development (TN5) in the aIMFLDP. The allocation in IMFpLDP2 is for housing and

community uses and there is a developer requirement which states that the community use is safeguarded for greenspace only.

Loss of view

There is no legal right to a private view.

Construction pollution/disturbance

This is a matter that would be conditioned through the development management process.

Alternative sites

The levels of growth required are identified through various factors, but for housing, as required within Scottish Planning Policy 2010 (SPP), a key source of evidence is the Housing Need and Demand Assessment. The topic of overall housing land requirement is considered more widely in Issue XX. As reported to The Easter Ross Area Committee in November 2021, the site is considered to be a viable site which can provide housing in a central location.

Housing/Roads Repairs, Town Centre Viability

The Planning authority has a legal obligation to prepare development plans which provide a framework for growth in the future and this separate to budgets for repairing existing roads and paths. There are already the following Placemaking Priority which refers to the town centre: 'Improve town centre environment, diversify activity and improve accessibility'

Map Base

The online map base used by the Council is the ordnance survey map and the detail of it is outwith the control of the Council. The PDF version of the map is based on the ordnance survey map.

TN10 Blarliath

MacDonald & Muir Ltd/Glenmorangie Ltd per Bidwells LLP (1273032)

Support noted.

TN11 Glenmorangie

MacDonald & Muir Ltd/Glenmorangie Ltd per Bidwells LLP (1273032)

The Council would be supportive of extending the allocation boundary to include the extent of the warehouses, should the Reporter wish to recommend it.

Reporter's conclusions:

Reporter's recommendations:

Issue 51	Economic Development Areas (EDAs)	
Development plan reference:	Plan sections, PDF Pages 324-342	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Andrew Jones (1324077) Andrew Still (1323138) Andy Thurgood (1310849) Charlie Butcher (1323121) Cromarty & District Community Council (1271626) Daniel Woodley (1312362) Derek Marshall (1323045) Ernie Millard (1310590) Highland Deephaven Ltd per G&S (Evanton) (1323073) Lilli Marshall (1312447) Mark Fiskel (1312527) Mr Scott per Bidwells (1273028) NatureScot (1266529) Nigg and Shandwick Community Council (1312227) Robert Mackenzie (1218607) Sheenagh Harrison (1312446)</p>		
Provision of the development plan to which the issue relates:	Economic Development Areas (EDAs), PDF Paragraphs 324-342	
Planning authority's summary of the representation(s):		
<p>Request for additional EDA <u>Mr Scott per Bidwells (1273028)</u> Landowner objects to the non-inclusion of land at Fearn Aerodrome for light industrial uses which was identified as a Strategic Employment Site within the adopted IMFLDP and refutes the reasons presented by the Council within the Main Issues Report (MIR). The reasons included concerns over the site's deliverability (as the Council was not aware of any significant commercial interest or potential future development pressures) and that the allocation is considered unnecessary as it does not reflect the development potential of the area. It was also highlighted that support in principle for commercial uses at the site is likely to be forthcoming through other planning policies. The landowner, however, highlights continued development interest/pressures in the area, the most recent example including a 100GW Anaerobic Digestion Plant (Screening Opinion reference 22/02293/SRE).</p> <p>HD01: Highland Deephaven <u>Highland Deephaven Ltd per G&S (Evanton) (1323073)</u> Landowner supports the principle of the Economic Development Areas (EDAs) and the recognition that these sites can generate significant economic activity. Also supports the allocation of Highland Deephaven because: 1) it provides significant economic benefits,</p>		

particularly addressing shortfall of employment land; 2) strong transport links to the A9 and marine access; 3) potential for a new rail spur supported by Network Rail; 4) active developer interest; 5) owners intend to carry out a masterplanned approach to accord with policy objectives in the Plan and set out land uses including industrial, storage and office development. The landowner therefore objects to the proposed allocation use being for industry only and requests that the acceptable uses remain the same as the adopted IMFLDP which extent to industrial, business and infrastructure uses.

Landowner objects to their land holding on the opposite side of the A9 (shown as allocation reference EV05: Evanton Industrial Estate) being included within the Evanton settlement section and requests that this allocation forms part of the Highland Deephaven EDA instead. This is because it is anticipated that this area of land will be utilised for light industrial/office/training uses as well as ancillary services to support the wider Highland Deephaven site. Alternatively, it is requested that cross-reference is made to allocation reference EV05 within the supporting text associated with the Highland Deephaven Economic Development Area allocation (paragraphs 257 -258 in the Proposed Plan) and that an annotation is added to the HD01 map to show site EV05 (the Highland Deephaven allocation is annotated on the Evanton Settlement Map). Landowner objects to the Developer Requirement that 'any crossings should be bottomless arched culvert or traditional style bridges' as it is overly prescriptive at this stage and is more appropriate to be addressed at a future planning application stage. Landowner objects to the Developer Requirement stating that there will be no ship-to-ship transfers as it will not be undertaken at this location. Landowner supports the specific reference to the potential re-opening of the rail halt as a Placemaking Priority for the Evanton settlement but requests that reference is also added to a rail siding to serve industrial operations and the sustainable movement of freight.

NatureScot (1266529)

In terms of the Cromarty Firth SPA, and to avoid affecting the ability of the river delta to continue as an important wader roost site for the SPA, there are three specific roost sites spread along this bay which will need to be protected via Developer Requirements. Along with avoiding disturbance, sedimentation and pollution reaching the Cromarty Firth SPA, Ramsar and Cromarty Firth SSSI, avoidance of changes to coastal processes should also be demonstrated within the HRA. Recommend a Developer Requirement to direct any lighting associated with the future development away from the adjacent mud and sand flats of the river delta and this should also be reflected within the HRA. Objects to the Developer Requirement for a coastal protection assessment as such defences could have negative effects on the Cromarty Firth SSSI and the Cromarty Firth SPA. Instead, a Developer Requirement should be added to protect the features of the Cromarty Firth SSSI including the need for detailed appraisal of potential coastal change and effects on flood risk and that there will be no hard engineered defences, and that these likely significant effects have also been assessed within the HRA for the Cromarty Firth SPA.

NG01: Nigg Energy Yard

Andrew Jones (1324077)

Supports the Sustainable Tourism Potential Growth Area as shown in the Spatial Strategy map as it meets Crown Estate Scotland's funding criteria for the respondent's bid to repair the former Navy Pier at Nigg. Supports the allocation boundary NG01 as per the Proposed Plan as it does not include Nigg Pier, Ferry Slipway and beach – which were issues raised as part of the respondent's funding proposal.

Andy Thurgood (1310849)

Objects to the allocation as previous construction scheduled in 2020 ran over time and the noise of the development considerably impacted on the physical and mental health of Cromarty residents.

Cromarty & District CC (1271626)

The Environmental Impact Assessment should include assessment of Low Frequency Noise, Peak Noise and Noise Fluctuations, adopting the methodology of BS 4142:2014+A1:2019 March 202 Version1.0 Technical Note, and adoption of current World Health Organisation (WHO) guidance on Low Frequency Noise, Peak Noise and Noise Fluctuations. As part of any expansion, Nigg Energy Park should be asked to include investment to: 1) increase the ferry to become a year round service to encourage local employment opportunities; and, 2) set up an insulation (including double glazing with conservation area planning flexibility) fund available to Cromarty residents to help combat the existing, and any increase in, low frequency noise.

Daniel Woodley (1312362)

The Plan does not consider the impact on the U1466 single track road running parallel with the B9175. An increase in traffic on this road will have an impact on the large numbers of non-motorised traffic that use the road, in parts of the road there is very little verge space. This will also increase the noise and vibrations for the residents that live along the road. The Highland Council has stated that it's putting the environment first but the respondent questions how this will be achieved with the increases in both road and ship traffic to the port.

Andrew Still (1323138), Charlie Butcher (1323121), Ernie Millard (1310590), Mark Fiskel (1312527), Derek Marshall (1323045), Lilli Marshall (1312447), Sheenagh Harrison (1312446)

Respondents object to the allocation of land east of the B9175 for one or more of the following reasons:

- 1) Tourism – allocating the land for industry has removed the potential for it to be developed as a world class golf course which was to be private investment and would have resulted in many long term sustainable jobs and made a complementary and significant boost to the local tourism industry (e.g. golf, wildlife and historical based tourism). It will cause a detrimental impact on the wider tourism industry of Easter Ross. The Cromarty – Nigg ferry crossing, which is popular with tourists/cyclists, would be compromised due to the safety and visual/landscape impact for visitors travelling on the B9175;
- 2) Scale and impacts on infrastructure - the proposed industrial developments are vague, out of scale with the surrounding area, represent a significant increase from existing allocation and it does not have the infrastructure to support such development, e.g. the roads are over capacity and poorly maintained;
- 3) Benefit to community – the proposed industrial development will not benefit the local community;
- 4) Neighbouring properties - the allocation surrounds 7 residential properties and development will threaten their accesses from the B9175 and result in unbearable levels light, odour, air, vibration and noise pollution due to the close proximity to the development/industrial site. Previous works have been carried out at antisocial times, and agreed mitigation was not adhered to or continued to have negative impacts on neighbouring properties. It will impact on the views of neighbouring properties;
- 5) CPO/compensation – there will be a need for the Council/developers to compulsory purchase the residential properties or pay compensation due to unmitigable

- impacts on residents and on property values;
- 6) Brownfield land - rather than industrialisation of greenfield land, there is already available brownfield land in the area which can accommodate the demand for industrial development. Examples given include; 1) the permission has just been granted for a fabrication plant within the existing Nigg yard; 2) the oil terminal at Nigg which becomes available for development in 2025; 3) and other location such as Ardersier);
 - 7) Public sector funding – some respondents caution against investing large amounts of public money into heavy industry in the Highlands as it has been proven to be unsustainable, short lived and detrimental to the community in the long run – other parts of the UK are ultimately better placed to accommodate industrial development. Rerouting of the B9175 would come at huge public expense.
 - 8) Environment – development would have significant environmental impacts, including on various protected species, woodland and habitats and detrimental impact on coastal walks and beach.
 - 9) Lack of consultation – there has been a lack of consultation with the local community regarding the Plan and the proposals.

Nigg and Shandwick CC (1312227)

Objects to the allocation of NG01 because:

- 1) Access – the road network is not appropriate for the industrial development proposed. An increase in traffic on the scale necessary to maintain an industrial site of the proposed size would lead to significant congestion as well as compounding the existing issues for those residents and businesses along the route, such as from noise and air pollution. It is likely to increase traffic on the single track road which runs parallel with the B9175 which is not appropriate for such pressure. The Nigg Ferry terminal does offer an alternative to vehicular access, but the present provisions amount to a single, low capacity, seasonal ferry;
- 2) Environmental impact – Nigg is a predominantly rural area rich with varying habitat and biodiversity and is highly productive farmland. The proposed development of greenfield land goes against national and international agreements and the land must be properly assessed and understood prior to decisions to support development. Two brownfield sites exist to the north and south of the existing facility – these must be utilised before the community would consider the expansion onto greenfield land;
- 3) Scale - NG01 covers an enormous area, all of which is proposed for industrial use and it does not account for infrastructure, amenities, housing and other services needed to support the direct and indirect jobs. Concerns that the associated development will lead to further development of the countryside. Concerns about the legacy of the sites when industrial activity ceases – will they be left abandoned such was the case with the existing sites. A proper decommissioning plan must be set up before any development is approved;
- 4) Human impact – The impact on the community council/community has not be taken account and certain houses would be surrounded by development making living there untenable. Proper analysis of the viability of these homes for continued occupancy must be undertaken, and where necessary, adequate financial compensation should be offered to the home owners. Proper provisions must be planned and put in place to lessen the impact of sound, sight, and air pollution on the wider community.

Final point, the community are not against all development in the area/Nigg but the above needs to be addressed in advance of any expansion being allocated.

Port of Cromarty Firth (1178440)

Seeks the expansion of NG01: Nigg Yard for industrial uses as per the attachment [*] because:

- 4) Opportunity Cromarty Firth consortium is working to deliver transformational change to the Highlands from the renewable energy projects. The Cromarty and Inner Moray Firth region sits at the heart of these offshore wind developments and, by extension, at the heart of an emerging green hydrogen economy;
- 5) The Cromarty Firth is the only place to deliver on UK and Scottish Government targets of 60% local content and net zero by 2050. It has the overwhelming endorsement of industry and government. Independent studies confirm it is the only place in Scotland with the land space, some of the deepest waters and quaysides in the UK, sheltered anchorage locations, and a cluster of best-in-class companies and facilities, combined with the proximity to the windfarm sites. It can compete with established facilities abroad, and create the associated well-paid, sustainable jobs and opportunities for people and businesses across Scotland and the UK;
- 6) the expansion land will directly address the lack of port infrastructure highlighted in the Scottish Offshore Wind Energy Council's (SOWEC) Strategic Investment Assessment and the Offshore Renewable Energy Catapult's strategic infrastructure study.

Robert Mackenzie (1218607)

Landowner supports the principle of the allocation because it holds a strategically important position, particularly in respect of the significant economic opportunity presented by Scotwind and by floating offshore wind sector in particular. This is a position supported by numerous recent reports which highlight the need for large areas of land and access to deep water. The Cromarty Firth is the only location in Scotland capable of accommodating this type of development. Also, it has the opportunity to create many high quality manufacturing jobs, regenerate the local area, and play a leading role in the global green energy transition. Joined up thinking is required in order to ensure that this transformational pipeline of opportunity is not lost.

Objects to the following:

- 1) the allocation being a single entity as there are in fact two distinct sites, i.e. Nigg Energy Park and Pitcalzean Farm (land to the east of the B9175). Pitcalzean Farm is undeveloped land, which is partially allocated for industrial development, and is under separate ownership from Nigg Energy Park. The sites should be clearly distinguished in the IMFLDP2 as, NG01: Nigg Energy Park and NG02: Pitcalzean Farm;
- 2) The Economic Development Area Map 5 for Nigg Energy Park should also be amended to fill out the industrial allocation in order to achieve a more suitable allocation, which would better facilitate the scale of development and land area required for the type of short term industrial developments likely to be brought forward (i.e. as per the Nigg and Pitcalzean tax site plan proposed by Inverness and Cromarty Firth Freeport) [*].

Final point, the landowner appeals for flexibility from the local authority, that should no industrial development be brought forward within five years of the IMFLDP2 being adopted, then consideration should be given for alternative development, such as the redevelopment of the historic golf course.

Modifications sought by those submitting representations:

Request for additional EDA

Mr Scott per Bidwells (1273028)

Reallocation of Fearn Aerodrome for light industry as per [*].

HD01: Highland Deephaven

Highland Deephaven Ltd per G&S (Evanton) (1323073)

Widen the list of acceptable uses from industrial only to industrial, business and infrastructure uses. Add the respondent's land holding on the opposite side of the A9, which is shown as allocation reference EV05: Evanton Industrial Estate within the Evanton settlement section, to the Highland Deephaven EDA instead. Alternatively, add a cross-reference to allocation reference EV05 within the supporting text associated with the Highland Deephaven Economic Development Area allocation (paragraphs 257 -258 in the Proposed Plan) and an annotation to the HD01 map to show site EV05 (the Highland Deephaven allocation is annotated on the Evanton Settlement Map). Remove the Developer Requirement that "any crossings should be bottomless arched culvert or traditional style bridges". Remove the Developer Requirement stating that there will be no ship-to-ship transfers. Add as a Placemaking Priority reference to a rail siding to serve industrial operations and to support the sustainable movement of freight.

NatureScot (1266529)

Add a Developer Requirement to direct any lighting associated with the future development away from the adjacent mud and sand flats of the river delta. Replace the existing Developer Requirement for a coastal protection assessment with one which sets out the need to protect the features of the Cromarty Firth SSSI including the need for detailed appraisal of potential coastal change and effects on flood risk and that there will be no hard engineered defences.

NG01: Nigg Energy Park

Andrew Jones (1324077)

No modification sought.

Andy Thurgood (1310849)

Removal of the allocation NG01 from the Plan (Assumed)

Cromarty & District CC (1271626)

The Environmental Impact Assessment to include assessment of Low Frequency Noise, Peak Noise and Noise Fluctuations, adopting the methodology of BS 4142:2014+A1:2019 March 202 Version1.0 Technical Note, and adoption of current World Health Organisation (WHO) guidance on Low Frequency Noise, Peak Noise and Noise Fluctuations. Add the following Developer Requirements: 1) to increase the Ferry to become a year round service to encourage local employment opportunities; 2) to set up an insulation (including double glazing with conservation area planning flexibility) fund available to Cromarty residents to help combat the existing, and any increase in, low frequency noise.

Daniel Woodley (1312362)

Developer Requirement ensuring a road order that forces port related traffic to use the main road.

Nigg and Shandwick CC (1312227), Andrew Still (1323138), Charlie Butcher (1323121),

Ernie Millard (1310590), Mark Fiskel (1312527), Derek Marshall (1323045), Lilli Marshall (1312447), Sheenagh Harrison (1312446)

Removal of allocation NG01 and/or the part of the allocation which is east of the B9175.

Nigg and Shandwick CC (1312227)

Removal of allocation NG01.

Port of Cromarty Firth (1178440)

Extend the allocation boundary shown as per the attachment [*].

Robert Mackenzie (1218607)

Split the single existing allocation into two allocations – with the existing Nigg Energy Park being ‘NG01: Nigg Energy Park’ and Pitcalzean Farm (land to the east of the B9175) being ‘NG02: Pitcalzean Farm’. Extend the allocation boundary (which would be NG02: Pitcalzean Farm) as per the attachment [*]. Seeks flexibility from the Local Authority, that should no industrial development be brought forward within five years of the IMFLDP2 being adopted, then consideration should be given for alternative development, such as the redevelopment of the historic golf course.

Summary of responses (including reasons) by planning authority:

Request for additional EDA

Mr Scott per Bidwells (1273028)

As highlighted by the respondent, the MIR stated that the main reasons that the site at Fearn Aerodrome was not taken forward as an allocation in the new Plan related to concerns over the developable areas and its overall deliverability. Whilst the Council recognise the developer interest in the area, the concerns remain. For example recent large-scale development proposals at the site have been located outwith the allocation, including a significant whisky warehousing development (granted permission in 2021, reference 21/03237/FUL) which lies to the north west of the allocation and the proposed Anaerobic Digestion Plant which lies on land to the west. Both proposals are outwith the current boundary and the boundary put forward by the landowner as part of the representation on the Plan. If proposals were focused on the allocation itself, then there is an greater argument for allocating the land and ensuring the cumulative impacts of development are assessed and managed. For example, proposals such as the anaerobic digestion plant could have considerable impacts on the road network, especially at peak times, and if other proposals were to come forward in the area the impacts on the road network should be looked at in combination and suitable mitigation delivered by the developers. However, very little development has taken place on the allocation and there is a reliance on general planning policies to consider the impacts. Despite the arguments in favour of allocating the land, on balance, it is not considered necessary to the Plan. However, if the Reporter seems merit in retaining the allocation, then the Council would not object.

HD01: Highland Deephaven

Highland Deephaven Ltd per G&S (Evanton) (1323073)

Reasons given in support of the allocation are noted. The identification of only Industrial uses in the Plan for Highland Deephaven reflects the most appropriate and predominant use for the land south of the A9. As set out in the Glossary, Industrial allocations allow for Class 4 Business, Class 5 General Industrial, Class 6 Storage or Distribution and therefore provides flexibility to deliver the uses suggested by the respondent. However, the expansion of the specified uses to include “Industry, Business and infrastructure” as

per the adopted IMFLDP could help to better reflect the wider potential of the site, particularly given the scale of the allocation, albeit that Business and Infrastructure are likely to be more minor elements of the allocation. Therefore, if the Reporter is so minded, then the Council would support the list of acceptable uses being extended to include "Industry, Business and infrastructure". To highlight and promote the interlinked development opportunities on either side of the A9 it is acknowledged that a cross-reference in both the Evanton and Highland Deephaven sections would be useful. The suggested merger of site EV05: Evanton Industrial Estate with HD01: Highland Deephaven is not considered necessary. Although the land at ED05 sits within the same ownership of HD01, it is separated by the A9 Trunk road and forms part of the wider industrial estate on the outskirts of Evanton. See Issue 31: Evanton for the response to how it is suggested that the Evanton section can be amended to better cross reference the two sites.

In terms of Highland Deephaven EDA, if the Reporter is so minded, the Council would be content with the statement below being added following the last sentence in the first paragraph of the supporting text:

"Land is also available for commercial development immediately to the north of the A9 trunk road, allocated as EV05: Evanton Industrial Estate (which is within the same ownership as Highland Deephaven) and EV04: Airfield Road."

The existing cross-references within the Evanton and Highland Deephaven maps can also be strengthened to highlight the adjoining allocation. The Highland Deephaven EDA map can use the same colour scheme for sites outwith the EDA as used in the Evanton map to show Highland Deephaven EDA. The reference on the maps can also be amended, from "see Highland Deephaven map" to "see HD01: Highland Deephaven Economic Development Area". The objections to the specific Developer Requirements which are referred to in the landowner's submission were derived in consultation with NatureScot and SEPA and are deemed to be appropriate for inclusion. We do not therefore propose to remove the requirements relating to watercourse crossings or ship to ship transfers. The request for the additional wording relating to the rail halt is considered reasonable as rail siding will inevitably be required. Therefore, if the Reporter is so minded, then the Council would support the amendment of the final sentence of the first paragraph to (emboldened text would be additional and strike-through text removed) "The is also the potential for a spur off the Far North Railway Line and rail halt to be created ~~for commercial freight~~ to serve industrial operations and to support the sustainable movement of freight."

NatureScot (1266529)

To align with the Habitats Regulations Appraisal (HRA) and ensure the environmental designations are fully protected, the Council would support the additional points raised by NatureScot being added to the Developer Requirement for HD01. If the Reporter was so minded, the Developer Requirements wording could be amended along the following lines (with emboldened text being added and the strike-through text being removed):

"Developer masterplan which should address: protect and enhance watercourses/features including existing riparian areas. Any crossings should be bottomless arched culverts or traditional style bridges. No culverting for land gain; Flood Risk Assessment (no development in areas shown to be at risk of flooding); Drainage Impact Assessment; ~~coastal erosion survey which identifies developable areas and mitigation measures~~ protect the features of Cromarty Firth SSSI including detailed appraisal of potential coastal change and effects on flood risk (no hard engineered defences will be supported, and to be assessed against impacts on the Cromarty Firth SPA); protected species survey; Land

Contamination Site Investigation; high standard of architectural design and landscaping scheme which minimises the visual impact of development, particularly from the A9 and integrates greenspaces within the blue/green network; protect and enhance where appropriate existing woodland; safeguard potential for new rail halt and sidings to be formed to serve the industrial operations, jetty extension and marine frontage; Demonstration of no adverse effect on the integrity of the Dornoch Firth and Morrich More SAC, Moray Firth SAC, Cromarty Firth SPA/Ramsar (including the ability of the river delta to continue as an important wader roost site) and Moray Firth SPA by public sewer connection and comprehensive sustainable urban drainage system to deal with surface water run-off to avoid sedimentation and pollution reaching Firth, satisfactory submission of a Construction Environmental Management Plan and Operational Environmental Management Plan including avoidance of coastal processes, direct any lighting away from the adjacent mud and sand flats of the river delta, prevention of sedimentation and pollution, impact and mitigation on qualifying species including harbour seals, mitigation for disturbance and noise, Recreational Access Management Plan including consideration of water based activities, must include satisfactory provision and/or contribution towards open space, path and green network requirements, Noise and Vibration Mitigation Plan (including construction and operational phases and disturbance effects), Oil Spill Contingency Plan, Boat traffic Management Plan, Hydro-Dynamic study to assess the impact of altered flows on sediment movement in the firth in relation to subtidal sandbanks, full compliance with appropriate regulatory frameworks for ballast water discharge, dredging and disposal and ship-to-ship transfers including Marine Scotland dredging and disposal guidance (both for capital and maintenance spoil) and JNCC piling guidance.

NG01: Nigg Energy Park

Andrew Jones (1324077)

Support for the Sustainable Tourism Potential Growth area as shown in the Spatial Strategy and the existing allocation boundary is noted.

Andy Thurgood (1310849)

The concern expressed regarding the adverse impacts on the amenity of neighbouring residents during the construction stages is noted. There is already a Developer Requirement for a noise assessment to be carried out and necessary mitigation provided, which will also cover the operational noise impacts of development. This will also need to be set out within the Construction and Environmental Management Plan (CEMP) which too is a Developer Requirement. The CEMP requires a developer to set a pollution prevention plan, covering issues such as chemical, waste, dust and noise pollution together with water run off, construction traffic etc. Whilst a wider assessment of amenity impacts will be required as part of the masterplanning and planning processes to accord with the general planning policies, it is acknowledged that further clarification could be provided within the Developer Requirements. Therefore, if the Reporter is so minded, the Council would support the Developer Requirement relating to a noise assessment to be amended to read “noise impact assessment (considering both construction and operation) and any other related impact assessments such as that relating to air quality, light, odour and vibration” and inclusion of the following additional requirement “Appropriate setbacks, landscaping and other mitigation to safeguard amenity and privacy of neighbouring residential properties”.

Cromarty & District CC (1271626)

The comments in relation to the noise impact assessment are noted and the response above addresses the issue. The exact methodology will be agreed at masterplanning and

planning application stages. In relation to the request for investment in the ferry service, the Council agree that, if development takes place as envisaged and significant jobs are created, expanding the operations of the ferry service would be appropriate and should be seriously considered. As such, if the Reporter is so minded, the Council would support the following amendment to the Developer Requirement relating to the Transport Assessment (the emboldened text shows the amended element) so it reads: “Transport Assessment including details of potential impact and alterations to B9175, measures which promote the transport hierarchy, and explore delivery of enhancements to the Nigg-Cromarty ferry service, such as a larger vessel and support for a year-round service.” It is not considered appropriate to identify, as a Developer Requirement, the need for a fund to be set up which would be available for Cromarty residents to help mitigate noise impacts. The impacts will be assessed, and mitigation identified as part of the planning process, whereby initiatives such as this and others could be raised and considered further.

Daniel Woodley (1312362)

A detailed Transport Assessment is identified as a Developer Requirement and will be necessary to support any major development at NG01. Whilst this would consider the impacts on the wider road network including the U1466, if the Reporter is so minded, an explicit reference could be added to the Developer Requirement so it reads “Transport Assessment including details of potential impact and alterations to B9175, assessment of potential impacts on the wider road network including unclassified roads...” Comments relating to the environmental impacts are addressed below.

Andrew Still (1323138), Charlie Butcher (1323121), Ernie Millard (1310590), Mark Fiskel (1312527), Derek Marshall (1323045), Lilli Marshall (1312447), Sheenagh Harrison (1312446)

Justification for the allocation

The Council recognises the strategic importance of the Port of Nigg and the significant contribution it already makes to the economy of the Highlands. The response within Issue 11: Renewable Energy & Policy 7 Industrial Land, recognises the transformational potential which the green energy industry can have for the region, and justifies the Council’s support for the work of Opportunity Cromarty Firth (OCF) and its bid for Green Freeport status. The main landowner and business interests associated with NG01 are key stakeholders within OCF. The allocation of NG01 aims to provide short, medium and long term growth opportunities. The existing Nigg Energy Park offers some capacity for further development and intensification, as illustrated by the recent planning consent for an advanced manufacturing factory producing turbine components (planning application reference 21/02981/FUL) within the existing yard. However, there is only limited, short term opportunities within the existing yard and whilst the land at the disused oil terminal returns to Global Energy Group’s ownership in 2025, there is a clear need for additional land to be provided to meet the industry needs. The land to the east of Nigg had originally been planned to be a major petrochemical plant and earmarked for development since the 1970s. Although the Council seek to avoid greenfield land wherever possible, there are very few, if any, alternative sites which offer the same development potential and match industry needs. If awarded Green Freeport status and the benefits and development opportunities are accelerated, the Council will monitor whether there is value in a review of the Local Development Plan within the next 5 years to reassess the strategy and supply and demand pressures for land. This could be undertaken as a partial review. However, with crucial investment decisions relating to ScotWind being made in the short term – including the location of necessary manufacturing hubs – the Plan is expected to have significant influence in shaping the future of the area. It is apparent that the misalignment of the Development Plan with industry needs may risk such investment being lost from

Scotland altogether.

Infrastructure & Masterplanning

The adopted IMFLDP allocation is supported by the Nigg Development Masterplan [*] which is statutorily adopted Supplementary Guidance. The masterplan was prepared in 2008 and set out the baseline development context. Its aim was to help promote the opportunities at that time and ultimately ensure it was brought back into economic use. Since then, Global Energy Group has acquired the site and developed it into a leading energy industry port facility. Whilst certain aspects of the Nigg Development Masterplan remain relevant, it is widely acknowledged that it does not now fully reflect the emerging needs of the industry and development opportunities. As set out in the Developer Requirements for NG01, the developer will be required to carry out a masterplan for the site and address many of the same issues raised in the Nigg Development Masterplan. These include infrastructure requirements, environmental and amenity considerations, identification of developable areas and phasing, and engage with key stakeholders including the local community.

Decommissioning plan

The Council recognises the importance of decommissioning large scale industrial developments when they become redundant. Policy 67 Renewable Energy Developments of HwLDP requires that, in all relevant cases, restoration of the site occurs. The Council's Construction Environmental Management Process for Large Scale Projects (2010) [*] notes that the Project Environmental Management Process should end with "operational management/post operational decommissioning to ensure that the environment is safeguarded from any negative effects of the development." Given the nature of the existing uses within the allocation (which include the disused oil terminal) and the wide range of potential future industrial uses, if the Reporter is so minded, the Council would support a Developer Requirement being added to highlight the need for such decommissioning/restoration work. This could be along the lines of: "programme of decommissioning/restoration in event of post operation/redundancy"

Landscape and visual impacts & tourism concerns

The Cromarty Firth is already home to a range of significant energy and industrial related infrastructure and built development. Such development and activity has become a recognisable and widely accepted part of the landscape. This landscape is set against the backdrop of increasing numbers of visitors to the Highlands and a growing tourism sector. In recent times, there has been a variety of tourism related investment proposals and developments in and around the Cromarty Firth, including the world class golf course referred to within representations and proposed by the landowner of Pitcalzean Farm on land adjoining the existing Nigg Energy Park. This demonstrates that the juxtaposition between heavy industry and the high-quality natural environment which surrounds it is compatible in many respects and can serve as a defining feature of the area. The continued transition away from oil and gas to renewable energy activities will also help to embed the image of the region being focused on environmentally friendly activities, which is becoming an increasingly important consideration for tourists. Nevertheless, it is acknowledged that additional industrial activity needs to be carefully considered in terms of the impact it has on the landscape. Accordingly, the Plan already includes a Developer Requirement for a Landscape and Visual Impact Assessment to be undertaken, which will ensure such impacts are fully assessed and minimised. During the earlier stages of the Plan review, proposals for a golf course were being progressed for the land east of Nigg Energy Park by the landowner. Despite this, the Council agreed for the allocation of the land for industrial uses which essentially ensures that the golf course proposal will not be

supported within the allocation at this time. As set out above, the land has been identified as being crucial for the renewable energy industry. In recognition of the site's strategic importance for the energy sector and the wider regeneration of the region, this position is now fully supported by the landowner of Pitcazlean Farm, as shown in his representation on the Plan. It is noted, however, that with key investment decisions will be made over the next 5 years that, if the growth and investment in renewable energy developments does not materialise during this time, the Council will be more open to considering alternative proposals. In this scenario, as part of the next Plan review, the Council will also consider whether reallocation for industrial uses is appropriate. Concerns expressed about the potential impacts on the amenity of nearby residents have been addressed in the response above.

Environmental concerns

The environmental concerns relating to the principle of industrial development on the site have been considered through the SEA Environmental Report and Habitats Regulations Appraisal (HRA) [*] which have supported the preparation of the Plan. This has informed the Developer Requirements for the site (which cover a wide range of environmental issues including woodland, biodiversity, habitats and access) and ensures that more detailed assessments are carried out and suitable mitigation identified in support of the masterplanning and planning application process. This will also be a fundamental part in establishing which parts of the allocation are developable and which areas need to be safeguarded and enhanced.

Lack of consultation

The Statement of Conformity with Participation Statement [*] sets out the extensive consultation and engagement carried out throughout the plan making process.

Nigg and Shandwick CC (1312227)

A response has been provided above which addresses concerns raised about the impacts on the transport network.

Port of Cromarty Firth (1178440)

The Port of Cromarty Firth in their role as key facilitator of the Opportunity Cromarty Firth's bid for Green Freeport status request that the Plan reflects the content of the bid, including the allocations. In the case of NG01: Nigg Energy Park, this would require an expansion of the allocation boundary (to that shown in the Proposed Plan) to essentially round off and infill the allocation and expand the site to the south east to incorporate the foreshore and out to the mean low water springs.

In terms of rounding off and infilling the allocation, it is recognised that there is merit in doing so. The allocation shown in the Plan is, to a large extent, rolled forward from the adopted IMFLDP. It is understood that the boundary was designed to exclude existing and proposed green corridors/woodland and any land to the east of the B9175 which was not in the ownership of Dow Chemicals/Cromarty Petroleum. However, the basis for the green corridors identified in the Nigg Development Masterplan is not entirely clear, especially the southern corridor. The land put forward within the Green Freeport bid now has the backing of all the key landowners in the area and better reflects the developable parcels of land. It now includes areas alongside the B9175 (between the existing Nigg Energy Park and the undeveloped land to the east) which are likely to offer some of the most suitable access points and options for improving the transport network. It is also recognised there are benefits to consider the area as a whole through further masterplanning work and stakeholder engagement. This would allow for a fresh

assessment of the how best to integrate green corridors, along with other factors such as screening and landscaping, within the development, which is already a Developer Requirement (“protect and enhance existing woodland and individual trees, create new woodland where opportunities exist and integrate within the green/blue network”).

In terms of extending the boundary southwards, it is recognised that there is merit in doing so. The Nigg Development Masterplan noted that additional deepwater quayside was likely to be required to make the site attractive and competitive and it identified potential opportunity to do so on the east of Nigg yard. It notes that *“The topography is potentially problematic in that only a comparatively small part of the site (i.e. the coastal strip) is relatively flat and therefore relatively easily developed and safely accessible to vehicles transporting very heavy large loads. Access to the sea is across a beach to the south of the site. Consent was previously granted for access to deep water across the beach at this point. Alternative access to the sea might best be provided via a crossing of the public road and access to the east side of the graving dock where a new purpose built quay wall could be provided.”* The rationale for this still stands, and it is apparent that the industry requirements for land and quayside space is even greater, particularly for offshore wind energy which has considerably larger components than onshore wind energy. It is considered that the existing Developer Requirements (which is aligned with the HRA mitigation) will be sufficient to ensure that full assessment of the environmental considerations will be undertaken to inform the developer-led masterplan and ultimately any subsequent planning application. This will also inform which specific areas are developable and which require safeguarding and enhancing.

Taking account of the above response and noting the clear support provided by the Full Council Committee [*] for the proposals set out by Opportunity Cromarty Firth, the Council suggests to the Reporter that the boundary of the allocation is amended to reflect that of the Green Freeport bid as per the respondent’s attachment [*]. If the Reporter is so minded to include it, it is suggested that a Developer Requirement be added to ensure that further assessment and engagement is undertaken to determine suitable developable areas. This could be along the lines of: “developable areas to be determined through ongoing programme of environmental assessment and masterplanning process with early engagement required with key agencies and other stakeholders”.

As set out in the Renewable Energy section of the Plan, the Council is open and willing to preparing Masterplan Consent Areas for sites within a Green Freeport [*] – as indicated by the Scottish and UK governments in the joint prospectus - as a means of front loading the planning system. If such a framework taken forward for this site, it would provide another, more formal opportunity for stakeholders (such as key agencies) to input and for further public scrutiny. In addition, and as outlined in greater detail within Issue 11: Renewable Energy & Policy 7 Industrial Land, to ensure that the Plan can best align with the priorities in the most appropriate way, including in relation to the key site allocations, the Council would welcome the opportunity to engage with the Reporter during the Examination process when the announcement is expected to have been made and further information becomes available on the implications for the area.

Robert Mackenzie (1218607)

Support and the rationale for the allocation is noted. In relation to the first objection within the representation, which relates to the allocation at Nigg being shown as a single entity, it is acknowledged that there are in fact two distinct components to the allocation. One part covers the footprint of the existing port and associated built development which lie entirely to the west of the B9175, including Global Energy Group’s port facility together with the

disused oil terminal. The other part of the allocation lies on the eastern side of the B9175 and is largely undeveloped land and offer potential for the creation of a wide range of new commercial development. Also, given the fact that the ownership of the two components is different, it is recognised that there is value in separating the single allocation into two allocations as proposed, i.e. NG01: Nigg Energy Park and NG02: Pitcalzean Farm. Therefore, if the Reporter is so minded, the Council would support this change to the allocation.

A response has been provided above which relates to the respondent's second objection relating to a suggested expansion of the allocation. As noted above, in relation to the landowner's request for flexibility, the Council recognise that many key investment decisions within the fast-paced offshore wind energy industry will be made over the next 5 years. If proposals haven't emerged for the land east of Nigg Energy Park 5 years on from the adoption of the Plan then the Council would be more willing to consider the suitability of alternative commercial developments. In line with the plan-led system, the Council encourage alternative proposals to be brought through future reviews of the Local Development Plan. The Council's Development Plan Scheme is updated annually and sets out the programme for reviewing the area local development plans.

Reporter's conclusions:

Reporter's recommendations:

Issue 52	Growing Settlements	
Development plan reference:	Section 4 Places, Growing Settlements, PDF Pages 342-374	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Boleskine House Foundation (1312524) (Foyers) (later committee) Cawdor SDT/Estate per GH Johnston (1271536) (Cawdor) (later committee) Farigaig and Boleskine Residents Association (1312384) (Foyers) (later committee) Glenurquhart Community Council (1323049) (Balnain) (later committee) J Gordon per GH Johnston (1312515) (Portmahomack) James Horlick per Ness Planning (1312439) (Inchmore) (later committee) Julian Cox per GH Johnston (1312292) (Milton of Kildary) Kyra Motley (1312072) (Foyers) (later committee) McArthurs per Bidwells (1217486) (Ardross) Munro (Highland) Construction Ltd per Urban Animation (1210729) (Newmore/Rhicullen) Scottish Environment Protection Agency (SEPA) (906306) (Barbaraville, Garve, Inver) The firm of Angus MacLean per GH Johnston (1312296) (Marybank) Thomas Raller per GH Johnston (1312290) (Milton of Kildary)</p>		
Provision of the development plan to which the issue relates:	<p>Growing Settlements of Ardross, Balnain, Barbaraville, Cawdor, Foyers, Garve, Inchmore, Inver, Marybank, Milton of Kildary Portmahomack and Rhicullen/Newmore Placemaking Priorities 36, 37, 39, 42, 43, 46, 47, 48, 49, 50, 51 PDF paragraphs 275, 276, 278-279, 283-285, 286, 290, 291, 292, 293, 294, 295 Maps 46, 47, 49, 52, 53, 56, 57, 58, 59, 60, 61</p>	
Planning authority's summary of the representation(s):		
<p>Ardross <u>McArthurs per Bidwells (1217486)</u> Objects to omission of Ardross as a growing settlement because: it is included in the aMFLDP as a similar “other” settlement; it offers several suitable infill development opportunities; it is well connected to facilities and service networks; development there would comply all of the assessment criteria in General Policy 12 Growing Settlements; there is an obvious infill/consolidation opportunity between the 2 large clusters of existing buildings; it is a well established rural settlement; it has community facilities and spare local road capacity; it benefits from defensible boundaries which could be further strengthened with appropriate landscaping; the local school will be sustained by additional houses and pupils; the land could deliver affordable housing and public open space; there are local employment opportunities such as at the recently opened whisky and gin distillery; Ardross is an environmentally sustainable and economically viable location; there was a specific positive land allocation in the Ross and Cromarty East Local Plan; there is market demand for private housing in this area; the central land has no environmental constraints (it is not covered by environmental designations nor likely to adversely impact natural heritage); it is non-prime agricultural land with no trees and has a</p>		

level topography; and, no significant physical risks are present (e.g. land stability, flooding, proximity to health and safety hazards e.g. high pressure gas pipeline).

Barbaraville

SEPA (906306)

Seeks an additional placemaking priority to highlight potential coastal risk because Barbaraville is on the coast and low lying areas of the village are at risk of coastal flooding.

Garve

SEPA (906306)

Seeks an additional placemaking priority to highlight potential risk of flooding from the river.

Inver

SEPA (906306)

Seeks an additional placemaking priority to highlight potential coastal risk because much of Inver is low lying and at risk of flooding from the sea.

Marybank

The Firm of Angus MacLean per GH Johnston (1312296)

Objects to the Plan's omission of a specific 50 unit housing development allocation on land East of Balloan Road, and South of Ord Road, Marybank because: 27 housing units have already been permitted on part of the land; its second phase could offer self-build opportunities; it will help sustain the local school and hall; it will help meet the housing land supply target; the site is effective and economically viable; it will deliver affordable housing; the land has been allocated for development in previous development plans; it has active and current developer interest from the Communities Housing Trust; it complies with NPF4's 20-minute neighbourhood concept; of the reasons stated in the original Call for Sites and Main Issues Report submissions [*]; a more specific allocation would give more certainty to the community and development industry; the existing permissions for 27 units is more than an infill opportunity which is deemed by the Plan to be the scale of growth appropriate for a growing settlement; the site is in an environmentally sustainable and economically viable location; and, the site would take pressure off other (undefined) less appropriate sites in and around the village.

Milton of Kildary

Thomas Raller per GH Johnston (1312290)

Objects to the lack of specific land allocations in this community because it does not give certainty to existing residents and potential investors particularly in view of the pending Green Freeport status for the Cromarty Firth and expected jobs growth. Seeks land to be allocated to the west of Milton. Supporting statement supplied which refers to respondent's MIR submission and provides a map of the land being sought as an allocation [*].

Julian Cox per GH Johnston (1312292)

Objects to the lack of specific land allocations in this community because it does not give certainty to existing residents and potential investors particularly in view of the pending Green Freeport status for the Cromarty Firth and expected jobs growth. Seeks land to be allocated at Wester Tarbat to the south of Milton. Supporting statement supplied which refers to respondent's MIR submission and provides a map of the land being sought as an allocation [*].

Portmahomack

J Gordon per GH Johnston (1312515)

Seeks the reclassification of Portmahomack in the Settlement Hierarchy as a Main Settlement. Requests the Main Issues Report submission to be read alongside the Proposed Plan objection [*] as no justification was given in Committee papers that the matters raised in it had been understood or considered. The Main Issues Report submission compared the merits of Portmahomack to other similarly classified settlements in respect of size, facilities it supports, relative proximity to other centres, exhausted land stocks for development, its cyclical growth characteristics and its conservation status. Seeks specific plan content for Portmahomack because: it is clearly different from most of the other settlements with which it is grouped, which do not appear to be comparable in their role, scale, urban form and/or position, nor their population base or breadth of economic activity; it has potential to grow which would sustain Portmahomack and support its services, employment and heritage, securing an appropriate contribution to the suppressed housing demand and deficient land supply which are evident from the HMA forecasts presented. The status of Portmahomack as a settlement with potential for "infill only" would disregard all of the above and unduly restrain and undermine the "viability/sustainability" prospects for a community of its scale, placement and character, which the Council claims to be the basis for "classifying settlements and directing growth". The development plan must direct sustainable development and secure sustainability of its communities. Repositioning of Portmahomack in the Settlement Hierarchy as a main settlement would encourage the community to formulate development proposal of an appropriate size and scale over the 5-10 year timescale of the Plan. Scope for developing land at Bindal Farm could be appropriately appraised acknowledging that it is consistent with the established direction of growth, there are constraints on the seaward land on the western approach into the village, evolving priorities and the shape and structure of the place.

Rhicullen/Newmore

Munro (Highland) Construction Ltd per Urban Animation (1210729)

Objects to non-inclusion of land with development potential for mixed uses including housing and affordable housing. Could deliver improved active travel connections, school expansion, employment opportunities and community uses like allotments. Supporting statement supplied which sets out the MIR submission and provides a map of the land being sought as an allocation [*].

Modifications sought by those submitting representations:

Ardross

McArthurs per Bidwells (1217486)

Addition of Ardross as a Growing Settlement and a placemaking priority to consolidate the two separated neighbourhoods within Ardross (assumed).

Barbaraville

SEPA (906306)

Addition of a placemaking priority: "avoid coastal flood risk".

Garve

SEPA (906306)

Addition of a placemaking priority: "avoid flood risk".

Inver

SEPA (906306)

Addition of a placemaking priority: “avoid coastal flood risk”.

Marybank

The Firm of Angus MacLean per GH Johnston (1312296)

A specific 50 unit housing development allocation on land East of Balloan Road, and South of Ord Road, Marybank. Identification of Marybank as a Main Settlement (assumed).

Milton of Kildary

Thomas Raller per GH Johnston (1312290)

Allocation of land at Milton of Kildary.

Julian Cox per GH Johnston (1312292)

Allocation of land at Wester Tarbet, Milton of Kildary.

Thomas Raller per GH Johnston (1312290)

Addition of specific land allocations to the west of Milton. Map supplied [*].

Portmahomack

J Gordon per GH Johnston (1312515)

Reclassification of Portmahomack in the Settlement Hierarchy as a Main Settlement. Specific allocation for development of land at Bindal Farm as per map supplied [*].

Rhicullen/Newmore

Munro (Highland) Construction Ltd per Urban Animation (1210729)

Allocation of land east of Rhicullen for a mixed use development.

Summary of responses (including reasons) by planning authority:

Ardross

McArthurs per Bidwells (1217486)

The Council disputes that Ardross is in an environmentally sustainable and economically viable location to support large scale infill development as proposed by the respondent. The local settlement pattern is one of well separated, sizeable clusters of development. Filling in a large gap between 2 clusters would create a small village. It is accepted that the school, hall and local employment opportunities lend support to growth but this can still be accommodated through much smaller scale rounding-off of the existing smaller clusters which the Council’s countryside policies allow. Ardross is too distant from the higher order centre of Alness to allow easy active travel connectivity and has poor public transport connectivity to it. Alness also has a good range of housing and other land allocations to accommodate local need and demand.

Barbaraville

SEPA (906306)

The suggested additional placemaking priority would provide a factual addition without adding unduly to the length of the Plan and would therefore be appropriate subject to the agreement of the Reporter.

Garve

SEPA (906306)

The suggested additional placemaking priority would provide a factual addition without adding unduly to the length of the Plan and would therefore be appropriate subject to the

agreement of the Reporter.

Inver

SEPA (906306)

The suggested additional placemaking priority would provide a factual addition without adding unduly to the length of the Plan and would therefore be appropriate subject to the agreement of the Reporter.

Marybank

The Firm of Angus MacLean per GH Johnston (1312296)

The Council disputes that Marybank is in an environmentally sustainable and economically viable location to support large scale development as proposed by the respondent. The local settlement pattern is one of sizeable clusters of development mainly fronting on to the four roads that meet at the village centre. The Plan's fourth Placemaking Priority for Marybank already references the respondent's land as the optimum location for expansion of the settlement. The differences between the Council and the objector are only about scale and phasing. The lack of development to date, despite several permissions granted suggests any allocation would have effectiveness issues. The purpose of the Plan is not to create a balance sheet asset for a landowner but to support proportionate, deliverable development in the correct locations. The interest of an affordable housing agency is known and welcomed but this doesn't justify full and specific Plan support for a speculative second phase. There is no recorded community support for the larger site. The Plan's provisions would support self build plots at this location and this type of development would be appropriate in that it's phasing of completions tends to be far slower than a volume housebuilder scheme.

Milton of Kildary

Thomas Raller per GH Johnston (1312290)

The Plan, in line with the Scottish Government's promoted, proportionate approach to planning issues, includes policy coverage proportionate to the scale and development pressure likely to be seen in settlements.

The Plan's Settlement Hierarchy [*] sets out a strategic view on where future growth should occur, targeting future growth at locations which are most economically viable and environmentally sustainable. In the settlement hierarchy Milton of Kildary is a Tier 5 settlement; Tier 5 settlements are identified as Growing Settlements where in terms of sustainability any development is about bolstering the smallest established rural communities and the scale of growth should be 'infill' only. There is still support for the principle of infill development, refurbishment of existing properties and redevelopment of brownfield (previously developed) sites. In Growing Settlements, a lesser scale of development is supported than in 'Main' Settlements but a more positive approach than within the open countryside.

The policy framework for assessing development is clear. Main settlements classed at Tier 1-4 in the Settlement Hierarchy all have SDAs with allocations. Tier 5 settlements are classed as 'Growing Settlements' and proposals will be assessed against Policy 12 Growing Settlements. Any other housing groups not classed as part of a settlement are part of the wider countryside.

Policy 12 Growing Settlements is supportive of suitable proposals and sets out criteria against which proposals will be assessed. Milton of Kildary is a listed settlement and Placemaking Priorities for it are set out. There are many other (arguably better located)

housing sites allocated within the Plan and they provide an adequate quantitative supply and qualitative range of sites within the Easter Ross area so there is no exceptional justification for allocating land at Milton of Kildary. Accordingly, the Council believes that no modification should be made in respect of this comment.

Julian Cox per GH Johnston (1312292)

The Plan, in line with the Scottish Government's promoted, proportionate approach to planning issues, includes policy coverage proportionate to the scale and development pressure likely to be seen in settlements.

The Plan's Settlement Hierarchy [*] sets out a strategic view on where future growth should occur, targeting future growth at locations which are most economically viable and environmentally sustainable. In the settlement hierarchy Milton of Kildary is a Tier 5 settlement; Tier 5 settlements are identified as Growing Settlements where in terms of sustainability any development is about bolstering the smallest established rural communities and the scale of growth should be 'infill' only. There is still support for the principle of infill development, refurbishment of existing properties and redevelopment of brownfield (previously developed) sites. In Growing Settlements, a lesser scale of development is supported than in 'Main' Settlements but a more positive approach than within the open countryside.

The policy framework for assessing development is clear. Main settlements classed at Tier 1-4 in the Settlement Hierarchy all have SDAs with allocations. Tier 5 settlements are classed as 'Growing Settlements' and proposals will be assessed against Policy 12 Growing Settlements. Any other housing groups not classed as part of a settlement are part of the wider countryside.

Policy 12 Growing Settlements is supportive of suitable proposals and sets out criteria against which proposals will be assessed. Milton of Kildary is a listed settlement and Placemaking Priorities for it are set out. There are many other (arguably better located) housing sites allocated within the Plan and they provide an adequate quantitative supply and qualitative range of sites within the Easter Ross area so there is no exceptional justification for allocating land at Milton of Kildary. Accordingly, the Council believes that no modification should be made in respect of this comment.

Portmahomack

J Gordon per GH Johnston (1312515)

The Plan, in line with the Scottish Government's promoted, proportionate approach to planning issues, includes policy coverage proportionate to the scale and development pressure likely to be seen in settlements.

The Plan's Settlement Hierarchy [*] sets out a strategic view on where future growth should occur, targeting future growth at locations which are most economically viable and environmentally sustainable. In the settlement hierarchy Portmahomack is a Tier 5 settlement; Tier 5 settlements are identified as Growing Settlements where in terms of sustainability any development is about bolstering the smallest established rural communities and the scale of growth should be 'infill' only. There is still support for the principle of infill development, refurbishment of existing properties and redevelopment of brownfield (previously developed) sites. In Growing Settlements, a lesser scale of development is supported than in 'Main' Settlements but a more positive approach than within the open countryside.

Policy 12 Growing Settlements is supportive of suitable proposals and sets out criteria against which proposals will be assessed. Portmahomack is a listed settlement and Placemaking Priorities for it are set out. Not having allocations does not by virtue mean that a community is being denied the opportunity to grow and sustain itself.

Portmahomack is a comparatively large and distinct village but is located on the periphery of the Plan area and experiences very low levels of developer interest. The Plan's primary purpose is to manage and direct development pressure to the most sustainable locations. Therefore, it should concentrate on where development pressure is greatest and where, appropriately, it can be encouraged. Portmahomack is not in need of regeneration, has environmental constraints and is too far from employment centres to be subject to significant development pressure.

There are many other (arguably better located) housing sites allocated within the Plan and they provide an adequate quantitative supply and qualitative range of sites within the Easter Ross area so there is no exceptional justification for allocating land at Portmahomack or for promoting Portmahomack up the settlement hierarchy.

The Council has adequate policy coverage within the HwLDP and in IMFpLDP2 Policy 12 Growing Settlements to assess and judge development proposals in and on the edge of Portmahomack. Accordingly, the Council believes that Portmahomack should remain as a Growing Settlement in the Settlement Hierarchy and that no modification should be made in respect of this comment.

Rhicullen/Newmore

Munro (Highland) Construction Ltd per Urban Animation (1210729)

The Plan, in line with the Scottish Government's promoted, proportionate approach to planning issues, includes policy coverage proportionate to the scale and development pressure likely to be seen in settlements.

The Plan's Settlement Hierarchy [*] sets out a strategic view on where future growth should occur, targeting future growth at locations which are most economically viable and environmentally sustainable. In the settlement hierarchy Rhicullen/Newmore is a Tier 5 settlement; Tier 5 settlements are identified as Growing Settlements where in terms of sustainability any development is about bolstering the smallest established rural communities and the scale of growth should be 'infill' only. There is still support for the principle of infill development, refurbishment of existing properties and redevelopment of brownfield (previously developed) sites. In Growing Settlements, a lesser scale of development is supported than in 'Main' Settlements but a more positive approach than within the open countryside.

Policy 12 Growing Settlements is supportive of suitable proposals and sets out criteria against which proposals will be assessed. Rhicullen/Newmore is a listed settlement and Placemaking Priorities for it are set out. Not having allocations does not by virtue mean that a community is being denied the opportunity to grow and sustain itself.

The Plan's primary purpose is to manage and direct development pressure to the most sustainable locations. Therefore, it should concentrate on where development pressure is greatest and where, appropriately, it can be encouraged. Whilst Rhicullen/Newmore is located close to the A9, it is not an appropriate place to direct significant levels of housing growth.

There are many other (arguably better located) housing sites allocated within the Plan and they provide an adequate quantitative supply and qualitative range of sites within the Easter Ross area so there is no exceptional justification for allocating land at Rhicullen/Newmore. Accordingly, the Council believes that no modification should be made in respect of this comment.

Reporter's conclusions:

Reporter's recommendations:

APPENDIX 2: STRATEGIC MATTERS

(that may have implications for the Local Committee area)

Issue 1	Vision and Outcomes and Plan General	
Development plan reference:	Section 1 Vision and Outcomes, PDF Pages 28-29	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Abrdn per Phil Pritchett (1312484) Aird Community Trust (1311972) Andrew Ashcroft (1310631) Antonia Wright (1311246) Balloch Community Council (1271483) Bòrd na Gàidhlig (1323448) Broadland Properties per John Wright (1312043) Christine Farrar (1312491) Donald Begg (1312031) Fred Olson Renewables per JLL (1311832) Homes for Scotland (966619) Iain Nelson (1323043) Jane Shadforth (1323040) Joan Noble (931076) Kirkwood Homes per EMAC Planning (1270584) Lidl per Keith Hargest (1312411) Lochardil & Drummond Community Council (1270300) Marcin Blazynski (1310135) Ministry of Defence (1270246) Nairn River Community Council (1312260) Nairn West & Suburban Community Council (1323971) National Trust for Scotland (1312459) NatureScot (1266529) Neil Hornsby (955947) Neil Mapes (1311488) Network Rail (1312503) Paul Bole (1252634) Rachael Probee (1310748) Richard Cole-Hamilton (1271499) RSPB Scotland (1311075) Scottish Government (963027) SSEN (1311702) Tesco per Phil Pritchett (1312483) Woodland Trust (1312249)</p>		
Provision of the development plan to which the issue relates:	Table 1 Topics and Outcomes, claimed omissions from Plan	
Planning authority's summary of the representation(s):		

Table 1 Topics and Outcomes

Andrew Ashcroft (1310631)

Supports outcomes if equal weight given to all outcomes - e.g. environment as well as economy.

Antonia Wright (1311246)

Supports (no reasons stated)

Balloch Community Council (1271483)

Wants reference to protection of marine environment because it is important to tourism and may be compromised by industrial development.

Broadland Properties per John Wright (1312043)

Supports outcomes but Plan should recognise that housing construction industry will be a key driver of economic recovery together with major public sector infrastructure investment.

Christine Farrar (1312491)

Supports but all outcomes are interconnected and should all be achieved, not one at the expense of another.

Donald Begg (1312031)

Outcomes should be realistic not aspirational. Active travel not a realistic option for many people and trips.

Homes for Scotland (966619)

Supports stated outcomes but seeks recognition of the role the housebuilding and construction industry can play in economic recovery together with the City Region Deal and major road investment.

Iain Nelson (1323043)

Supports if no adverse impact on environmental and cultural resources.

Jane Shadforth (1323040)

Support in principle but subject to no impact on wildlife and environment.

Kirkwood Homes per EMAC Planning (1270584)

Wants more emphasis on the economic benefits of the construction industry notably the housing sector. Believes the Plan's combined provisions will make sites unviable. Believes there is an inadequate new and deliverable housing land supply. Asserts that major public investment in the City Region Deal, rail and trunk roads will create jobs led growth that will increase housing need and demand.

Lidl per Keith Hargest (1312411)

Believes Table 1 should be amended so that Inverness services and facilities can be delivered via district/neighbourhood centres not just the city centre because this more local distribution would better reduce harmful emissions, promote active travel and assist community inclusion. This multi-tiered hierarchy is followed in the adopted plan.

Lochardil & Drummond Community Council (1270300)

Supports outcomes but believes there should be tailored ones for each community. Seeks

specific outcomes for West and South Inverness of protecting and increasing greenspace, calming traffic speeds, reducing car use and safer active travel routes. Cumulative Plan growth is excessive relative to previously allocated and still to be delivered sites.

Nairn River Community Council (1312260)

Supports outcomes but too vague, not measurable and no timescales. Outcomes could apply anywhere.

NatureScot (1266529)

Supports Plan's recognition of Nature Crisis but seeks more explicit references in outcome statements to increasing greenspaces and green networks especially where this will increase active travel. Also seeks better thread through Plan to apply outcomes to the general policies and then those policies to individual settlements and sites. Believe Greenspace Audit and Green Networks should better address biodiversity. Still concerned about coastal erosion risks to several coastal allocations. Concerned about several allocations having adverse impacts on European sites.

Neil Mapes (1311488)

Wants outcomes and funding biased towards locally based environmental action groups / projects especially in Nairnshire. The third sector can play a key role in achieving the Plan's outcomes especially in terms of active travel and greenspace provision.

Network Rail (1312503)

Supports especially emphasising that directing development to where there is rail network capacity can assist in sustainability objective.

Rachael Probee (1310748)

Allocations will not achieve Outcomes. Housing sites will erode environmental assets. Existing employers can't fill vacancies. New housing sites won't be affordable. Public transport unreliable and ineffective. Schools and other facilities at capacity. Fix everything else before building more houses.

RSPB Scotland (1311075)

Suggests that tackling the climate and ecological emergency be added to Table 1 as an overarching aim because it cuts across all outcomes.

SSEN (1311702)

Supports but seeks greater recognition of SSE's contribution to delivering net zero, Biodiversity Net Gain (BNG) delivery, improving the national electricity grid network and therefore supporting the economy and national energy security. Seeks avoidance of conflict between its high voltage network and development allocations via Plan references including in the relevant site developer requirements text.

Woodland Trust (1312249)

Supports but the good principles in the outcomes don't always feed through to all site allocations some of which adversely affect woodland with biodiversity value. Ancient woodlands are better carbon sinks than other woodlands and more biodiverse.

Plan General (including claimed, non-development site, omissions from Plan)

Abrdn per Phil Pritchett (1312484)

Objects to the Plan being based on insufficient evidence of the commercial property market. Believes a retail capacity assessment should have been undertaken similar to the

HNDA/HLA. Believes such an assessment would have justified the continued protection and enhancement of Inverness district centres. Believes Inshes Retail Park should be identified as a commercial centre and be protected from out of centre developments. Asserts that Stratton doesn't deserve a protected centre status as there is no commercial development there to date. In comparison Inshes has had previous investment by developers and operators. The Plan should recognise the retail permission commitment at Inshes and large housing growth planned for close to Inshes which will enhance its role as a hub of the local community.

Aird Community Trust (1311972)

Strongly supports promotion of active travel and seeking developer contributions towards such.

Bòrd na Gàidhlig (1323448)

Seeks greater reference to Gaelic (to THC's Gaelic Language Plan, to Gaelic related employment and the tourism draw of Gaelic culture events like the Mod.

Fred Olson Renewables per JLL (1311832)

Seeks recognition of onshore wind energy production as part of energy mix to achieve emissions reduction and therefore contribute to Plan aim of aiding economic recovery and responding to climate change emergency. Cites national policy support for on shore wind energy production.

Joan Noble (931076)

Believes the Plan should have been delayed until the new national planning legislation is operative so that a Local Place Plan (LPP) for Nairnshire could be prepared and influence the subsequent local development plan. That LPP for Nairn would emphasise reusing brownfield land/buildings, local employment to reduce commuting, local facilities and services to reduce travel, and infrastructure first especially the bypass. The LPP would ensure that planning policy is led by the local community not by developers.

Marcin Blazynski (1310135)

Unclear comment which may be intended as support for the recent Inverness West Link road scheme or a less complimentary comment on recent development in Inverness.

Ministry of Defence (MoD)(1270246)

Seeks an additional general policy to protect MoD assets via reference to the consultation and safeguarding zones necessary to protect the operation of these assets from interference to flight movements (e.g. from tall structures and wetland habitat creation), explosion risks and interference to any other defence activity or development potential of any defence asset. Supports viability assessment option for development proposals to allow developer contributions exemptions.

Nairn West & Suburban Community Council (1323971)

Believes the Plan should have been delayed until the new national planning legislation is operative so that a Local Place Plan (LPP) for Nairnshire could be prepared and influence the subsequent local development plan.

National Trust for Scotland (NTS) (1312459)

Seeks greater recognition for NTS assets such as Urquhart Castle and Culloden Battlefield because of importance to: sense of place; tourism economy; cultural history; and, local landscape.

Neil Hornsby (955947)

Wants Plan outcomes specifically to reflect the 20 minute neighbourhood concept embodied within NPF4 particularly by more local services and facilities being provided. Believes the Plan should ensure the retro fitting of existing communities with greenspaces and active travel opportunities as much as shaping new development.

Paul Bole (1252634)

Seeks moratorium on all new development until sufficient infrastructure and facility capacity is available. The Plan's proposed scale of expansion will bring no benefits to existing residents but lots of adverse impacts/costs in terms of infrastructure capacity, natural heritage impacts, noise and other pollution, and loss of farmland for local food growing.

Richard Cole-Hamilton (1271499)

Active travel routes should only be taken forward if there is support from the community directly affected. Concerned about a particular proposed active travel route at Drakies, Inverness where local residents have unanimously rejected it.

Scottish Government (963027)

Seeks additional general policies because these are required by Scottish Planning Policy and/or NPF4. Seeks additional policies on protecting good farmland, climate change and coastal planning, zero waste, and gypsy travellers.

Tesco per Phil Pritchett (1312483)

Objects to the Plan's lack of a retail hierarchy that protects district centres. Asserts that national guidance requires such a hierarchy, that there is a lack of evidence in the form of a retail capacity assessment to justify the dropping of district centres, that retail developers and operators should expect such protection because of prior and planned and permitted investment in these district centres. Disputes Plan's reference to Stratton town centre when it has no development there to date. Believes Inshes has far more merit for protected centre status because it is central to existing and new residential expansion areas and meets the Scottish Government's 20 minute neighbourhood concept.

Modifications sought by those submitting representations:

Table 1 Topics and Outcomes

Andrew Ashcroft (1310631)

Addition of statement to clarify that equal weight will be given to each outcome in decision making by the Council (assumed).

Antonia Wright (1311246)

None (assumed).

Balloch Community Council (1271483)

Addition of reference to protection of marine environment as important to tourism (assumed).

Broadland Properties per John Wright (1312043)

Addition of reference to role of construction industry as a key driver of economic recovery (assumed).

Christine Farrar (1312491)

Addition of statement to clarify that all outcomes should be achieved not one at the expense of another (assumed).

Donald Begg (1312031)

Rephrasing of outcomes so that they are realistic not aspirational (assumed).

Homes for Scotland (966619)

Addition of reference to role of housebuilding and construction industry in economic recovery and reference to role of City Region Deal and major road investment in economic recovery (assumed).

Iain Nelson (1323043)

Addition of qualification that there should be no adverse impact on environmental and cultural resources (assumed).

Jane Shadforth (1323040)

Addition of qualification that there should be no impact on wildlife and environment (assumed).

Kirkwood Homes per EMAC Planning (1270584)

Addition of reference to economic benefits of the construction industry notably the housing sector and that economic growth is dependent upon allocating more land for housing development and not imposing policy requirements that make that land unviable (assumed).

Lidl per Keith Hargest (1312411)

Amendment to Table 1 to support the growth of communities and connectivity centred on district/neighbourhood centres as well as town centres (assumed).

Lochardil & Drummond Community Council (1270300)

Addition of specific priorities for West and South Inverness (assumed).

Nairn River Community Council (1312260)

Rephrasing of outcomes so that they are more specific to local places (assumed).

NatureScot (1266529)

Delete "where possible" from last sentence of Environment outcome. Reword second sentence of Growing Communities outcome to add reference to "green and open spaces." Amendments to Table 1 to increase the decision making weight given to natural heritage interests. A commitment to a more explicit and consistent application of the principles of the Plan's General Policies to individual settlements and sites. Amendments to the Plan's Greenspaces and Green Networks so they better address biodiversity. Addition of a recognition (and mitigation) that certain Plan allocations will cause coastal erosion risks and have adverse impacts on European sites (all assumed).

Neil Mapes (1311488)

Rephrasing of the outcomes and any related funding towards locally based environmental action groups / projects especially in Nairnshire (assumed).

Network Rail (1312503)

Addition of statement that directing development to where there is rail network capacity

can assist in sustainability objective.

Rachael Probee (1310748)

Addition of statement that the listed outcomes won't be achieved by the Plan's allocations (assumed).

RSPB Scotland (1311075)

Addition of overarching environmental aim to Table 1.

SSEN (1311702)

Addition of reference to SSE's contribution to delivering net zero, BNG delivery, improving the national electricity grid network and therefore supporting the economy. Addition of wider Plan references to avoiding conflict between high voltage network and development allocations.

Woodland Trust (1312249)

Addition of a recognition (and mitigation) that certain Plan allocations will adversely affect woodland with biodiversity value (assumed).

Plan General (including claimed, non-development site, omissions from Plan)

Abrdn per Phil Pritchett (1312484)

A commitment to a commercial property (retail capacity) assessment for the Plan area. Inshes Retail Park identified as a commercial centre and its protection from out of centre development. Deletion of any Plan reference to Stratton as a protected centre. Addition of a statement recognising the extant retail permission at Inshes and housing growth planned close to Inshes (all assumed).

Aird Community Trust (1311972)

Addition of text linking the promotion of active travel and seeking developer contributions towards such (assumed).

Bòrd na Gàidhlig (1323448)

Additional references to Gaelic (to THC's Gaelic Language Plan, employment should reference Gaelic related employment and tourism draw events like the Mod).

Fred Olson Renewables per JLL (1311832)

Addition of text recognising onshore wind energy production as part of the energy mix necessary to achieve emissions reduction.

Joan Noble (931076)

Abandonment of the current Plan process so that the local community can prepare their Local Place Plan (LPP) first and lead the local planning of Nairnshire. This new LPP will emphasise reusing brownfield land/buildings, local employment to reduce commuting, local facilities and services to reduce travel, and infrastructure improvements before any significant new build development (all assumed).

Marcin Blazynski (1310135)

Unclear.

Ministry of Defence (MoD)(1270246)

Addition of cross reference to MoD hazard zones and their consultation areas, a new general policy restricting new wetland habitat creation within aerodrome consultation

areas, and a new general policy on protecting the operational role of existing MoD sites.

Nairn West & Suburban Community Council (1323971)

Abandonment of the current Plan process so that the local community can prepare their Local Place Plan (LPP) first and lead the local planning of Nairnshire. This new LPP will emphasise reusing brownfield land/buildings, local employment to reduce commuting, local facilities and services to reduce travel, and infrastructure improvements before any significant new build development (all assumed).

National Trust for Scotland (NTS) (1312459)

Addition of references to NTS assets such as Urquhart Castle and Culloden Battlefield because of their importance to: sense of place; tourism economy; cultural history; and, local landscape.

Neil Hornsby (955947)

Addition of reference to 20 minute neighbourhood concept particularly by more local services and facilities being provided.

Paul Bole (1252634)

A moratorium on all new development until a proper infrastructure/facility capacity assessment has been undertaken.

Richard Cole-Hamilton (1271499)

Addition of a qualification that active travel routes will only be supported by the Council if also supported by the community directly affected.

Scottish Government (963027)

Addition of general policies on protecting good farmland, climate change and coastal planning, zero waste, and gypsy travellers.

Tesco per Phil Pritchett (1312483)

A commitment to a commercial property (retail capacity) assessment for the Plan area. Amendment to the retail hierarchy so that district centres are protected. Deletion of any Plan reference to Stratton as a protected centre (all assumed).

Summary of responses (including reasons) by planning authority:

Table 1 Topics and Outcomes

Andrew Ashcroft (1310631)

The Plan's outcomes are a distillation of Scottish Government and Highland outcomes tailored to the Inner Moray Firth area. In decision making they will function like any criteria based policy; i.e., any proposal will be assessed as to how well it accords with each outcome or aim and all other parts of the approved development plan relevant to that proposal/site. Therefore, the relative weighting will vary by proposal/site. For example, a proposal that adversely affects a European natural heritage designation is very unlikely to accord with the Environment outcome.

Antonia Wright (1311246)

Noted.

Balloch Community Council (1271483)

Control of pollution of the marine environment is an important consideration but one that is

largely outwith the Plan's remit. When prepared, regional marine plans will be a more relevant policy consideration. Because of coastal flooding issues, the Plan has very few coastal development allocations and almost all of these are for uses that need access to the sea. Public sewer connectivity developer requirements apply to these allocations and therefore potential marine pollution issues should be minimised or eliminated. Expansion of the Plan area's ports to service expansion of the renewable energy industry may create potential issues but any significant proposals will be EIA developments and be fully assessed as such.

Broadland Properties per John Wright (1312043)

See Issue 3: Housing Requirements regarding the role of the housing sector in supporting economic recovery. The Council recognises that the construction sector is very important to the Plan area economy and the Employment outcome wording already references that sector.

Christine Farrar (1312491)

Support noted. See response to Andrew Ashcroft above.

Donald Begg (1312031)

The Plan's outcomes are a distillation of Scottish Government and Highland outcomes tailored to the Inner Moray Firth area. Combined they are intended to express a desirable vision for the future of the Plan area. Visions by their very nature are aspirational not a roll forward of past trends. The rest of the document and the Delivery Programme set out the detail of more practical measures to implement the Plan and make progress towards achieving the vision.

Homes for Scotland (966619)

Noted. See Issue 3: Housing Requirements regarding the role of the housing sector in supporting economic recovery. The Council recognises that the construction sector is very important to the Plan area economy and the Employment outcome wording already references that sector.

Iain Nelson (1323043)

Support noted. See response to Andrew Ashcroft above.

Jane Shadforth (1323040)

Support noted. See response to Andrew Ashcroft above.

Kirkwood Homes per EMAC Planning (1270584)

See Issue 3: Housing Requirements regarding the role of the housing sector in supporting economic recovery. The Council recognises that the construction sector is very important to the Plan area economy and the Employment outcome wording already references that sector. See Issue 13: GP9 Delivering Development and Infrastructure regarding the response to the Plan's impact on developer viability.

Lidl per Keith Hargest (1312411)

The issue of the appropriateness of the Plan's hierarchy of commercial (and other destination use) centres is responded to within Issue 15: GP6 Town Centre First and the Inverness settlement Schedule 4s. The Employment, Growing Communities and Connectivity outcomes all reference the need to locate services and facilities close to the people who need to access them to maximise convenience, viability and to reduce the need to travel and therefore reduce harmful emissions

Lochardil & Drummond Community Council (1270300)

Support noted. Tailored outcomes specific to each settlement are included elsewhere in the Plan as Placemaking Priorities. See Issues 34 and 35 for West and South Inverness specific matters. See Issue 3: Housing Requirements regarding the level of housing growth allocated for within the Plan area.

Nairn River Community Council (1312260)

See responses to Andrew Ashcroft and Donald Begg above.

NatureScot (1266529)

Support noted. The four outcomes are not policies in themselves and are intended to set out a cross cutting vision rather than be specific to a particular land use or subject matter. Greenspaces and green networks have their own general policies which reference their recreational and accessibility benefits. If the Reporter is minded to recommend a Plan modification in respect of this representation then the Council would support adding “particularly in terms of greenspaces and green networks that improve active travel connectivity” to the end of the last sentence of the Environment outcome. The Council believes that there is a logical thread through the Plan content in terms of environmental matters. Most of that thread has been generated by the SEA/HRA process, in which NatureScot has been active participant. See Issue GP4: Safeguarding Greenspace and Issue GP5: Green Networks regarding the role of biodiversity in their identification. There are very few coastal allocations in the Plan. Many of these are proposed expansions of established ports. Land at Shandwick can incorporate a coastal setback, land at the Longman landfill site already has a substantial and recent coastal defence, and land at Alness Point is an established business park which benefits from a “locked-on” in perpetuity planning permission. The Plan’s accompanying HRA document [*] sets out a detailed record of the consideration of potential adverse effects on European sites.

Neil Mapes (1311488)

See responses to Andrew Ashcroft and Donald Begg above. The collection and use of community facility developer contributions is discussed in Issue 13 GP9: Delivering Development and Infrastructure but under current arrangements local environmental groups need to bid against other community groups through the Delivery Programme process to obtain a share of those contributions which are ringfenced to the local high school catchment (which approximates to the boundary of Nairnshire). The Council agrees that active travel and greenspace projects can help deliver the Plan’s outcomes.

Network Rail (1312503)

Support noted.

Rachael Probee (1310748)

See Issue 13 GP9: Delivering Development and Infrastructure for the Council’s response to those respondents desiring an embargo on all new build housing development until all infrastructure and facility networks are improved to a capacity that will support new building. Such an embargo would be impracticable without a radical increase in public and private investment in those networks and/or a central and local government and judicial system commitment to enforce it. It would also, other things being equal, be likely to limit the availability and therefore the affordability of new houses and hamper economic growth.

RSPB Scotland (1311075)

As the 4th sentence of paragraph 22 of the PDF version of the Plan describes, tackling the

climate and ecological emergency and enabling post pandemic economic recovery are the two overarching aims of the Plan. If the Reporter is so minded then the Council would support emphasising this primacy by adding an extra row to the start of Table 1 to highlight the two overarching aims.

SSEN (1311702)

Support noted. Although welcome and significant, singling out SSE's particular role in tackling the climate emergency, supporting the economy and national energy security would be inappropriate in a statutory council policy document. Also, this front end of the Plan is not the correct place to reference a development setback from infrastructure networks for health, safety or other operational reasons. Policy 30 Physical Constraints of the HwLDP and its related Supplementary Guidance provides adequate general policy coverage on this issue. The high voltage electricity transmission network is a mapped constraint within the Council's development management software system and triggers a consultation with SSEN on individual applications in close proximity to that network.

Woodland Trust (1312249)

Support noted. It may not be possible to contribute towards all outcomes for all allocations. The SEA process and its individual site records assess potential environmental conflicts and define mitigation which is followed through to developer requirements for individual sites. Particular allocation-specific woodland conflicts are responded to within each respective settlement Schedule 4. Natural or semi-natural woodlands are more biodiverse and better carbon sinks than plantation woodlands but some areas mapped as ancient woodland have been clear felled without any replanting commitment and therefore, currently, offer little biodiversity or carbon capture value.

Plan General (including claimed, non-development site, omissions from Plan)

Abrdn per Phil Pritchett (1312484)

National planning and transport policy is evolving. Against this fluid context, the Plan's Spatial and Transport Strategies aim to identify and protect an optimum network of centres. By optimum, the Council means economically viable for the operators in terms of available catchment spend (not for particular landowners or property developers) and environmentally sustainable in terms of maximising travel to, from and within each centre by sustainable modes. Both of these requirements also mean enabling and protecting centres with retail (and other footfall generating) provision that are diverse and attractive enough to prevent longer journeys by unsustainable travel modes – i.e. are competitive in terms of price, quality, range and service. The primary goal of both approved and emerging Scottish Government planning and transport policy is to encourage LPAs to identify, support through permissions, and then protect an optimum network of "town" centres. "Town centres" are defined in paragraph 62 of Scottish Planning Policy (SPP) as those that are genuine mixed use, day-long meeting places with good sustainable travel mode accessibility and architectural or other attractive character. SPP does allow the identification of other, lower preference centres. The Plan differs from approved Highland LDP policies by proposing not to continue to identify and protect the Inverness district, neighbourhood and commercial centres listed in Policy 1 of the aIMFLDP. The reasons for so doing is that these lower tier centres don't meet all the SPP "town centre" definition criteria, most have no architectural merit, most are designed for car borne shoppers, and by removing protection from them the Council will encourage the introduction of residential uses at ground floor level within them, which, other things being equal, could increase sustainable mode travel.

From the information supplied within recent developer produced retail impact

assessments, the Council doesn't dispute the quantitative need for more convenience retail floorspace across Inverness. It therefore hasn't commissioned a retail capacity assessment for the Plan area. It does dispute (with this and some other respondents on this topic) the optimum location for such provision and has allocated a choice of sites with a commercial component to satisfy this demand. Existing Inverness retail parks benefit from legacy permissions and meet some of the SPP "town centre" criteria tests so are unlikely to be in need of protection from out of centre commercial development if it is proposed on a less sustainable site. The Council's commercial component allocations at Stratton/Ashton reflect an extant planning permission and/or an adopted LDP allocation. It is appropriate for the Council to plan for future mixed use hubs so long as they are central to the neighbourhood / district served and can be designed from the outset as a centre that can meet the SPP tests. See Issue 35 South Inverness for the Council's response to the place-specific matters at Inshes Retail Park.

Aird Community Trust (1311972)

Support noted. Policy 14 Transport is far more explicit than the approved LDP for Highland in seeking active travel developer contributions.

Bòrd na Gàidhlig (1323448)

The four outcomes are not policies in themselves and together with the rest of the front end of the Plan are intended to set out a cross cutting vision rather than be specific to a particular land use or subject matter. However, Gaelic culture and heritage is an important source of local identity and an economic asset. If the Reporter is minded to recommend a Plan modification in respect of this representation then the Council would support adding "including those that demonstrate the area's Gaelic heritage" to the end of the first sentence of the Environment outcome.

Fred Olson Renewables per JLL (1311832)

The four outcomes are not policies in themselves and together with the rest of the front end of the Plan are intended to set out a cross cutting vision rather than be specific to a particular land use or subject matter. The Council accepts that onshore wind energy production does play a significant part in contributing to the twin Plan aims of addressing economic recovery and the climate change emergency. However, the Plan is an area LDP within Highland and contains no general policy or locational guidance in respect of onshore wind energy. The Council's forthcoming review of its general Policy 67 Renewable Energy Developments in the HwLDP will provide a more appropriate avenue to consider the respondent's concerns.

Joan Noble (931076)

The Plan has reached an advanced stage and is already the culmination of considerable input from local residents, statutory consultees, the development industry, councillors and officers. Scottish Government transitional provisions allow the Council to proceed to the Plan's adoption without pausing for Local Place Plan (LPP) or even NPF4 input. Indeed, NPF4 approval has been delayed for at least 6 months from its original deadline and the new LDP regulations and guidance at least until the start of 2023. The aIMFLDP is already over 7 years past its adoption date and a "new-style" replacement wouldn't be likely to be adopted and supersede it until 2026 at the earliest when the aIMFLDP provisions would be 11 years old. The Inner Moray Firth LDP area is the most populous of the 3 Council produced plans that cover Highland, experiences the most development pressure and is most crucial to economic growth. A "new-style" LDP for all of Highland will formally commence in 2023 and invite early LPP input so Nairnshire community groups will be able to influence that plan at that time.

Marcin Blazynski (1310135)

The representation is so unclear that no response is offered.

Ministry of Defence (MoD)(1270246)

Support for viability assessments noted. The four outcomes are not policies in themselves and together with the rest of the front end of the Plan are intended to set out a cross cutting vision rather than be specific to a particular land use or subject matter. The Council accepts that the operational capability of MoD assets should not be compromised by any development proposal. Policy 30 Physical Constraints of the HwLDP and its related Supplementary Guidance [*] which already references defence sites provide adequate general policy coverage on this issue. Also, the MoD are already consulted through the development management process on applications within defined safeguarding areas. The Council's forthcoming "new-style" LDP for Highland would be a better vehicle to assess the need for a fuller or updated general policy on this topic.

Nairn West & Suburban Community Council (1323971)

See response to Joan Noble above.

National Trust for Scotland (NTS) (1312459)

The Council recognises the built and cultural heritage and tourism value of NTS assets within the Plan area however it would not be appropriate to single out NTS owned and managed assets above those managed by Historic Scotland or by private interests.

Neil Hornsby (955947)

Sustainable travel mode accessibility is a key theme of both the Growing Communities and Connectivity outcomes. Presently, NPF4s definition of the 20 minute neighbourhood concept is a work in progress but if the adopted version of NPF4 provides clarity then the Council would support a Reporter recommendation to reference it within the front end of the Plan perhaps most suitably within Table 1. Retrospective developer contributions are impracticable unless referenced in some way in a previous planning permission and/or legal agreement. New developer contributions should be used to offset the impact of new development not resolve existing, unrelated deficiencies.

Paul Bole (1252634)

See Issue 13 GP9: Delivering Development and Infrastructure for the Council's response to those respondents desiring an embargo on all new build housing development until all infrastructure and facility networks are improved to a capacity that will support new building. Such an embargo would be impracticable without a radical increase in public and private investment in those networks and/or a central and local government and judicial system commitment to enforce it. It would also, other things being equal, be likely to limit the availability and therefore the affordability of new houses and hamper economic growth. Other potential adverse effects of the Plan's policies and allocations have been assessed and suitable mitigation specified.

Richard Cole-Hamilton (1271499)

See Issue 35: South Inverness, Site INS01 for the detail of the Council's response to the particular active travel connection at Drakies. In short, the Council believes the link is desirable in terms of the significant improvement in direct active travel connectivity it would bring. However, the Council recognises the constraints in securing the link and is not taking forward a project of its own to provide the link. It may be possible through negotiation with the applicant to provide an alternative link through site INS01.

Scottish Government (963027)

Currently, Highland has two tiers of LDPs. Most strategic content including comprehensive general policy coverage is contained within the HwLDP. Most local planning policy coverage is provided within the 3 area LDPs that sit beneath it. The requested policy subject matters are already covered between the Plan and the HwLDP.

Tesco per Phil Pritchett (1312483)

See response to Abrdn per Phil Pritchett above.

Reporter's conclusions:

Reporter's recommendations:

Issue 2	Spatial Strategy	
Development plan reference:	Section 2 Spatial Strategy, PDF Pages 30-39	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Aird Community Trust (1311972) Andrew Ashcroft (1310631) Andrew Jones (1324077) Antonia Wright (1311246) Ballifeary Community Council (1312380) Bòrd na Gàidhlig (1323448) Broadland Properties per John Wright (1312043) Donald Begg (1312031) Dorothy Getliffe (1270774) Fred Olson per JLL (1311832) HIE per Turnberry (1312470) Highland Housing Hub (1154846) Homes for Scotland (966619) Iain Nelson (1323043) Jane Shadforth (1323040) Joan Noble (931076) Katie Walter (1323046) Kirkwood Homes per EMAC Planning (1270584) Lynne West (1311763) Macdonald Hotels per Pegasus group (1312504) MacLennans per GHJ (1312467) Mark Gunn (1312546) Meadhbh Maguire (1312382) Nairn River Community Council (1312260) Nairn West & Suburban Community Council (1323971) NatureScot (1266529) Network Rail (1312503) Port of Inverness per G&S (1220786) Rachael Probee (1310748) Scottish Government (963027) SSEN (1311702) Steve North (1263190) Woodland Trust (1312249)</p>		
Provision of the development plan to which the issue relates:	Settlement Hierarchy (Table 2), Rural Housing Hinterland Area (Map 2), Spatial Strategy Map (Map 1)	
Planning authority's summary of the representation(s):		
Settlement Hierarchy (Table 2) Aird Community Trust (1311972)		

Supports hierarchy but disputes reference to tier 4 settlements as being car based. The Plan should remedy this problem by improving active travel and public transport connectivity to, from and within these settlements.

Andrew Ashcroft (1310631)

Objects to Cromarty being classified as a tier 4 settlement because it has changed significantly over the past 20 years and is now a strong and vibrant community with a growing potential for tourism which needs connectivity and jobs and housing to support this growth potential.

Antonia Wright (1311246)

Supports (no reasons stated).

Broadland Properties per John Wright (1312043)

Disagrees that a settlement's position in the hierarchy should dictate the Council's response to a development proposal within that settlement. Believes the Plan should remedy the sustainability disadvantages of the lower tier settlements. Concentrating growth within higher tier settlements will worsen the ability of lower tier settlements to attract investment in services, facilities and employment.

Highland Housing Hub (1154846)

Seeks an additional growing settlement added to the hierarchy at Pitcalnie, Nigg because: it was identified as such in the previous adopted local development plan; serviced land in public ownership exists close to Cameron Court; and, the land is close to the village hall.

Homes for Scotland (966619)

Disputes that the Plan's spatial strategy will deliver a sufficient housing land supply and house completions (see fuller comments under Issue 3: Housing Requirements).

Iain Nelson (1323043)

Supports but wants a balance of land uses and the infrastructure facility and social network capacity to support that level and type of growth.

Jane Shadforth (1323040)

Supports principle but capacity in all infrastructure networks should affect level of growth not just sustainable travel connectivity.

Katie Walter (1323046)

Agrees but wants a more definite edge to Growing Settlements because open countryside can become infill development.

Meadhbh Maquire (1312382)

Supports hierarchy based on relative sustainability of each settlement.

NatureScot (1266529)

Wants aim of tackling the twin crises of climate change and biodiversity loss threaded through the Plan so requests reference that the hierarchy is based upon this principle.

Network Rail (1312503)

Supports higher tier for Tornagain given its investment in new rail station and active travel links there but less supportive of Evanton given there is no current scheme for a new rail halt there.

Rachael Probee (1310748)

Alness and Muir or Ord shouldn't be in the higher tiers because they aren't growing. Most communities have infrastructure capacity issues (especially schools) which should be resolved first before any growth.

Steve North (1263190)

Supports Plan approach as helping both sustainability and viability.

Woodland Trust (1312249)

Seeks confirmation that nature has been taken into account in developing the hierarchy. Building on land that reduces biodiversity harms sustainability. The hierarchy should be based upon the environmental sensitivity/capacity of each settlement/location.

Rural Housing Hinterland Area (Map 2)

Antonia Wright (1311246)

Objects (no reasons stated).

Ballifeary Community Council (1312380)

Seeks a more permissive Plan approach to building in the open countryside because some people can now work from home and be self-sufficient in other ways.

Broadland Properties per John Wright (1312043)

Objects to table because it will be given policy significance and restrict development. There are good reasons to support development in accessible countryside close to the main settlements such as small scale proposals that will help meet the shortfall in the five-year housing land supply.

HIE per Turnberry (1312470)

Seeks a more permissive policy to support housing (particularly affordable housing) in the open countryside because a lack of good quality and affordable housing choice can frustrate the growth of local businesses as they struggle to attract new staff to move into the area.

Homes for Scotland (966619)

Objects to table because it will be given policy significance and restrict development. There are good reasons to support development in accessible countryside close to the main settlements such as small scale proposals that will help meet the shortfall in the five-year housing land supply.

Iain Nelson (1323043)

Supports but wants exceptions and funding to promote the refurbishment of empty croft houses. There should be an emphasis on brownfield not greenfield development.

Jane Shadforth (1323040)

Supports but wants exceptions to bring abandoned crofts/farms back into use to better manage the area for food and wildlife through sustainable regenerative farming and/or sustainable accommodation should be made available to support rural jobs including rewilding projects.

Kirkwood Homes per EMAC Planning (1270584)

Objects to table because it will be given policy significance and restrict development.

There are good reasons to support development in accessible countryside close to the main settlements such as small scale proposals that will help meet the shortfall in the five-year housing land supply.

Lynne West (1311763)

Supports (no reasons stated).

Macdonald Hotels per Pegasus group (1312504)

Objects to Hinterland boundary as enclosing site at Drumossie, Inverness because: no evidence to justify change from adopted plan position; the hinterland policy is restrictive and therefore inappropriate to a part developed area of the City; the site is not quality agricultural land; the Site is in use as a hotel and provides development and investment opportunities as established by the planning history; the land at allocation IN90 similarly has development and investment opportunities as established by the planning history; the landscape in this area is such that it is clearly able to accommodate suitable development, as established by the planning history for the site as well as the allocation of land to the south east of the Site at allocation IN90; the proposed development at the rear of the site will be appropriately screened by dense woodland around the edges of the site; the site can be serviced; there has been no SEA of the removal of this previously supported development area; the site will deliver much needed retirement residential accommodation; the site is accessible and non-car modes of travel connections can be improved; and, the current proposal wouldn't necessarily set a precedent for mainstream housing development in this location.

MacLennans per GHJ (1312467)

Objects to non-inclusion of a land allocation at Newlands of Culloden for 20 self build plots, 5 affordable houses, greenspace, a social enterprise, holiday accommodation, a community shop, and food growing. Asserts that this mixed use proposal would add community facilities to a very large existing housing group and make it more of a balanced sustainable community. Reaffirms full case made at Main Issues Report stage [*] which includes an indicative layout plan.

Mark Gunn (1312546)

Asserts that Hinterland area should be far smaller (drawn in to 5 miles from Inverness) and there should be far more exception reasons (e.g. self build) to allow development because people want to live in the countryside for the peace and quiet and not to have to buy a volume housebuilder house.

Meadhbh Maguire (1312382)

Supports policy but remarks that full screen map difficult to access.

Rachael Probee (1310748)

Wants a far more restrictive policy within the Hinterland area because of the adverse impact reasons stated, the lack of support for development in this area, and the lack of infrastructure capacity.

Steve North (1263190)

Supports boundary and policy but seeks better application of the hinterland policy in practice. Asserts that there have been a number of recent small scale industrial developments in the hinterland around Beauly for which the justification of essential need is very questionable.

Woodland Trust (1312249)

Supports area and policy but seeks Plan recognition of the adverse impact of countryside development on nature not just climate and increased emissions. The impacts on nature can include breaking up ecological connectivity and fragmenting habitats particularly (ancient) woodlands.

Spatial Strategy Map (Map 1)

Andrew Ashcroft (1310631)

Welcomes that Cromarty and Nigg recognised for sustainable tourism potential but wants this better defined and supported. Also wants wider support for tourism particularly its association with the NC500. The Black Isle to the Cromarty-Nigg ferry connection could be a spur of the NC500 route.

Andrew Jones (1324077)

Reports own application to Crown Estate Scotland for funding to repair the former Navy Pier at Nigg for a tourism venture and therefore pleased to see that the Cromarty / Nigg area is suggested as a Sustainable Tourism Potential Growth area. Happy that industrial allocations don't enclose Nigg Pier, Ferry Slipway and the beach.

Antonia Wright (1311246)

Objects (no reasons stated).

Bòrd na Gàidhlig (1323448)

Seeks Plan recognition that Gaelic is very much an asset for tourism in Inner Moray Firth because: it is authentic, a key part of the area's history and culture; the language can attract visitors who are interested in learning more about Gaelic; a VisitScotland survey found more than one in three visitors to Scotland felt that Gaelic enhanced their visit, and they would like to find out more about it.

Broadland Properties per John Wright (1312043)

Disagrees with prominence given to Highland's indicative Regional Spatial Strategy (RSS) because it is not adopted, was prepared without consultation and submitted to inform NPF4, which is still subject to ongoing review. There is limited weight attributed to NPF4, and the same limited weight should be attributed to the contents of the IRSS.

Donald Begg (1312031)

Agrees that building around existing road networks is vital for the strategy. Traffic in already built up areas, eg. Inshes, is already excessive so keeping housing near to trunk routes makes sense.

Dorothy Getliffe (1270774)

Agrees that strategy contains a good proportion of renewable energy sources and growth areas. Reports that respondent is a member of Knocknagael Project which MUST be supported by all concerned.

Fred Olson per JLL (1311832)

Seeks specific reference to Special Landscape Areas (SLAs). Understands that no strategic review of SLAs or their boundaries has been undertaken as part of the preparation of the Plan. Queries why the IMFLDP 2015 did consider those boundaries and designations. Believes that because the pIMFLDP is silent on SLA's, that the designation boundaries will revert back to those established through the HwLDP and the next

opportunity to re-consider those extents will be through the next iteration of the HwLDP.

Iain Nelson (1323043)

Supports but must balance improvements to infrastructure with realistic expectations for development of industry and tourism. Plan area shouldn't be a giant holiday park and/or an industrial site.

Jane Shadforth (1323040)

Supports energy and tourism development and active transport options but this must not be at the expense of the environment. Environmental organisations must be consulted regarding siting of energy and tourism developments and tourists need to be educated on appropriate behaviour to leave a positive impact on local people and wildlife.

Joan Noble (931076)

Seeks Plan commitment to sustainable tourism investment in Nairn. Believes investment in NC500 has led to adverse effects on local communities and therefore public investment should spread visitor pressure to other parts of Highland.

Katie Walter (1323046)

Seeks considerable care to be given to prevent creep into countryside areas and around what "sustainable tourism" really means.

Lynne West (1311763)

Seeks clarification of Map's meaning. Queries why Invermoriston and Dalchreichart are not mapped as they are significant settlements, with a right to have a view taken about sensible small scale housing development, transport and communications within them.

Nairn River Community Council (1312260)

Supports but believes major infrastructure constraints affect most if not all areas and this will be a very serious inhibitor to growth and development, particularly along the A96 corridor. Urges Council to adhere firmly to the Precautionary Principle because the Moray Firth is a world renowned site of environmental importance both on land and sea. Development must protect at all costs the environment, land, sea, beaches, wildlife, sea life, water and air quality etc. Supports tourism development especially the inclusion of Nairn as one of Highland's main visitor destinations. Suggests a detailed Visitor Management Strategy/Plan for Nairn supported by HIE and involving the local community in all aspects of its preparation and delivery. Car parking and motor home provision will form part of this strategy.

Nairn West & Suburban Community Council (1323971)

Seeks equal promotion of and investment in Nairn for tourism so is to be sustainable (prevent the over-tourism and climate negative travel patterns of the NC500).

NatureScot (1266529)

Welcomes the inclusion of the 'between settlement active travel network' because it can help to achieve the just transition to net zero if green/blue networks. Seeks recognition of the other ways of achieving net zero other than from just renewable energy. Queries overlaps between sustainable tourism potential growth areas and strategic renewable energy zones. Seeks clarity on how the Plan will tackle tensions within particular settlements and between using natural assets in a sustainable way to enhance the visitor experience, and using those same natural assets for economic growth through renewables.

Port of Inverness per G&S (1220786)

Reports that Port of Inverness is part of the Opportunity Cromarty Firth (OCF) consortium bid for Green Freeport status. Supports Plan's reference to OCF. Asserts that the Ports Harbour Gait proposal will support both the renewable sector and tourism. It will also provide enhanced integration between Inverness City Centre and waterfront through active travel links and delivery of the Maritime Heritage Trail.

Rachael Probee (1310748)

Believes Strategy will not work unless public transport is improved first. The car is the only effective alternative for many people and trips. Urges Council to change public transport to make it useful and improve the roads.

Scottish Government (963027)

Seeks clarification of the Council's position on the renewables sector including onshore wind so as to align with existing (SPP) and emerging national planning policy (draft NPF4) which seek the identification of those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities and other renewable energy technologies.

SSEN (1311702)

Seeks greater Plan recognition of SSEN's critical national infrastructure and energy security role, contribution to achieving national net zero targets and mapping of because strategic reinforcements because: future improvements are now approved in funding terms: most of the network is classed as 'National Development' under the extant National Planning Framework 3 (NPF3) and the emerging NPF4; the network will help support the Plan's proposed "Strategic renewable energy zones"; network investment will create new jobs both directly and indirectly in the Inner Moray Firth region.

Steve North (1263190)

Supports the increased focus on development being encouraged within key serviced settlements with good transport links etc rather than the more dispersed development evident in previous plans, and the retention of a hinterland policy to help manage development sprawl. Both make sense in terms of sustainability, efficiency and safeguarding the landscape character of the area.

Modifications sought by those submitting representations:

Settlement Hierarchy (Table 2)

Aird Community Trust (1311972)

Addition of Plan provisions to improve active travel and public transport connectivity to, from and within all tier 4 settlements but in particular for Kirkhill and Inchmore (assumed).

Andrew Ashcroft (1310631)

Cromarty reclassified as a higher tier settlement and more support for growth within it (assumed).

Antonia Wright (1311246)

None (assumed).

Broadland Properties per John Wright (1312043)

Clarification that a settlement's position in the hierarchy will not dictate the Council's

response to a development proposal within that settlement (assumed).

Highland Housing Hub (1154846)

Addition of Pitcalnie (Nigg) as a growing settlement.

Homes for Scotland (966619)

A revised spatial strategy that will deliver a sufficient housing land supply and house completions (assumed) (see fuller comments under Issue 3: Housing Requirements).

Iain Nelson (1323043)

Addition of clarification that growth should be of balanced mix of land uses (not just housing) and subject to the infrastructure facility and social network capacity to support that level and type of growth (assumed).

Jane Shadforth (1323040)

Addition of clarification that capacity in all infrastructure networks should affect level of growth not just sustainable travel connectivity (assumed).

Katie Walter (1323046)

Definitive boundaries for the Plan's Growing Settlements (assumed).

Meadhbh Maguire (1312382)

None (assumed).

NatureScot (1266529)

Addition of statement within paragraph 38 about the need to address biodiversity loss as well as climate change and post pandemic economic recovery.

Network Rail (1312503)

Addition of clarification that rail network investment is being made at Tornagrain but there is no currently programmed scheme at Evanton (assumed).

Rachael Probee (1310748)

A hierarchy and future level of growth that is supported by adequate existing infrastructure/facility capacity (assumed).

Steve North (1263190)

None (assumed).

Woodland Trust (1312249)

A hierarchy based upon the environmental sensitivity/capacity of each settlement/location (assumed).

Rural Housing Hinterland Area (Map 2)

Antonia Wright (1311246)

Unclear.

Ballifeary Community Council (1312380)

A more permissive Plan approach to building in the open countryside.

Broadland Properties per John Wright (1312043)

A more permissive Plan approach to building in the open countryside.

HIE per Turnberry (1312470)

At end of paragraph 46, add new sentence: "Affordable housing linked to local needs, consistent with policy 10, is also a suitable exception and appropriate development in the open countryside and hinterland area."

Homes for Scotland (966619)

Exceptions for small scale housing delivery and housing delivery where this contributes to a demonstrable need such as where there is a shortfall in the five year housing land supply.

Iain Nelson (1323043)

Amendments to support exceptions and funding to promote the refurbishment of empty croft houses (assumed).

Jane Shadforth (1323040)

Exceptions to bring abandoned crofts/farms back into use where connected to better management of land for food and wildlife and/or the accommodation is available to support rural jobs including rewilding projects (assumed).

Kirkwood Homes per EMAC Planning (1270584)

Exceptions for small scale housing delivery and housing delivery where this contributes to a demonstrable need such as where there is a shortfall in the five year housing land supply.

Lynne West (1311763)

None (assumed).

Macdonald Hotels per Pegasus group (1312504)

Reinstatement of Inverness Settlement Development Area boundary as per adopted plan (assumed).

MacLennans per GHJ (1312467)

A mixed use allocation within the Hinterland at Newlands of Culloden for 20 self build plots, 5 affordable houses, greenspace, a social enterprise, holiday accommodation, a community shop, and food growing.

Mark Gunn (1312546)

Contraction of the Hinterland area only to enclose land within 5 miles of Inverness and even within this area a far more permissive policy to allow exceptions for development such as self build (assumed).

Meadhbh Maguire (1312382)

A clearer, more accessible map of the Hinterland area (assumed).

Rachael Probee (1310748)

A far more restrictive policy within the Hinterland area (assumed).

Steve North (1263190)

None but better application of the hinterland policy in practice.

Woodland Trust (1312249)

Plan recognition of the adverse impact of Hinterland housing development on nature not just climate and increased emissions.

Spatial Strategy Map (Map 1)

Andrew Ashcroft (1310631)

Addition of Plan content on sustainable tourism potential particularly support for tourism associated with the NC500 – e.g. the Black Isle to the Cromarty-Nigg ferry connection could be a spur of the NC500 route.

Andrew Jones (1324077)

None (assumed).

Antonia Wright (1311246)

Unclear.

Bòrd na Gàidhlig (1323448)

Addition of greater Plan recognition that Gaelic is very much an asset for tourism in the Inner Moray Firth.

Broadland Properties per John Wright (1312043)

Clarification that little decision making weight will be given to Highland's indicative Regional Spatial Strategy (RSS) (assumed).

Donald Begg (1312031)

None (assumed).

Dorothy Getliffe (1270774)

None on this issue. Seeks Plan support for Knocknagael Project.

Fred Olson per JLL (1311832)

Specific reference to Special Landscape Areas (SLAs) and an opportunity to review their boundaries and status (assumed).

Iain Nelson (1323043)

A better Plan balance between infrastructure provision, the environment and industrial/tourism developments.

Jane Shadforth (1323040)

Addition of clarification that energy and tourism development will only be supported if no adverse impact on environment (assumed).

Joan Noble (931076)

Plan commitment to sustainable tourism investment in Nairn.

Katie Walter (1323046)

A more restrictive approach to development in the countryside and ensuring genuinely sustainable tourism.

Lynne West (1311763)

Addition of Plan content for Invermoriston and Dalchreichart (as Growing Settlements) with a view taken about sensible small scale housing development, transport and communications within them.

Nairn River Community Council (1312260)

Addition of clarifications that: major infrastructure constraints will be a very serious inhibitor to growth and development, particularly along the A96 corridor; the Council will adhere firmly to the Precautionary Principle; and, that the Council will produce a detailed Visitor Management Strategy/Plan for Nairn supported by HIE and involving the local community in all aspects of its preparation and delivery (all assumed).

Nairn West & Suburban Community Council (1323971)

Addition of a Plan reference to ensure equal promotion of and investment in Nairn for tourism so is to be sustainable (prevent the over-tourism and climate negative travel patterns of the NC500) (assumed).

NatureScot (1266529)

Addition of reference to ways of achieving net zero other than from just renewable energy. Clarification of how conflicts between sustainable tourism potential growth areas and strategic renewable energy zones will be dealt with – e.g. Nigg (assumed).

Port of Inverness per G&S (1220786)

Enhanced reference to Port's Harbour Gait proposal as supporting both the renewable sector and tourism (assumed).

Rachael Probee (1310748)

Amendments to make new development conditional upon prior investment in public transport (assumed).

Scottish Government (963027)

Clarification as to whether the Plan and wider Council policies support opportunities for all forms of renewable energy and low-carbon technologies (assumed).

SSEN (1311702)

Additional Plan content to recognise SSEN's critical national infrastructure and energy security role, contribution to achieving national net zero targets and mapping of because strategic reinforcements.

Steve North (1263190)

None (assumed).

Summary of responses (including reasons) by planning authority:

Settlement Hierarchy (Table 2)

Aird Community Trust (1311972)

Support noted. Some existing settlements such as Kirkhill are too small and too distant from higher order facilities and employment opportunities to ever support a commercially viable public transport service or offer good active travel connectivity for the average person. It is also increasingly unviable for the public sector to subsidise a regular public transport service to these settlements. Active travel network investment, particularly for smaller linking sections in an existing lightly trafficked rural road-based network can be cost effective and the Plan supports such provision. These networks can be tourism assets as well as providing commuting and local journey opportunities. For the reasons stated above, the Table 2 hierarchy makes a difficult decision to concentrate a higher proportion of future growth within the higher tier centres because, other things being

equal, this will be more environmentally sustainable and economically viable for both the public and private sectors.

Andrew Ashcroft (1310631)

See response to Aird Community Trust above regarding the reasons why some settlements are in lower tiers and Issue 25: Cromarty. The Plan does provide positive development allocations within Cromarty and recognises that the short ferry link to Nigg could provide a cost-effective, sustainable travel mode, journey to work for many existing and new residents.

Antonia Wright (1311246)

Noted.

Broadland Properties per John Wright (1312043)

See response to Aird Community Trust above regarding the reasons why some settlements are in lower tiers. Most of the lower tier settlements have a primary, dormitory, commuter housing location function. If significant new employment were to be attracted to any of the lower tier settlements (as currently proposed but not endorsed by the Council, at Tore) then this would provide a more convincing case for public sector investment but currently this is not the case for any of these settlements.

Highland Housing Hub (1154846)

Pitcalnie (Nigg) is identified as an "Other Settlement" within Policy 3 of the aMFLDP. The land is outwith the Council's Hinterland area in the Plan and therefore a positive approach to development in this part of the countryside already applies. A suitably designed and adequately serviced, small scale housing proposal that adds to the existing small community would be likely to be in conformity with the approved development plan. The respondent's proposal isn't specific and the Plan now seeks to concentrate on larger growing settlements. As such, the Council does not believe that it is necessary to add Pitcalnie to Tier 5 of the hierarchy.

Homes for Scotland (966619)

See the Council's responses under Issue 3: Housing Requirements.

Iain Nelson (1323043)

Support noted. The Plan attempts to allocate for a mix of land uses within most main settlements and identifies the mitigation necessary to support and offset the adverse impact of that growth.

Jane Shadforth (1323040)

Support noted. The hierarchy does take account of infrastructure and community facility network capacity. For example, Kirkhill is in a lower tier to Kiltarlity because of the former's poor primary school capacity even though both are of a similar size and have similar other constraints and opportunities.

Katie Walter (1323046)

Support noted. The Council's 3 area LDPs all contain a list of Growing Settlements all without a definitive boundary and all without specific development site allocations. Instead, development proposals within or closely adjoining these settlements are assessed against a list of settlement-specific criteria and criteria within a general policy (GP12: Growing Settlements in the Plan). One of the general policy criteria references active travel distance from the community or commercial facility present within the settlement and this

can be used as a proxy for a geographic boundary. Otherwise, a development management officer applies the criteria-based policy framework in assessing a proposal. Settlement pattern conformity is one of the criteria which allows the officer to take a view on whether the proposal would represent an inappropriate incursion into presently open countryside.

Meadhbh Maguire (1312382)

Support noted.

NatureScot (1266529)

The Plan's twin overarching aims are tackling post pandemic economic recovery and the climate and ecological emergency. These aims are threaded through the Plan's outcomes, vision, spatial strategy, general policies, placemaking priorities, development site allocations and developer requirements. Therefore, the settlement hierarchy isn't and shouldn't be based just upon environmental sustainability. A balance with economic viability considerations has to be struck if the Plan's provisions are to be deliverable.

Network Rail (1312503)

Support for Tornagrain noted. Tornagrain is a Tier 1 settlement because of its planned size as a town, its proposed self-containment in terms of local education and employment provision as well as the presence of the under construction rail station and the sustainable travel mode connectivity it will offer. Evanton is a Tier 2 settlement because of its spare capacity in its infrastructure and facility networks, its size and its proximity to significant existing and proposed employment opportunities at Highland Deephaven. The possibility of a rail halt would enhance Evanton's Tier 2 status but the halt would be justified more in terms of more sustainable freight movements in and out of Highland Deephaven.

Rachael Probee (1310748)

See Issue 13: GP9 Delivering Development and Infrastructure for the Council's response to respondents suggesting a development embargo until all infrastructure and facility networks are improved. Both Alness and Muir or Ord don't rival Inverness in terms of recent house completions but both are towns, benefit from a good range of community, commercial and employment facilities, have a regular rail connection service, and have some spare capacity in their infrastructure networks.

Steve North (1263190)

Support noted.

Woodland Trust (1312249)

The environmental capacity (evidenced through the Plan's SEA process) of each settlement has been one factor in determining the hierarchy and site selection within each settlement. For example, Cawdor has been reclassified as a lower Tier 5 growing settlement partly because of its heritage constraints. However, environmental sensitivity / capacity is only one factor and has been balanced against other considerations notably economic viability.

Rural Housing Hinterland Area (Map 2)

Antonia Wright (1311246)

Noted.

Ballifeary Community Council (1312380)

It is unusual for an urban community council to express an opinion on matters in the open

countryside and the Council disagrees that a more permissive Plan approach to building in the open countryside would be appropriate. Paragraph 33 of the PDF version of the Plan lists the reasons why. Not all services can be accessed remotely and therefore there will still be a need to travel for the occupants of houses in the open countryside. A genuine land management reason to live in the open countryside is supported as a permissible exception to the existing restrictive policy.

Broadland Properties per John Wright (1312043)

The Council disagrees that a more permissive Plan approach to building in the open countryside close to main settlements would be appropriate. Paragraph 33 of the PDF version of the Plan lists the reasons why. See Issue 3: Housing Requirements where the Council disputes that there is a shortfall in the five-year housing land supply.

HIE per Turnberry (1312470)

See response to Broadland Properties above. Affordable housing is supported as a permissible exception to the existing restrictive policy if there is an insufficient supply of land for such provision within the nearby settlement(s). The policy also supports on-site new housing if it is required to support an existing or new rural business.

Homes for Scotland (966619)

The Council disagrees that a more permissive Plan approach to building in the open countryside close to main settlements would be appropriate. Paragraph 33 of the PDF version of the Plan lists the reasons why. See Issue 3: Housing Requirements where the Council disputes that there is a shortfall in the five-year housing land supply.

Iain Nelson (1323043)

Support noted. The relevant HwLDP Policy 35 includes exceptions for conversions, refurbishment and in some cases redevelopment of empty croft houses and other traditionally designed rural buildings. See Issue 3: Housing Requirements for the Council's response regarding brownfield not greenfield development.

Jane Shadforth (1323040)

Support noted. See response to Iain Nelson above. The land management practice decisions referred to are outwith the Plan's control and indeed all planning control.

Kirkwood Homes per EMAC Planning (1270584)

The Council disagrees that a more permissive Plan approach to building in the open countryside close to main settlements would be appropriate. Paragraph 33 of the PDF version of the Plan lists the reasons why. See Issue 3: Housing Requirements where the Council disputes that there is a shortfall in the five-year housing land supply.

Lynne West (1311763)

Noted.

Macdonald Hotels per Pegasus group (1312504)

See Issue 37: East Inverness for the Council's response to the site's suitability as a City development allocation. This part of the City fringe is characterised by small farm based housing groups other sporadic rural development and the Drumossie Hotel which was sited at this location because it was on the old A9, close to Inverness, with an elevated, attractive outlook and a rural ambiance. The aIMFLDP enclosed the land either side of the A9 within the Inverness Settlement Development Area (SDA) so that important woodland belts could be identified and safeguarded and that limited development opportunities could

be supported where existing housing and other building groups exist and can be extended. The Drumossie Hotel wasn't developed to be in the City. It was constructed as a traditional roadside motor touring hotel in the 1930s. The adjoining aIMFLDP IN90 allocation recognises the tourism or business potential of this land which is one of very few in Highland that is close to a high capacity grade separated trunk road junction and at the visual gateway to the Inner Moray Firth. The Council accepts that the site is part developed, has existing use permissions and is not of prime agricultural quality. The Plan's decision to draw in the SDA either side of the A9 on this approach to Inverness was based on recent pressure for larger housing developments and the poor environmental sustainability of the location in particular its poor active travel and public transport connectivity. It is up a steep hill, not close to community facilities and next to a busy, noisy trunk road so isn't a good housing development site. The Hinterland policy supports the expansion of existing rural businesses including ancillary housing accommodation. For example, hotel worker accommodation would be acceptable in principle on this site. The nature of the respondent's proposal is unclear but mainstream market housing would be unacceptable at this location because of its environmental sustainability challenges. The presence of the listed building adds another development constraint. Retirement accommodation without a functional connection to the existing hotel would create the same environmental sustainability challenges as mainstream housing. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

MacLennans per GHJ (1312467)

Culloden Moor or Newlands of Culloden is a very large grouping of mainly suburban design and layout houses without any community facilities lying mainly to the north of the B9006 between Inverness and Croy. There was a rail halt at this location but this has long since closed and local employment opportunities are very limited. It is not an environmentally sustainable or economically viable (in terms of public sector infrastructure provision) location at which to support further growth other than minor infill or rounding-off proposals. The mixed use nature of the proposal is interesting but there is no guarantee that the promised business and community facility components will be delivered early or at all. There is no quantitative deficiency in terms of the Plan's housing land supply for the Inverness Housing Market Area (HMA).

Mark Gunn (1312546)

The Council disagrees that a more permissive Plan approach to building in the open countryside close to main settlements would be appropriate. Paragraph 33 of the PDF version of the Plan lists the reasons why. Plan Policy GP11 encourages the provision of urban self and custom build housing. There are already a series of exceptions to the generally restrictive housing policy within the Hinterland countryside.

Meadhbh Maguire (1312382)

Support noted. A zoomable map of the Hinterland boundary is available on another part of the Council's website. If the Reporter is so minded then a link to this map could be provided within the PDF and online versions of the Plan.

Rachael Probee (1310748)

The Council's current policy restricts development in the open countryside to favour those with good reason to be there; i.e., those with a land management or other rural business reason. It would be unreasonable to impose further restrictions to exclude these parties. In any event the HwLDP general policy is not under review through this Plan process only the boundary to which the policy relates. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Steve North (1263190)

Support noted. Consistent application and enforcement of the provisions of any policy is important but circumstances can be very varied with small scale rural developments and local politics can also play a part. The lack of suitably sized and located industrial land within the nearest main settlement can also tilt the balance in favour of rural sites. Some industrial or “bad neighbour” uses such as kennels and catteries are more suited to a rural location without immediate neighbours.

Woodland Trust (1312249)

Support noted. The HwLDP Hinterland general policy is not under review through this Plan process only the boundary to which the policy relates. The “parent” policy references environmental and landscape issues. Accordingly, the Council believes the Plan’s content should remain unaltered in respect of this issue.

Spatial Strategy Map (Map 1)

Andrew Ashcroft (1310631)

Support noted. The sustainable tourism potential area centred on the North and South Sutors identified on Map 1 is intended to reflect various current and possible future tourism related development sites and their linking up by a (more) sustainable travel mode connection (the Cromarty-Nigg Ferry). The potential developments include the community’s campervan facility site at Cromarty, a golf course at Nigg and the better interpretation of WWII defence installations at the North Sutor. The Plan has no locus to change or add to the NC500 route which is a branding and marketing initiative.

Andrew Jones (1324077)

Noted. See Issue 51: Economic Development Areas for the Council’s response to the specifics of the Nigg site. Although the Strategic Renewable Energy Zone and Sustainable Tourism Potential Growth Area notations overlap on Map 1 at Nigg, the Council believes that any conflicts can be managed. For example, there are golf courses that happily coexist in close proximity to oil refineries and working ports. Similarly, potential marine access conflicts can be managed.

Antonia Wright (1311246)

Noted.

Bòrd na Gàidhlig (1323448)

The importance of Gaelic culture and heritage to the distinctiveness and authenticity of Highland tourism experience is recognised but it does not have a site or settlement specific land use implication. It is best promoted through bilingual signage, interpretative facilities and most often events such as the Mod. Accordingly, the Council believes the Plan’s content should remain unaltered in respect of this representation.

Broadland Properties per John Wright (1312043)

The Highland Council’s indicative Regional Spatial Strategy (RSS) [*] was prepared using input from a wide range of stakeholders but is recognised as a point in time document which will need to be reassessed in light of the final adopted version of NPF4. To an extent it was a bidding document intended to ensure NPF4 recognised the particular needs and aspirations of the Highland area. The Council accepts that it does not and will not form part of the statutory approved development plan for the inner Moray Firth area. If the Reporter is so minded then the Plan’s cross reference to the RSS in paragraph 24 of

the PDF version of the Plan could be amended to clarify this intended status of the RSS.

Donald Begg (1312031)

Noted. Adequate road space capacity is vital to most forms of local travel whether its active, bus priority, in electric vehicles or by fossil fuel cars. The spatial strategy doesn't direct development to sites near the trunk road network but adequate road network capacity for all users is one of many factors determining the strategy, the settlement hierarchy and site selection within settlements. Some large scale industrial allocations require good strategic road network connectivity and some tourism and commercial uses gain a competitive economic advantage in being visible from and accessible to that same network. The Plan takes account of these requirements in its site selections.

Dorothy Getliffe (1270774)

Support noted. See Issue 35: South Inverness for the Council's response to the Knocknagael project.

Fred Olson per JLL (1311832)

Special Landscape Areas (SLAs) in Highland were first formulated 20 years ago and first tested through the HwLDP process. Their original identification was based on 1:250,000 scale constraints mapping and therefore, since, their boundaries have been fine tuned through subsequent area LDP and citation [*] processes which have allowed a finer grained analysis. The Council intends this review to be a one off and therefore isn't consulting on any further changes to the Plan area SLAs. The SLAs are stand-alone, council defined areas the detail of which is available via the Council's website and don't rely upon being within an area LDP document for their status. Their policy "hook" is in the HwLDP notably Policies 57 and 61 and Appendix 2. Therefore, they will not change on the adoption of the Plan. The replacement of the HwLDP will commence in 2023 but local landscape designations, because they have already subject to detailed review, won't be an obvious candidate for debate. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this representation.

Iain Nelson (1323043)

Noted. The tourism and the renewable energy sectors do represent the Plan area's best prospects for post pandemic economic recovery and therefore the Council makes no apology for giving them prominence in the spatial strategy. However, the Plan also directs development in these sectors to the locations where any adverse effects can best be mitigated and supporting infrastructure provided at least cost.

Jane Shadforth (1323040)

Support noted. NatureScot are a key consultee at both pre-application and application stage for larger scale energy and tourism developments. Visitor behaviour and management is outwith the Plan's remit but the Council uses its ranger service to encourage responsible behaviour. The Plan allocates three sites for campervan stop-overs to better manage the waste management and inappropriate parking implications of this form of tourism.

Joan Noble (931076)

The NC500 promoters have via their website diversified the information about off route attractions and facilities. HwLDP Policy 42, already, in its 3rd criterion encourages a better geographic spread of tourist facilities. The geographic ringfencing and use of any future visitor levy is outwith the Plan's remit. However, developer contributions should certainly be ringfenced as locally as practicable and be used to offset the impact of development

not to divert a development to a different location.

Katie Walter (1323046)

Noted. The Council asserts that paragraph 37 of the PDF version of the Plan gives an adequate definition of sustainable tourism. Many smaller scale tourism facilities are appropriate within countryside areas and many of the Plan area's attractions are located within the countryside rather than within settlements.

Lynne West (1311763)

The Plan's settlement hierarchy is different to that within the aIMFLDP in which Invermoriston is identified as an "other" now termed "growing" settlement. Dalchreichart was identified as a settlement in the previous Inverness Local Plan 2006 but lost its primary school, is very remote from supporting services and facilities, and has a high proportion of second and holiday homes. Therefore, between the 2006 and 2015 plans, Dalchreichart was dropped as a settlement to which the Council wished to direct growth. Similarly, Invermoriston has been dropped between the 2015 and 2022 plans because it is severe physical development constraints. It is in a narrow steep sided glen the majority of the floor of which is subject to fluvial flood risk and heritage constraints. The steep glen sides also mean that winter daylight is very limited. It does have an active local community and may be a suitable location for a Local Place Plan which could better address very small scale, very local issues. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this representation.

Nairn River Community Council (1312260)

Support noted. See Issue 13: GP9 Delivering Development and Infrastructure for the Council's response to respondents suggesting a development embargo until all infrastructure and facility networks are improved. The Precautionary Principle is not a justification for a development embargo but instead a pause for thought and a possible reason to reject a development proposal if there considerable scientific uncertainty about future adverse environmental effects. The Council has produced a Visitor Management Plan for Highland [*]. The other matters requested are outwith the Plan's remit. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this representation.

Nairn West & Suburban Community Council (1323971)

See response to Joan Noble above.

NatureScot (1266529)

Support noted. Heating, energy and surface transport are the key issues where the Plan can make a difference in reducing carbon use and emissions. General policies 1, 2, 4, 5, 6 and 14 should all assist. Also, making settlement hierarchy and site selection decisions to minimise the need to travel by less sustainable means, to enjoy less climatic exposure and more solar gain, and to maximise the opportunity for district heating, should all help address this issue. Although the Strategic Renewable Energy Zone and Sustainable Tourism Potential Growth Area notations overlap on Map 1, for example at Nigg, the Council believes that any conflicts can be managed. For example, there are golf courses that happily coexist in close proximity to oil refineries and working ports. Similarly, potential marine access conflicts can be managed. For most planning applications there is a balancing act between the assessment and weighting of economic versus environmental considerations. The Plan shouldn't prejudge this assessment and weighting because it will vary from case to case. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this representation.

Port of Inverness per G&S (1220786)

Support noted. See Issue 11: GP7 Industrial Land and Issue 51: Economic Development Areas regarding the Council's support for Opportunity Cromarty Firth and Issue 36: Central Inverness regarding its response to the particular Harbour Gait proposal.

Rachael Probee (1310748)

See Issue 13: GP9 Delivering Development and Infrastructure for the Council's response to respondents suggesting a development embargo until all infrastructure and facility networks are improved. The Plan area has a relatively low, geographically dispersed population of actual or potential public transport users. Accordingly, the cost of improving public transport service spread, frequency and reliability to achieve significant modal shift to that mode will be prohibitive and therefore impracticable. In reality, the Plan and its transport strategy proposes a multi-modal solution in line with the Plan's Figure 17 transport hierarchy.

Scottish Government (963027)

The Council's policies on onshore wind energy and other renewables are set at Highland wide level through the HwLDP and its related guidance [*]. The 3 adopted area LDPs don't contain any locational guidance for renewable energy developments. The HwLDP and its related Supplementary Guidance does contain that guidance through its Spatial Framework, landscape sensitivity appraisals and strategic capacity conclusions. The Council asserts that this locational guidance is sufficient and complies with current SPP requirements on this matter. NPF4's final requirements in terms of LDP locational guidance are as yet unknown.

SSEN (1311702)

Although welcome and significant, singling out SSE's particular role in tackling the climate emergency, supporting the economy and national energy security would be inappropriate in a statutory council policy document. However, the Council agrees, if the Reporter is so minded to recommend, that planned and funded strategic reinforcements to the national transmission network should be added to Map 1.

Steve North (1263190)

Support noted.

Reporter's conclusions:

Reporter's recommendations:

Issue 3	Housing Requirements	
Development plan reference:	Section 2, PDF Pages 33-36	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Antonia Wright (1311246) Broadland Properties per John Wright (1312043) Forbes per Grant and Geoghegan (G&G) (1271817) HIE per Turnberry (1312470) Highland Housing Hub (1154846) Homes for Scotland (966619) Iain Nelson (1323043) Jane Shadforth (1323040) Kirkwood Homes per EMAC Planning (1270584) Muir of Ord Community Council (1323337) Nairn River Community Council (1312260) Nairn West & Suburban Community Council (1323971) Pat Munro (Alness) per Daniel Harrington (1312301) Rachael Probee (1310748) Robertson Homes per BWP (1266646) Scottish Government (963027) Springfield Homes (1147956)</p>		
Provision of the development plan to which the issue relates:	Housing Requirements, Table 3	
Planning authority's summary of the representation(s):		
<p><u>Antonia Wright (1311246)</u> Objects (no reasons stated)</p> <p><u>Broadland Properties per John Wright (1312043)</u> Supports Homes for Scotland submissions on this issue. Believes Mid Ross HMA requirement is inadequate/ too low. Asserts that of the 34 allocated sites in the Audit for the Mid Ross HMA some 26 were 1st allocated in, or carried forward to, the Ross & Cromarty East Local Plan 2007, the remaining 8 sites were 1st allocated in 2015. Believes the programming of these sites in the Housing Land Audit (HLA) being continually pushed out over time results in housing need and demand remaining unmet with associated negative consequences of this in terms of prices and availability. Bemoans lack of consultation with landowners on HLA. Believes many landowners have a poor track record of land release and therefore many sites are not truly effective. Complains that the published HLA is out of date compared to the Plan and therefore no meaningful assessment of effective supply can be made. Estimates that the capacity of the emerging Mid Ross supply as 865 homes leaving a shortfall of at least 491 homes (against the current MHLR) and therefore the Plan is not compliant with SPP and therefore open to legal challenge and will erode confidence in the primacy of the development plan</p>		

in our plan led system. Offers Broadland owned sites at Avoch, Munloch and North Kesssock to make up the shortfall. Reports these are effective and deliverable.

Forbes per G&G (1271817)

Objects to proposed Housing Land Requirement (HLR) as too low because: the adopted LDP planned for a far greater total (40% more); there should be more flexibility than just allowing for a total based on past completion rates; programming of existing sites over the period of the next Plan appears to be unrealistic in many cases; the windfall assumption is too high at 30% because opportunities within and adjacent to settlements have been dramatically reduced as settlement boundaries have been drawn in and brownfield sites are limited; and, the 10% adjustment for employment related housing growth should be applied to the entire Inner Moray Firth area and increased to reflect the potential for investment in the area i.e. the Cromarty Firth Free Port, Ardersier Port, Nigg, A9/ A96 dualling, Inverness Airport Masterplan including commercial land and railway improvements as well as the Inverness and Highland City-Region Deal. Seeks clarification why Council is planning for decline. Adequate housing land is vital to help drive sustainable economic growth across the region.

HIE per Turnberry (1312470)

Seeks higher housing requirements because: the Plan recognises the uncertainty as to whether past trends will continue; net migration may increase again; and, employment led growth may increase. The Plan should be flexible because of this uncertainty. There should be a Plan trigger to allow higher capacities, faster phasing and more rural development if there is likely to be a shortfall.

Highland Housing Hub (1154846)

The Plan should be flexible enough to accommodate unmet demand arriving from known economic drivers and those likely to emerge in the next few years especially if the Opportunity Cromarty Firth (OCF) green freeport bid is successful which could create 25,000 new jobs over the next 5 years. Suggests the review of sites should be delayed until the outcome of the OCF bid is known or a statement added that land allocations either withdrawn or reduced compared to the adopted LDP will be reinstated.

Homes for Scotland (966619)

Seeks higher requirements because: the Plan figure is a major downward revision compared with the adopted LDP; the open market portion of this is 2,389, equivalent to 239 homes per annum which is not in line with past private completion rates (estimated at 538, more than double the open market element of the HLR); the Plan requirements calculation methodology is unclear; a successful Opportunity Cromarty Firth (OCF) bid will increase jobs led housing growth beyond East and Mid Ross; other major investments such as the City-Region Deal, trunk road dualling and other public transport schemes will create jobs and therefore housing demand; SPP makes clear that the HNDA is only a starting point for calculating housing requirements and that Council's should take account of "wider economic, social and environmental factors, issues of capacity, resource and deliverability, and other important requirements such as the aims of National Parks"; other councils make significant policy adjustments e.g. North Ayrshire have tripled its requirements relative to its HNDA; assumptions about future in-migration are very uncertain; the pandemic has increased demand for home working in an attractive rural area; NPF4 is only in draft and is subject to many objections; the figures in NPF4 are only minima not a guide to any actual figures; other circumstances may change and the Plan should be flexible; a housing shortfall will increase prices and rents and therefore worsen affordability and harm economic growth potential; the Highlands and Islands Enterprise

Strategy (2019-22) identifies housing supply and affordability as key issues; and, the homebuilding sector provides local employment. Detailed, revised requirements paper supplied [*]

Iain Nelson (1323043)

Seeks more development on brownfield not greenfield sites for the benefit of residents not developers because: green corridors and spaces are vital for the environment, wildlife and people and the main reasons people actually want to live in and visit the region; and, central sites can also be better linked to existing facilities rather than be soulless, suburban housing estates.

Jane Shadforth (1323040)

Queries why so many houses are needed if the population is currently stable. Supports more housing if it comes with employment, sustainable travel, entertainment and other infrastructure.

Kirkwood Homes per EMAC Planning (1270584)

Seeks higher requirements because: the Plan figure is a major downward revision compared with the adopted LDP; the open market portion of this is 2,389, equivalent to 239 homes per annum which is not in line with past private completion rates (estimated at 538, more than double the open market element of the HLR); the Plan requirements calculation methodology is unclear; a successful Opportunity Cromarty Firth (OCF) bid will increase jobs led housing growth beyond East and Mid Ross; other major investments such as the City-Region Deal, trunk road dualling and other public transport schemes will create jobs and therefore housing demand; SPP makes clear that the HNDA is only a starting point for calculating housing requirements and that Council's should take account of "wider economic, social and environmental factors, issues of capacity, resource and deliverability, and other important requirements such as the aims of National Parks"; other councils make significant policy adjustments e.g. North Ayrshire have tripled its requirements relative to its HNDA; assumptions about future in-migration are very uncertain; the pandemic has increased demand for home and hybrid working in an attractive rural area; NPF4 is only in draft and is subject to many objections; the figures in NPF4 are only minima not a guide to any actual figures; other circumstances may change and the Plan should be flexible; a housing shortfall will increase prices and rents and therefore worsen affordability and harm economic growth potential; the Highlands and Islands Enterprise Strategy (2019-22) identifies housing supply and affordability as key issues; and, the homebuilding sector provides local employment. Detailed, revised requirements paper supplied [*]. Agrees with Council's inclusion of in-year arising need. Points out that household forecasts are trend based and therefore are not flexible to changing circumstances. Given that the Plan area totals are relatively small then incorrect assumptions lead to more significant errors – e.g. in net migration assumptions. Concerned that HNDA and HLA prepared at a late stage in the Plan process. Queries why household surveys were not used to inform the existing unmet need count. More housing within the Hinterland can help with rural repopulation.

Muir of Ord Community Council (1323337)

Queries why Table 3 sets the affordable portion of the future housing requirement at 72% but that General Policy 10 only seeks 25% of future housing component sites as affordable.

Nairn River Community Council (1312260)

Objects to housing requirements as too high because: the birth rate is falling; net

(in)migration is low; Highland's population is forecast to remain static; household sizes are declining; permissions granted exceed indicative plan capacities by at least 20%; developers lead Council policy; loss of greenfield sites; inadequate infrastructure capacity; and, the real requirement is for one bedroom accommodation for indigenous need.

Nairn West & Suburban Community Council (1323971)

Queries accuracy of HNDA 2020 because: the HNDA uses the high migration population projection when we are on a very low trajectory; there appear to be areas of double counting of waiting lists; flexibility of 30% extra has been added for reasons that are unclear; affordable needs can be met by repurposing older buildings which would be a much more environmentally suitable option in the current climate; by 2030 Highland household numbers are projected to be static.

Pat Munro (Alness) per Daniel Harrington (1312301)

Disputes MHLR as not taking proper account of the wider economic, social and environmental factors and therefore won't meet for affordable housing and market demand which will further place pressure on affordability. Believes respondent's sites in Alness and Inverness can help make up shortfall. Supplies detail of sites (covered under Alness and East Inverness Issues).

Rachael Probee (1310748)

Disputes whether new housing is genuinely affordable. A working couple on average earnings can only afford to pay £235,200. Private new build houses start at £282,000 for a 3 bedroom house. Shared ownership/equity schemes don't work and trap occupants. Help to Buy takes too long to save up for a deposit.

Robertson Homes per BWP (1266646)

Objects to the requirements as too low because: the Council should take a more ambitious approach; the market target should at least match past private completions; major public infrastructure (road, rail and other City Region Deal projects) investment will prime employment led growth and therefore housing need and demand; existing residents need better homes; and, the pandemic has increased buyer interest in home working and well designed homes and gardens in locations where health, lifestyle and well-being factors score highly; the requirements are almost halving the total in the adopted LDP. Believes Plan should require a minimum of 17,250 homes based on 1,500 homes per annum and a generosity allowance of 15%.

Scottish Government (963027)

Seeks a clear explanation of what the MHLR is. Queries whether it represents the level of identified need or is an assessment of the deliverable land required to meet this need. Also seeks explanation the relationship to the Strategic Housing Investment Plan and emerging Local Housing Strategy as to how investment in affordable housing will be directed within the Inner Moray Firth plan area. Believes the Plan should provide a spatial indication of the land it intends to allocate in order to meet the remainder of its 6,075 affordable housing MHLR.

Springfield Homes (1147956)

Supports Homes for Scotland objection to Plan. Major public infrastructure (road, rail and other City Region Deal projects) investment will prime employment led growth and therefore housing need and demand. This will be magnified by private investment in Opportunity Cromarty Firth (OCF) and at the Airport Business Park. Therefore believes 10% inflation for future economic growth is inadequate. Also believes 30% windfall

allowance is too high. SPP defines these as sites that “become available for development unexpectedly during the life of the development plan and so are not identified individually in the Plan”. Balloch Farm is now an allocated site and yet was counted as windfall. Most infill will be small brownfield infill sites and there is little brownfield land in Highland. Also the proposed contracting of settlement boundaries in the Plan, particularly around Inverness (where most windfall opportunities prevail) will further reduce the potential for windfall development.

Modifications sought by those submitting representations:

Antonia Wright (1311246)

Unclear.

Broadland Properties per John Wright (1312043)

Amendments to Table 3 to increase the requirement for the Mid Ross HMA and allocation of new/expanded development sites at Avoch, Munloch and North Kessock.

Forbes per G&G (1271817)

A much higher housing land requirement (assumed).

HIE per Turnberry (1312470)

The proposed flexibility allowance (30% for rural authorities) should be increased throughout the whole of the Plan area by a factor of 10%, not just in Mid and East Ross.

Highland Housing Hub (1154846)

Addition of a statement that land allocations either withdrawn or reduced compared to the adopted LDP will be reinstated if major employment led growth is likely to occur (such as a successful OCF bid).

Homes for Scotland (966619)

A higher requirement closer to the approach within the adopted LDP. The HLR should be updated and extended to cover until at least 2034 or 10 years from Plan adoption.

Iain Nelson (1323043)

Concentration on allocations on central brownfield not suburban greenfield sites (assumed).

Jane Shadforth (1323040)

A lower housing requirement or more infrastructure investment to match new building (assumed).

Kirkwood Homes per EMAC Planning (1270584)

A higher requirement closer to the approach within the adopted LDP. The HLR should be updated and extended to cover until at least 2034 or 10 years from Plan adoption.

Muir of Ord Community Council (1323337)

Clarification of why Table 3 sets the affordable portion of the future housing requirement at 72% but that General Policy 10 only seeks 25% of future housing component sites as affordable.

Nairn River Community Council (1312260)

A much lower housing requirement centred on meeting indigenous housing need

(assumed).

Nairn West & Suburban Community Council (1323971)

A much lower housing requirement centred on meeting indigenous housing need (assumed).

Pat Munro (Alness) per Daniel Harrington (1312301)

A more detailed review and analysis of the housing land requirement and the effectiveness of allocations to ensure a 5 year effective supply can be maintained throughout the Plan period.

Rachael Probee (1310748)

Plan should support only genuinely affordable housing and only then if it's needed at all.

Robertson Homes per BWP (1266646)

A higher requirement total of 17,250 homes, covering a ten year period from plan adoption (i.e. likely to be up to 2033 or 2034).

Scottish Government (963027)

Addition of clarification whether the Minimum Housing Requirement (MHLR) represents the level of identified need or is an assessment of the deliverable land required to meet this need. A clear spatial context of the land it intends to allocate in order to meet the Minimum Housing Requirement (MHLR) in Table 3, especially in relation to affordable housing. An explanation of the Plan's relationship with the Strategic Housing Investment Plan and emerging Local Housing Strategy.

Springfield Homes (1147956)

A higher requirement total, a lower windfall allowance and a higher % inflation for future economic growth led housing need/demand.

Summary of responses (including reasons) by planning authority:

Response to Each Sub-Issue Raised

Context

A local development plan for each of the housing market areas (HMAs) within its boundary, is to identify and help deliver a sufficient and effective housing land supply for both the affordable and market sectors. This involves gathering and analysis of evidence but also a series of assumptions about an uncertain future. For example, assumptions have to be made about future: in-migration, attitudes to land release of major landowners; changes in individual, corporate or national tax and other financial circumstances that incentivise or disincentivise switches between land uses, housing tenures and occupancy; income levels and therefore affordability; central and local government subsidy levels for affordable housing and investment decisions in major infrastructure projects; local employment growth; and, national interest rates. Perhaps because of this uncertainty, the Scottish planning system provides guidance rather than legislation to instruct how local planning authorities (LPAs) should balance housing supply and demand. Each council is required to complete a Housing Need and Demand Assessment (HNDA) and use this as a basis for setting a policy adjusted Housing Supply Target (HST) (sometimes called a Housing Land Supply target), which is to be shown to be sufficient and deliverable over the plan period through a Housing Land Audit (HLA). LPAs are encouraged by Scottish Government guidance to add a generosity allowance to inflate the HST to establish an

overall Housing Land Requirement (HLR). This too hints at the need for flexibility because of the uncertainty in making the assumptions listed above.

The Council's Methodology

The Council's detailed calculation of the Plan area housing requirement is set out in a supporting paper [*] and 2020 HNDA [*]. The Council accepts that past trend based forecasts have weaknesses and that a LPA should be ambitious in terms of stimulating economic activity. However, a LPA must also balance that ambition with a pragmatic assessment of the economic viability to the public sector and other infrastructure providers of servicing new development whether this is education, health, water, sewerage, roads or greenspace provision. Given this balancing act and the uncertainty explained above, the Council has chosen to maximise the Plan's flexibility to respond to changes in future housing supply and demand by:

- defining the HLR within Table 3 as a minimum rather than as a fixed target (similar to the approach adopted by Scottish Government within draft NPF4);
- incorporating an additional 30% generosity/flexibility allowance (similar to the approach adopted by Scottish Government for Highland within draft NPF4);
- incorporating an additional 10% allowance for the Mid and East Ross HMAs to allow for new jobs-led housing need / demand in these areas off the back of expected growth in the renewables sector in these locations;
- expressing the indicative capacities of several of the larger housing component allocations as two figures, the first for the number of houses expected to be built out within the initial 10 year Plan period and the second bracketed figure as the total capacity of the whole site;
- restating that the capacity and phasing figures are indicative and that higher figures may be acceptable, particularly for wholly affordable housing schemes, at planning application stage if other Plan policies are met especially those on placemaking;
- choosing a high migration scenario within the HNDA and adding an "in-year arising need" allowance within the base HNDA calculation because the current national HNDA "snapshot-in-time" methodology misses this element of need;
- assuming a future windfall allowance that only 30% of future house completions will be outwith sites specifically allocated for housing or a mixed use designation with a housing component; and,
- allocating sites with a total, initial 10 year, capacity well in excess of the minimum housing land requirement.

Several respondents suggest greater flexibility in the total requirement, site capacities, site phasing, the number of sites allocated and/or a more permissive approach to rural (windfall) development. The Council believes that the bullet points above provide sufficient flexibility to respond to likely future circumstances. A plan-led planning system has to offer a degree of certainty to the development industry, local communities, infrastructure providers, agencies and other stakeholders. If a significant deviation is required post Plan adoption (expected 2024) then the Council will at that time be in the process of preparing a new-style (Planning (Scotland) Act 2019 provisions based) LDP for Highland. This will allow consideration of the need for significant revisions for the Inner Moray Firth area.

Several respondents suggest that following NPF4's housing requirement methodology is flawed because of pending and currently unresolved objections to that methodology. The Council only follows NPF4's methodology in terms of using similar HNDA justified base figures, a 30% generosity allowance, choosing a 10 year time frame, and expressing the requirement as a minimum. The Council has made several, upward, policy adjustments to the figures where we believe they are justified by available evidence.

One respondent queries why so many houses are needed if the population is currently stable. This is explained in detail within the 2020 HNDA [*] but essentially an indigenous population that shows little natural change (births relative to deaths) can still generate a housing requirement if there is forecast net in-migration and declining household sizes. Another respondent queries the use of the high (net in) migration scenario. Again, the 2020 HNDA provides further details but Highland and particularly the Inner Moray Firth has experienced high levels of average net in-migration over the last 20 years and the Council sees no reason why this won't continue. Most of this in-migration in recent years has been from the rest of Scotland and the wider UK. The pandemic and improved digital connectivity has made attractive rural areas such as Highland suitable locations for home working as well as for early retirement. Economic prospects too are equivalent to or better than in recent years due in large part to the presence of existing and likely new renewables industry sector jobs. Another respondent suggests that the Council's methodology in its 2020 HNDA [*] double counts people on the affordable housing waiting lists. Paper 2 that accompanies the HNDA explains that in-year arising need is additional to that recorded in the annual, point-in-time snapshot of those on the lists. The Scottish Centre for Housing Market Analysis has endorsed this methodology as robust and credible. The Scottish Government queries the terminology used within this section of the Plan and in particular the absence of a HST. Table 3 jumps ahead to a HLR (adding the 30% generosity/flexibility allowance) and doesn't specify the HST. The Council's supporting paper [*] includes the separate steps in reaching the HLR and the intermediate HST totals for each HMA. The Plan area overall HST is 6,510.

Delivering Sufficient Affordable Housing

The HNDA [*] and Table 3 suggest that 72% of the future all tenure housing land requirement total should be earmarked for the affordable sector. Currently, only 25% of the capacity of larger (4 or more units) market led sites are likely to deliver affordable units. Registered Social Landlords (RSLs) and other affordable housing bodies can acquire and lead delivery of their own sites. Currently however, within the Plan area, public subsidy levels don't allow affordable housing providers to compete with the private sector in bidding for and acquiring allocated development sites and therefore future landbanking opportunities for the affordable sector are poor. In simplistic terms, the affordable/market split should be 3:1 but in reality it is or will be closer to (1:2). Scottish Government More Homes Division data for the Plan area shows the affordable/market split of development between mid 2015 and mid 2022 to be 2,020:3,205 or 38.7%:61.3% [*]. The Council's latest Local Housing Strategy for 2023-2028 is still in preparation and the current one for 2017-2022 is dated and relies upon the 2015 HNDA. More informative is the Highland Council Strategic Housing Investment Plan 2022-2027 [*] which sets strategic but realistic (likely to be subsidised by Scottish Government) targets for affordable housing delivery. The Plan area target is 354 affordable units a year equivalent to a total of 1,770 units over 5 years. Moreover, there is no effective way to reserve or safeguard allocated land for the affordable sector. A social housing use class and/or a Scottish Government commitment to support LPAs in applying a higher affordable unit percentage "quota" to market sites have been considered but not taken forward in national policy or legislation. Many of the development industry respondents assert that the solution to increasing affordable housing unit provision is to increase the total all tenure requirement and allocate far more land and then that the industry will willingly deliver 25% of that much more generous housing land supply. Using this method, delivering the required 10 year 6,075 unit affordable sector total would require a total all tenure requirement of 24,300 units (approaching a threefold increase). The Council believes that setting such a requirement would undermine the legitimacy of the HNDA process in setting

fair and proportionate base estimates of housing need and demand, and as set out below, compromise the Plan's Spatial Strategy.

An Effective Housing Land Supply

The Council's rationale not further to inflate the HST and HLR is based upon the Plan's Spatial Strategy twin themes of environmental sustainability and economic viability. Specifically, the Council believes that there are infrastructure capacity constraints which currently have no economically viable (for the private and/or public sector) solution and therefore allocating more housing land without a viable solution is inappropriate. This does represent a change in approach to that within the aIMFLDP. The Council has long taken the approach of a very generous housing land supply in the hope that, other things being equal, this will deflate local housing land prices and therefore help increase the affordability of both market and affordable sector housing which in turn will aid economic growth. However, this approach has had mixed results. The Plan area has attracted more volume housebuilder interest and higher average completions levels but the public funding necessary to improve infrastructure and community facility networks and capacity to underpin that growth has not been available, been insufficient or has lagged behind. Some Plan respondents on this and other issues also argue that local environmental (such as water quality and landscape) capacities have been breached.

The "effectiveness" of any given site or allocation is to be assessed against the criteria listed within Scottish Government guidance (PAN 2/2010 [*]) and most relevant to the Plan area are the two criteria of deficit funding and infrastructure. For example, there is a lack of primary and secondary school capacity across the City of Inverness. Developer respondents have suggested land safeguards for new primary school sites and standard developer contributions towards the provision of school buildings. Inverness education developer contributions vary per residential unit for secondary and primary education combined but around £10,000 per unit is typical. This contribution can be compared with a typical current total cost of a standard Highland primary school of £10-15M and a secondary school of around £60M. The Council wishes to address existing and future school capacity issues and has allocated capital programme monies [*] towards this end but most of these monies are in later years of the programme and have no legal commitment. Put simply, there is a public (and private) deficit funding issue for the infrastructure necessary to support additional development. Many LPAs are reluctant to use a lack of infrastructure capacity as a reason for refusal of a planning application if the applicant makes a commitment to make a developer contribution proportionate to the application's impact on that capacity deficiency even though the balance funding to remedy that deficiency isn't committed. However, at least one refusal on that basis has been made and backed at appeal and at court [*]. The Highland Council through this Plan intends to take a firmer approach to resisting development allocation submissions and planning applications where a significant infrastructure capacity deficiency exists and its resolution through standard developer contributions is unlikely. Instead, the Plan's Spatial Strategy seeks to allocate fewer sites than within the aIMFLDP but in more environmentally sustainable and economically viable locations. In doing so it intends to reserve, ration and make best use of limited existing and planned future infrastructure capacity.

The Council's 2022 HLA [*] provides the Council's best guess on the likely delivery of aIMFLDP and IMFpLDP sites across the Plan area. It demonstrates that the Plan allocates sufficient effective land combined with known existing larger (4 or more unit sites) windfall development (programmed to deliver 9,142 units over the period 2022-2032) to meet the total all tenure Plan requirement (HLR) of 8,463 identified in Table 3 and easily meet the

30% lower total HST of 6,510 units. The programming of aIMFDP sites combined with known existing larger windfall development suggests a small shortfall relative to the HLR but an excess relative to the HST (8,356 compared to 6,510). However, the Council accepts because of the reasons listed in the context section above that the future is uncertain and so the programming assumptions are debatable. Again, the timing of key public and private infrastructure investments will make a significant difference. For example, many East Inverness allocations are dependent upon Transport Scotland's "East Link" road scheme which is far advanced, has political commitment but, as yet, has no legal commitment. Similarly, the hoped for but not certain expansion of the renewables industry at Plan area ports could spark a surge in housing need and demand and with it the public and private infrastructure funding necessary to accommodate it. Given the above, the Council has adopted an approach based on the best evidence currently available, flexible to future uncertainty, and within known environmental and infrastructure constraints.

Delivering Sufficient Market Sector Housing

Many development industry respondents dispute whether the Plan will deliver sufficient open market sector house completions. They assess sufficiency against past private completions not against the market sector portion of the land requirement in Table 3. Recent (mid 2015 to mid 2022) market sector completions within the Plan area average 458 per annum [*]. Table 3, which is based upon the 2020 HNDA, estimates a Plan area requirement of 2,389 units over 10 years or 239 units per annum. This suggests a considerable shortfall but the Council believes that past completion rates have exceeded indigenous need and demand (as defined by the "base" 2020 HNDA figures) because of the attractiveness of the Plan area to the holiday home, second home and short term let market. In reality, for the reasons explained above, the market sector will dominate the delivery of the (sufficient) all-tenure housing land supply. For example, most Inverness allocated sites are owned or optioned by private housebuilders not by RSLs and currently the Council has no effective means of changing the affordable/market split of future completions. Accordingly, the Council does not believe that the apparent shortfall of the market sector requirement against past market sector completions, justifies a change in the content of the Plan.

Broadland Properties allege a particular Mid Ross HMA shortfall in the HLR/HST and in the programming of genuinely effective housing component allocations to deliver against an adjusted HLR/HST. The Council addresses site-specific matters in the relevant settlement Schedule 4s but factually the current, 10 year, Mid Ross HST is 1,043 units and corresponding HLR 1,356 units. The Council's 2022 HLA [*] demonstrates that the Plan allocates sufficient effective land combined with known existing larger windfall sites (programmed to deliver 1,060 units over the period 2022-2032) to meet the HST within the Mid Ross HMA although there is shortfall if assessed against the Mid Ross HLR. The HLA doesn't include 1-3 unit smaller windfall housing developments of which there are many (in terms of past completions) across the Mid Ross HMA.

Windfall

Many development industry respondents dispute the Council's 30% deduction for windfall (defined by the Council as house completions outwith the boundaries of sites allocated within the aIMFLDP) as too large a deduction. The Council's current Plan assumption for future windfall is based upon the location of recent house completions [*]. Between 2015 and 2020, 38% of Plan area house unit completions were built outwith sites allocated in the aIMFLDP. A fuller analysis has now been undertaken [*] for the five financial years 2017/18 to 2021/22 which has revealed a drop in the proportion of house completions

defined as windfall, which averaged 25% over that period. This drop in windfall appears to be due to a reasonably constant number of countryside and infill developments but a large increase in the activation and progress of the larger residential expansion sites notably in Inverness. In numeric terms, a lower 25% windfall allowance would take the total HLR down to an allocated sites 10 year target of 6,347 units compared to a 10 year Plan allocations capacity of 8,208 units. Contrary to the argument made by Springfield Homes, the Chapelton Farm, Balloch site has had no completions within the period of monitoring and therefore has not “artificially” boosted the number and proportion of completions that are defined as windfall. Similarly, the Plan’s proposed drawing in of some of the Settlement Development Areas (SDAs) notably at Inverness will not make an appreciable difference to windfall because over the monitoring period few completions have occurred on unallocated land between the aIMFLDP and IMFpLDP SDA boundaries. In many cases the drawing in of an SDA has been made in line with the removal of an aIMFLDP allocation and this net change makes no difference to windfall. The other landowner/developer argument is that brownfield infill opportunities are limited within the Plan area compared to within more urban LPAs and therefore this form of windfall development will be lower within the Plan area. Whilst the relative availability of brownfield opportunities differs between urban and rural LPAs it hasn’t and won’t differ over time within the Plan area. The Council would be content if the Reporter were to recommend a rewording of paragraphs 31 and 32 to reflect this latest monitoring data on windfall development.

Brownfield Not Greenfield

Many respondents who are objecting to development, suggest that the Plan should limit new housing development to previously developed land or buildings. This is a laudable and environmentally sustainable objective but impracticable given the relatively small number, availability and economic viability of many brownfield sites within the Plan area. The Plan allocates several larger brownfield sites particularly within the centres of the main settlements but all face “effectiveness” challenges. To date, the volume housebuilders have not refurbished or redeveloped any large brownfield site within the Plan area for housing development without some form of public or landowner subsidy.

Response to Each Individual Representee

Antonia Wright (1311246)

Noted.

Broadland Properties per John Wright (1312043)

See Delivering Sufficient Market Sector Housing section above. The 2022 HLA has now been published and involved consultation with landowners and developers. Broadland Properties purchased its considerable Black Isle landholdings from Eagle Star Insurance in October 1991. To date it has released very few large sites for development but has sought to maintain allocations in the development plan to maintain their balance sheet asset value. It is therefore ironic for the respondent to claim that the attitude of other landowners to land release has been a problem in the effectiveness of allocated sites.

Forbes per G&G (1271817)

See all sections above save Delivering Sufficient Affordable Housing.

HIE per Turnberry (1312470)

See Context, The Council’s Methodology and An Effective Housing Land Supply sections above.

Highland Housing Hub (1154846)

See Context, The Council's Methodology and An Effective Housing Land Supply sections above. Experience to date of Freeports elsewhere in the UK and from previous Enterprise Zones has been of modest net employment growth because they include(d) some displacement of existing enterprises and employment. The Council believes that the Plan incorporates sufficient flexibility to adjust to likely future circumstances. 25,000 net additional jobs would necessitate further adjustment but an early "new-style" Plan review is scheduled and could address any radically different future.

Homes for Scotland (966619)

See all sections above.

Iain Nelson (1323043)

See Brownfield Not Greenfield section above.

Jane Shadforth (1323040)

See The Council's Methodology and An Effective Housing Land Supply sections above.

Kirkwood Homes per EMAC Planning (1270584)

See all sections above.

Muir of Ord Community Council (1323337)

See Delivering Sufficient Affordable Housing section above.

Nairn River Community Council (1312260)

See The Council's Methodology, Delivering Sufficient Affordable Housing, An Effective Housing Land Supply and Brownfield Not Greenfield sections above.

Nairn West & Suburban Community Council (1323971)

See The Council's Methodology, Delivering Sufficient Affordable Housing, An Effective Housing Land Supply and Brownfield Not Greenfield sections above.

Pat Munro (Alness) per Daniel Harrington (1312301)

See The Council's Methodology, Delivering Sufficient Affordable Housing, An Effective Housing Land Supply and Delivering Sufficient Market Sector Housing sections above.

Rachael Probee (1310748)

The Council accepts that affordability is a moving target which varies with many factors such as income levels, average house prices, average house rents, mortgage rates and individual financial circumstances. The Council accepts that many affordable tenures such as low(er) cost owner occupation are not affordable to all those on the housing waiting lists. Even Council rented accommodation, with the highest level of public subsidy, is unaffordable for some. However, the level of public subsidy made available to support people to own or rent a suitable property is outwith the Plan's control.

Robertson Homes per BWP (1266646)

See all sections above.

Scottish Government (963027)

See The Context, The Council's Methodology and Delivering Sufficient Affordable Housing sections above. The suggestion that the Plan should provide a spatial indication of the

land it intends to allocate to meet affordable sector need is curious given that the Scottish Government won't legislate to allow LPAs to safeguard land specifically for affordable housing. Currently, the Council seeks 25% of market led sites and RSLs are trying to landbank and take forward sites on which they can deliver a far higher percentage.

Springfield Homes (1147956)

See all sections above.

Reporter's conclusions:

Reporter's recommendations:

Issue 11	GP7: Industrial Land (including Renewable Energy)	
Development plan reference:	Section 3 General Policies, PDF Pages 54-57	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Antonia Wright (1311246) Broadland Properties per John Wright (1312044) Forbes per G&G (1271817) Homes for Scotland (966619) Inverness College UHI per Montagu Evans (1271524) Kirkwood Homes per EMACP (1312500) Nairn River CC (1312260) NatureScot (1266529) Network Rail (1312503) Port of Inverness per G&S (1220786) Rachael Probee (1310748) Scottish Government (963027) Springfield Group (1147956) Steve North (1263190)</p>		
Provision of the development plan to which the issue relates:	General Policy 7, PDF Pages 54-57	
Planning authority's summary of the representation(s):		
<p>Renewable Energy <u>NatureScot (1266529)</u> Notes that in paragraph 70 that natural assets are at the centre of building a green and sustainable economy, however, NatureScot are uncertain as to how natural assets that are currently important for biodiversity can also be protected in the Plan as part of the drive towards a green and sustainable economy. NatureScot also note that in terms of the transition to net-zero, the Plan tends to focus on renewables only. Tackling both climate change and biodiversity loss (along with other areas of focus) are important for a green recovery and a just transition to net-zero, and should be reflected throughout the Plan. Specifically, within the narrative for Renewable Energy, it is suggested these important economic opportunities are taken forward alongside the protection of internationally and nationally important natural heritage of the Cromarty and Moray Firths. As referenced in paragraph 74, NatureScot support the aim to consider creating Masterplan Consent Areas (MCAs) and would be happy to provide support in further developing these MCAs to ensure internationally and important habitats and species are incorporated into considerations for future development.</p> <p><u>Port of Cromarty Firth (1178440)</u> Port of Cromarty Firth is facilitating Opportunity Cromarty Firth which is a coalition of 30 organisations working together to deliver transformational change to the Highlands from the renewable energy projects taking place in our region and off our shores. The group</p>		

includes many landowners from across the region and 100% of the offshore wind developers awarded floating wind sites in ScotWind's east and northeast sectors. (13GW of the 14.6GW awarded). The Cromarty and Inner Moray Firth region sits at the heart of these offshore wind developments and, by extension, at the heart of an emerging green hydrogen economy. Scotland, and the UK have an opportunity to be world leaders in both of these technologies. Making the most of this opportunity means maximising the UK share of this manufacturing pipeline and taking every opportunity to reduce costs through synergies and innovation, which means lower long term green energy bills for the UK. The land available in an around the Inner Moray Firth is critical to unlocking this opportunity.

The Offshore Wind Sector Deal targeted a 60% local content. The latest supply chain submissions from the industry put the potential value of maximising UK content at £2.0bn per GW – i.e. a total of some £40bn by the mid-2030s off Scotland alone, with more to follow as the UK moves to net zero by 2050. The Cromarty Firth has the overwhelming endorsement of industry, government and in independent studies as the only location in Scotland with the land space, deepest waters and quaysides, sheltered anchorage locations, and a cluster of best-in-class companies and facilities, combined with the proximity to the windfarm sites that can deliver these ambitions for floating wind at the scale required, compete with established facilities abroad, and create the associated well-paid and sustainable jobs. This translates into £0.9-1.3bn per GW of UK manufacturing content that only the Cromarty Firth can deliver (equivalent to £18-26bn by the mid-2030's).

The ports of Invergordon and Nigg in the Cromarty Firth have supported more offshore wind projects than any other Scottish ports. The £2.5bn 588MW Beatrice, £2.6bn 1GW Moray East, and £3bn 1GW Seagreen offshore windfarms were constructed and marshalled from the Firth, which has also already supported two floating windfarm projects, Hywind and Kincardine. With partners at Port of Inverness, this region has stored and handled hundreds of onshore windfarm components and will play a critical role in doubling the UK's electricity storage capacity through pumped storage. Subject to Green Freeport status, the largest onshore green hydrogen electrolyser is also scheduled to begin production in 2024; resolving some of the grid constraint issues and producing clean energy that can be easily transported around the country and exported abroad. There are expansion plans at Port of Cromarty Firth, Nigg and Port of Inverness which need to be included within the updated IMFLDP – more detail is provided within the relevant Schedule 4 Issues.

Policy 7 – Industrial Land

Antonia Wright (1311246)

Supports the policy (no justification or further comments provided).

Broadland Properties per John Wright (1312044), Forbes per G&G (1271817), Homes for Scotland (966619), Kirkwood Homes per EMACP (1312500), Springfield Group (1147956)

Object to the policy, particularly the part which encourages small scale industrial units between 40 to 100m², as part of a residential development of 30 homes or more, because of incompatibility between the land uses, the benefits from agglomeration of such uses, and attractiveness for developer or occupiers. Questions the reasoning/evidence for such a policy.

Inverness College UHI per Montagu Evans (1271524)

Supports the introduction of Policy 7 Industrial Land but suggests that the wording of the

Policy should be amended. It is currently stated that “all sites allocated for Industry in this Plan are safeguarded for Classes 4, 5 and 6 uses only”. Inverness College UHI would encourage the Council to update this statement to note that “all sites allocated for Industry only in this Plan are safeguarded for Classes 4, 5 and 6 only”. Inverness College UHI are keen to ensure that where there is support for industrial development in a designated mixed use area, that the land is not unintentionally restricted by Policy 7 for Class 4, 5 and 6 uses only.

Nairn River CC (1312260)

Broadly support this policy it does not go far enough to encourage businesses to expand, create more employment, and grow the local economy, particularly outwith Inveness. All Development proposals must be considered against the Agent of Change principle. Seeks clarity on how Policy 7 Industrial Land complies with proposed NPF4 Policy NPF4 Policy 16 ‘ Land, Premises and Employment’. See Issue 43: Nairn for comments provided which specifically relate to NA05: Nairn East.

NatureScot (1266529)

Policy 7, as it is currently written, does not ensure that development in inappropriate locations is prevented. In terms of demonstrating a sustainable location, and the third bullet point ‘does not adversely impact the environment (see general policies in HwLDP)’, this is not specific enough in terms of what would be acceptable effects on the natural environment NatureScot advise that within this policy, there is a need to refer to all policies within section 21, ‘Safeguarding Our Environment’ of the HwLDP and advise that clarification is required within the Plan on what having good levels of accessibility for staff and/or customers is as indicated in the first bullet point.

Network Rail (1312503)

Supports the approach to industrial sites, especially where this includes sites which are linked to the existing railway network, or where there are plans for this to be improved (e.g. Inverness Airport Business Park/Inverness Airport Station). This provides the opportunity for sustainable forms of travel to be used by workers within such areas and for freight opportunities.

Port of Inverness per G&S (1220786)

Paragraph 75 details that there is a fundamental shortfall in industrial land in and around Inverness. The Harbour Gait proposal (Site Allocation INC06) presents an opportunity to deliver additional business and industrial land within Inverness.

Rachael Probee (1310748)

Questions whether this policy will be used appropriately, or will it create more, unnecessary office space.

Scottish Government (963027)

The Council’s Business and Industrial Land Audit from 2018 gives a strategic overview of the total business land supply, including how much of this supply is active and how much vacant land is available for future business development. The Audit is not referenced in the Local Development Plan nor is its importance in determining the business and industry strategic approach. To align with existing (SPP) and emerging national planning policy (draft NPF4) which seeks the identification of those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities AND other renewable energy technologies. The proposed plan identifies support for the supply side of the renewables sector, however it does not cover specific policy support for renewable

and strategic energy generation technologies, including onshore wind. This may be due to the fact that renewables generation is provided for in other policy within the wider local development plan and strategies. If not already done, consideration should be given as to whether opportunity for all forms of renewable energy and low-carbon technologies should or can be identified, included and supported in the plan.

Steve North (1263190)

Support the policy of identifying and safeguarding land for industrial use.

See the Issue 36: Central Inverness (and City-wide) for comments provided which relate to proposed allocations on the Inverness waterfront.

Modifications sought by those submitting representations:

Renewable Energy

NatureScot (1266529)

Requests that tackling both climate change and biodiversity loss are reflected throughout the Plan and that specifically within the narrative for Renewable Energy, these important economic opportunities are taken forward alongside the protection of internationally and nationally important natural heritage of the Cromarty and Moray Firths

Port of Cromarty Firth (1178440)

Ensure that the Plan aligns with the ambitions expressed by Opportunity Cromarty Firth (assumed).

Policy 7 – Industrial Land

Antonia Wright (1311246)

No modification sought.

Broadland Properties per John Wright (1312044), Forbes per G&G (1271817), Homes for Scotland (966619), Kirkwood Homes per EMACP (1312500), Springfield Group (1147956)

The 30 units or more threshold is low to qualify as a large development. This should be changed to at least 50 homes, a major development, for consistency.

Springfield Group also seek removal of the Policy but request that if it is retained then there should be an allowance within the policy that puts a maximum timeframe of two years on an area set aside for such uses to come to fruition, otherwise it reverts back to the primary, dominant use on a development site which in most instances is residential.

Inverness College UHI per Montagu Evans (1271524)

Amend the wording of the Policy from “all sites allocated for Industry in this Plan are safeguarded for Classes 4, 5 and 6 uses only” to “all sites allocated for Industry only in this Plan are safeguarded for Classes 4, 5 and 6 only”.

Nairn River CC (1312260)

Expand the Agent of Change principle to all type of development.

NatureScot (1266529)

Amend the wording of Policy 7, specifically the third bullet point, which states ‘does not adversely impact the environment (see general policies in HwLDP)’, to refer to all policies within section 21, ‘Safeguarding Our Environment’ of the HwLDP. Also, request that

clarification is provided within the Plan on what having good levels of accessibility for staff and/or customers is as indicated in the first bullet point.

Network Rail (1312503)

No modification sought.

Port of Inverness per G&S (1220786)

No modification sought.

Rachael Probee (1310748)

No modification sought.

Scottish Government (963027)

Add explicit reference to the Business and Industrial Land Audit and an explanation as to how it has been used to inform the strategic approach to business and industry within the Plan.

Steve North (1263190)

No modification sought.

Summary of responses (including reasons) by planning authority:

Renewable Energy

NatureScot (1266529)

Protecting the environment forms one of four key outcomes which constitute the vision for the region as shown in Table 1 of the Plan. Paragraph 22 also highlights that the Climate and Ecological Emergency is one of the two overarching aims of the Plan, alongside enabling post pandemic economic recovery. This is further set out within the Environment section from paragraph 40. Nevertheless, the point made by NatureScot that greater reference could be given within the Renewable Energy section is reasonable. If the Reporter is so minded, it is suggested that an additional sentence could be added at the end of the first paragraph (#58) along the lines of “To ensure that these economic and regeneration opportunities are delivered alongside the protection of the environment, ongoing engagement will be necessary with key agencies, particularly in relation to safeguarding the integrity of the internationally and nationally important natural heritage of the Cromarty and Moray Firths.” Support for MCAs is noted.

Port of Cromarty Firth (1178440)

The review of the Plan coincided with a resurgence of the national ambitions for the renewable energy industry and on the transformational benefits which it can offer – including significant economic growth, regeneration of our communities, major contribution towards reaching decarbonisation targets and achieving energy security.

Opportunity Cromarty Firth (OCF) is a collaborative consortium of private, public and academic organisations committed to ensuring the Cromarty Firth and wider region becomes a major international hub for green energy. The overall aim of OCF is to maximise the unique economic and regeneration opportunities arising from a £multibillion, 50-year pipeline of offshore wind energy projects planned for the North Sea. It has real potential to reverse long standing socio-economic issues facing the region, in particular depopulation and the declining working age population and below average wage levels. An initial report by Biggar Economics, commissioned by OCF, found that the consortium’s proposals can reasonably be expected to provide a further 25,000 jobs to those already

expected in the windfarm construction phase alone.

The strategic importance of the Cromarty and Moray Firth and its key ports for the renewable energy industry is reinforced by the findings of recent independent reports, such as Scottish Offshore Wind Energy Council's (SOWEC) [Strategic Investment Assessment of the Scottish Offshore Wind industry](#) [**] and [Offshore Renewable Energy Catapult's strategic infrastructure study](#) [**]. It has been shown that the Cromarty Firth in particular is the most suitable location within Scotland to create a global super hub of offshore wind manufacturing. Industry itself has also come out [**] and highlighted that nowhere else in Scotland is capable of fulfilling their needs in terms of available land space, deep waters and quaysides, sheltered anchorage, existing business cluster and proximity to offshore development sites.

This renewed focus on renewable energy and its potential benefits have shaped the Highland indicative Regional Spatial Strategy (iRSS) [**] prepared with partners during 2020 and 2021, and the Vision and Spatial Strategy of the Plan. It has also clearly had a significant influence on national policy, including DRAFT National Planning Framework 4 [**], particularly the strategy, general policies and national developments. Specific reference is made to Opportunity Cromarty Firth (OCF) within NPF4 and the key ports within the Cromarty Firth and support for them to “adapt, unlocking their potential to support the transition from fossil fuels through oil and gas decommissioning, renewable energy and low carbon hydrogen production and storage, and the expansion of supply chain and services. This will in turn benefit communities by providing employment and income for local businesses.” Reference is also made OCF and its project to deliver large scale green hydrogen hubs (‘North of Scotland Hydrogen Programme’) within other national plans, such as the Scottish Government’s [Hydrogen Policy Statement](#) (December 2020) and associated draft [Hydrogen Action Plan](#) (November 2021).

A fundamental part of the OCF project has been its bid for Green Freeport status. Freeports are designated locations which benefit from a range of custom and tax reductions and a range of other incentives to attract investment, be hotbeds for innovation and global trade, and promote regeneration and job creation. As part of their post-Brexit agenda, the UK Government opened the freeport bidding competition in England only during 2020 with eight successful freeport announced in March 2021. With many English freeports having a focus on green energy, many have already attracted major inward investment. OCF and others Green Freeport bidders have highlighted that the delay in introducing the designation in Scotland is putting Scottish ports at a significant disadvantage and risking the opportunities being relocated and even displaced.

The Scottish Government confirmed the competition for Green Freeports with the competition running between March and June 2022. At the time of writing this report, the announcement of successful Green Freeports has not been made. As noted above, the OCF project can have a transformational impact on the region and nationally and the potential for it to be awarded Green Freeport status will only make this more significant and delivered faster.

The Highland Council has been a member of the OCF consortium since its inception in February 2020 and its plans have secured cross-party support from elected Members, with several reports over the last 2 years. The latest was that to the Highland Council Committee which endorsed the content of the Green Freeport bid in June 2022 [\[REPORT\]](#). This report included maps showing the boundaries of each of the tax sites, which are as follows:

1. a cluster of sites in and around Invergordon comprising the Invergordon Service Base (Port of Cromarty Firth), Admiralty Pier, Saltburn Pier, Railway Sidings, and Cromarty Firth Industrial Park;
2. the area including Nigg Energy Park and Pitcalzean Farm; and
3. a cluster of sites in Inverness connecting the Port of Inverness, Longman Former Landfill and the Inverness Campus.

Despite this, and as indicated by the respondent's representation, the Council has not been able to maintain alignment with the content of the Proposed Plan agreed in advance of the OCF Green Freeport bid being finalised and submitted. As part of this work the proposition for the region was further developed and set out the initial details of the most suitable development sites ('tax sites'). Due to the timing at which the Plan review commenced, it has been taken forward under the outgoing legislation. As the transitional arrangements required the Proposed Plan to be published by June 2022, the Council was unable to hold it back until there was greater clarity on the issues.

Taking account of the unique situation as set out in the above response and noting the clear support provided by the Highland Council Committee for the proposals set out by Opportunity Cromarty Firth, the Council is minded to recommend to the Reporter that the OCF proposition is supported in the Plan. As set out in Issue 33: Invergordon, Issue 36: Central Inverness (& City-wide) and Issue 52: Economic Development Areas, this includes the key allocations being amended to reflect that of the Green Freeport bid [**] and including any necessary mitigation arising from further consideration of potential adverse environmental and other effects.

However, given the significance of this decision for both the region and nationally, the Council would also welcome the opportunity to engage with the Reporter during the Examination process, by which time the announcement is expected to have been made and greater clarity available on the implications. At the time of preparing the Committee Reports for approval for submission of the Plan to Examination, the announcement has not been made on successful Green Freeport bids. Even with the information available at present, several important components of the Plan, including the Renewable Energy section and certain Main Settlements and Economic Development Areas, would benefit from being updated. With clarity on the outcome of Green Freeports in Scotland expected imminently it will likely need further updating in the near future. Further engagement with the Reporter will allow the Council to properly respond to comments as even as we present this to Reporter, certainty cannot be given on the issues raised.

Policy 7 – Industrial Land

Antonia Wright (1311246)

Noted.

Broadland Properties per John Wright (1312044), Forbes per G&G (1271817), Homes for Scotland (966619), Kirkwood Homes per EMACP (1312500), Springfield Group (1147956)

As set out in the Employment section of the Plan (see pages 50-57), within the industrial property market the supply of premises and land is constrained but demand remains high. A report on the Market Failures in the Commercial Property Market [**] found that without investment, this poses a major risk to the area's future competitiveness and could restrict economic growth. Whilst work is currently underway to redevelop part of the former Longman landfill site for business and industrial uses, this alone will not meet all future needs.

Based on discussions held with property experts, there also appears to be strong demand for, yet significant under investment in, small scale industrial units which serve local businesses and communities. These units form an important part of the commercial property market providing incubator and start up opportunities. Opportunities to acquire land and investment in opening them up for industrial uses in or around Inverness will in part be needed to reverse recent trends and address the demand. It was apparent from discussions with property experts that if land is made available then there is greater scope for new models to develop and manage these properties, such as a community trust taking ownership. Small scale commercial buy-to-let is also increasingly attractive to investors as they can offer a good rate of return, particularly as residential buy-to-let has seen many regulatory and tax changes recently.

To address this imbalance in the supply and demand for industrial land, the Plan introduces a new Industrial Land Policy which aims to better protect the current supply of industrial sites (including the industrial allocations which are set out in the Plan) and to encourage new sites to come forward. Based on feedback received during the Main Issues Report and further discussion with property experts, it was apparent that setting a specific requirement for a proportion of land to be made available for industrial uses in larger development sites was overly prescriptive, but that there was merit a generally supportive policy position. As such, and as noted by respondents, the policy only encourages small scale industrial units to be delivered within suitable “large residential developments (30 units or more)” with the aim of providing mixed communities with local employment/enterprise opportunities. It goes on to highlight that this “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.” With development sites and landowner boundaries coming in all shapes, sizes and with varying features, some will lend themselves to creating a small cluster of industrial units. Clearly, there are many sites which cannot suitably accommodate industrial uses alongside housing and these would not be supported. However, the policy aims to highlight that in certain places, where physical constraints such as the site boundary, topography, mature woodland, access and other constraints such as overhead lines, the delivery of discrete clusters of small industrial units would be acceptable and that it offers the chance to address wider community needs than simply housing. However, noting the issues raised here, to provide greater consistency and avoid any confusion, if the Reporter is so minded, then the Council would support the specified threshold of 30 units or more being amended to simply “major developments (50+ housing units or 2ha+)”. This would continue to allow for development of less than 50 units that cover 2ha or more. The word ‘suitable’ could also be added so it reads “suitable major developments...”.

In relation to one respondent’s request for a 2 year timeframe to be added, it is not considered necessary since the policy wording is to *encourage* such uses to be delivered rather than as a *requirement*. The phasing of delivery and any proposals to development the industrial component after a certain time if undeveloped should be considered at masterplanning and planning application stages. Accordingly, the Council believes the Plan’s content should remain unaltered in respect of this issue.

Inverness College UHI per Montagu Evans (1271524)
Support for the policy is noted.

It is recognised that there may be some potential for the wording to be interpreted as

restricting mixed use development for Class 4, 5 and 6. If the Reporter is so minded, then the Council would support the wording being changed to “all sites allocated for Industry only in this Plan are safeguarded exclusively for Classes 4, 5 and 6”.

Nairn River CC (1312260)

The agent of change principle is not restricted only to industrial development. As Draft NPF4 define the agent of change principle it covers all existing developments:

“Where an application is made for a residential development which is likely to be affected by noise from existing development such as, but not limited to, music venues, manufacturing or industrial sites, large retail outlets, etc, the applicant is required to demonstrate that they have assessed the potential impact on residents of the proposed residential development and that the proposed design incorporates appropriate measures to mitigate this impact.”

It is highlighted in relation to Policy 7 as the conflict between new residential development and existing industrial uses is likely to be one of the common issues relating to the agent of change principle in the Inner Moray Firth area. Accordingly, the Council believes the Plan’s content should remain unaltered in respect of this issue.

NatureScot (1266529)

Rather than providing direction to specific HwLDP policies as requested by NatureScot, it is considered that, if the Reporter is so minded, the sentence which precedes the bullet point list could be amended to read (the emboldened section shows suggested additional/amended text and the strikethrough shows suggested text to be removed):

“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 **and accords with relevant policies set out in the development plan. Key policy issues will be 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~~).

This takes cognisance of the wider policy framework including the fact that NPF4 will shortly become part of the development plan, and that the Council intends to review HwLDP in the near future.

Also, in relation to the request that clarification is provided on first bullet point, i.e. “good levels of accessibility for staff and/or customers”, it is acknowledged that this could be interpreted in different ways. Therefore, to clarify the point and better align it with the Transport policy in the Plan which defines sustainable transport, if the Reporter is so minded, then the Council would support the sentence being changed to “has strong potential for sustainable transport for staff/customers”.

Network Rail (1312503)

Support for the Plan position noted.

Port of Inverness per G&S (1220786)

Points raised by the respondent are noted.

Rachael Probee (1310748)

The aim of the policy is to help safeguard existing *industrial* land and provide a positive framework for new sites coming forward. It is therefore not expected to result in the

creation of unnecessary office space.

Scottish Government (963027)

The Council undertook a Business and Industrial Land Audit (BILA) in 2018 and it provides a strategic overview of the supply and availability of land allocated for use classes 4, 5 and 6. The audit was taken into account during the preparation of the MIR and informed the strategic approach, policy framework and site allocations. It also backed up the findings of the Market Failures in the Commercial Property Market report [**] and feedback received from property experts as part of discussions held during the initial stages of the plan preparation. For example, the BILA clearly shows a lack of industrial land within the Inverness region with many of the larger allocations found to have major constraints. The Council is currently carrying out a more comprehensive audit and assessment of business and industrial land across the region. This work covers the supply and availability of allocated Business and Industry land and identifies the status of all other existing sites used for classes 4, 5 and 6. The data gathering has largely been completed and it is anticipated that the final report will be available for the start of the Examination process. Comments relating to renewable energy have been addressed in Issue 2: Spatial Strategy.

Steve North (1263190)

Support noted.

Reporter's conclusions:

Reporter's recommendations:

Issue 13	GP9: Delivering Development and Infrastructure	
Development plan reference:	Section 3 General Policies, PDF Pages 62-64	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Aird Community Trust (1311972) Alistair Noble (966948) Antonia Wright (1311246) Broadland Properties per John Wright (1312043) Forbes per Grant & Geoghegan (1271817) Glenurquhart Rural Community Association (1220765) Homes for Scotland (966619) Joan Noble (931076) Kirkwood Homes per EMAC Planning (1270584) Laura Keel (1312275) Mark Gunn (1312546) Ministry of Defence (1270246) Nairn River Community Council (1312260) Nairn West & Suburban Community Council (1323971) Network Rail (1312503) Rachael Probee (1310748) SEPA (906306) Springfield Homes (1147956) SSEN (1311702)</p>		
Provision of the development plan to which the issue relates:	General Policy 9, PDF Paragraphs 72-73	
Planning authority's summary of the representation(s):		
<p><u>Aird Community Trust (1311972)</u> Supports but developer contributions must be allocated transparently and locally to offset the impact of development. Wants local active travel infrastructure to benefit from these contributions.</p> <p><u>Alistair Noble (966948)</u> Writes on behalf of 9 Inner Moray Firth community councils who all object to the Council's current allocation of community facility developer contributions. Asserts that this practice does not follow the Council's own supplementary guidance: 'In order to respond to emerging alternative community facility projects contributions will not normally be tied to the delivery of any given project.' (Para 3.7 p17). Alleges that without any formal appraisal, needs assessment, project budgeting, community consultation or study of alternatives, High Life Highland (HLH) has been allocated a possible £12 million of developer contributions. These are to be spent on centralised HLH facilities in larger communities and HLH is an organisation connected to the Council. Claims that HLH are the only party consulted on the best use of the funding and suggested that all the money</p>		

should be paid to themselves. States that community councils were unaware about the Plan's Delivery Programme allocating all contributions to centralised HLH facilities. Claims that community councils have not been consulted about the proposed spending of community developer contributions raised on current or future housing in their communities. Several had assumed that they would get the funding for new or upgraded facilities for their new residents and had alternative ideas for the funding. Centralised HLH facilities are often inaccessible to the communities concerned – for example the journey from Contin to Dingwall. Also concerned that the wrong HLH facilities are being invested in.

Antonia Wright (1311246)

Objects (no reasons stated).

Broadland Properties per John Wright (1312043)

Seeks a higher development size (12 or more housing units) threshold and a policy that will be clearer and less onerous for the development industry because: the costs and delay of negotiating legal agreements for smaller developments will be disproportionate to their profit margins/viability; the housebuilding sector is still recovering from the downturn associated with the pandemic; developers don't know about infrastructure investment and capacity so can't be expected to produce a Delivery Plan; and, uncertainty about likely developer contribution levels will discourage investment. Also believes the 2018 Developer Contributions Supplementary Guidance will cease to be part of the development plan upon adoption of the Plan and therefore seeks an explanation whether it will be replaced or updated. States that the final paragraph unnecessarily duplicates Policy 8 by referring back to it and Appendix 4. This policy and other general policies will have a cumulative adverse effect on viability.

Forbes per Grant & Geoghegan (1271817)

Seeks greater clarity on type and level of developer contributions to give development industry greater certainty in making commercial investment decisions.

Glenurquhart Rural Community Association (1220765)

The Council should consider the cumulative impact on a community of lots of small and single unit developments which alone do not put strain on the infrastructure but collectively do.

Homes for Scotland (966619)

Seeks a higher development size (12 or more housing units) threshold and a policy that will be clearer and less onerous for the development industry because: the costs and delay of negotiating legal agreements for smaller developments will be disproportionate to their profit margins/viability; the housebuilding sector is still recovering from the downturn associated with the pandemic; developers don't know about infrastructure investment and capacity so can't be expected to produce a Delivery Plan; and, uncertainty about likely developer contribution levels will discourage investment. Also believes the 2018 Developer Contributions Supplementary Guidance will cease to be part of the development plan upon adoption of the Plan and therefore seeks an explanation whether it will be replaced or updated. States that the final paragraph unnecessarily duplicates Policy 8 by referring back to it and Appendix 4. This policy and other general policies will have a cumulative adverse effect on viability.

Joan Noble (931076)

Believes that the proposal to allocate all leisure and recreation developer contributions

from housing across Nairnshire to High Life Highland's 'Dance Studio' at the Nairn Leisure Centre is undemocratic and unacceptable because: there has been no needs assessment or consultation and it is contrary to Council policy, which states that community developer contributions will not normally be allocated to one specific project; Nairn has many other community facilities in need of enhancement and already has good facilities for dance; and, local communities should set their own priorities as done within the Moray Council area.

Kirkwood Homes per EMAC Planning (1270584)

Seeks a higher development size (12 or more housing units) threshold and a policy that will be clearer and less onerous for the development industry because: the costs and delay of negotiating legal agreements for smaller developments will be disproportionate to their profit margins/viability; the housebuilding sector is still recovering from the downturn associated with the pandemic; developers don't know about infrastructure investment and capacity so can't be expected to produce a Delivery Plan; and, uncertainty about likely developer contribution levels will discourage investment. Also believes the 2018 Developer Contributions Supplementary Guidance will cease to be part of the development plan upon adoption of the Plan and therefore seeks an explanation whether it will be replaced or updated. States that the final paragraph unnecessarily duplicates Policy 8 by referring back to it and Appendix 4. This policy and other general policies will have a cumulative adverse effect on viability.

Laura Keel (1312275)

Supports but should go further and stipulate that schools must be built and paid for by developers who are proposing larger developments that will significantly increase the local school population – e.g. at Ness Castle and Milton of Leys. Recent Inverness suburban development has had no community feel or facilities.

Mark Gunn (1312546)

Objects to current Council approach to seeking developer contributions. Believes Council has failed to set, gain and then use Developer Contributions properly. Cites water and sewerage provision and primary school provision in Nairn as examples. All infrastructure should be resolved before permissions are granted. There should be retrospective claw-back of contributions not collected to date.

Ministry of Defence (1270246)

Welcomes the inclusion of a 'financial viability' exemption where the cumulative effect of the Plan's general policies could threaten the deliverability of sites, especially in cases such as Fort George. Therefore, supports the submission of an open book viability assessment, as part of a planning application to justify any deviation from the policy requirement.

Nairn River Community Council (1312260)

Objects because the Plan's related Delivery Programme doesn't list all the infrastructure necessary to support new development in Nairn. Developers should be asked to fund water, sewerage, flood protection, district heating networks, an A96 bypass, other roads, healthcare, and social care provision. The deficiencies in all this provision should be assessed, listed, quantified and costed by the Council. Money collected for community facilities and biodiversity should be locally ringfenced and allocated according to the wishes of the local community. The Plan should also test each planning application against accurate and up to date infrastructure audits which should be subject to local community endorsement. The Delivery Programme should mesh with other agencies

investment programmes and the Council's capital programme for adjoining areas (e.g. high school provision). Seeks clarification whether the existing Developer Contributions Supplementary Guidance will fall with the adoption of the Plan. Queries whether this policy complies with draft NPF4 policies.

Nairn West & Suburban Community Council (1323971)

Believes that the proposal to allocate all leisure and recreation developer contributions from housing across Nairnshire to High Life Highland's 'Dance Studio' at the Nairn Leisure Centre is unacceptable because: there has been no needs assessment or consultation and it is contrary to Council policy, which states that community developer contributions will not normally be allocated to one specific project; Nairn has many other community facilities in need of enhancement and already has good facilities for dance; and, local communities should set their own priorities as done within the Moray Council area.

Network Rail (1312503)

Supports the proposed assessment of each development proposal in terms of its impact on each relevant infrastructure network and the specific inclusion of rail within the definition of infrastructure.

Rachael Probee (1310748)

Queries what "adequate capacity" means. Concerned that this will end up being detrimental to communities because a development will just scrape through in infrastructure capacity terms.

SEPA (906306)

Supports (no reasons stated).

Springfield Homes (1147956)

As per Homes for Scotland response. Seeks a lower development size (less than 12 housing units) threshold and a policy that will be clearer and less onerous for the development industry because: the costs and delay of negotiating legal agreements for smaller developments will be disproportionate to their profit margins/viability; the housebuilding sector is still recovering from the downturn associated with the pandemic; developers don't know about infrastructure investment and capacity so can't be expected to produce a Delivery Plan; and, uncertainty about likely developer contribution levels will discourage investment. Also believes the 2018 Developer Contributions Supplementary Guidance will cease to be part of the development plan upon adoption of the Plan and therefore seeks an explanation whether it will be replaced or updated. States that the final paragraph unnecessarily duplicates Policy 8 by referring back to it and Appendix 4. This policy and other general policies will have a cumulative adverse effect on viability.

SSEN (1311702)

Requests that electricity transmission infrastructure is also included within the definition of the 'infrastructure network' because: SSEN plays an important part in the future growth of the region; the transmission network is referenced as a 'National Development'; developers should ensure that there is sufficient transmission network capacity for the developments proposed in the Plan; and this policy addition would/should trigger an SSEN consultation on larger developments that may affect the transmission network.

Modifications sought by those submitting representations:

Aird Community Trust (1311972)

Plan and related Delivery Programme amendments to better target developer contributions towards local active travel infrastructure (assumed).

Alistair Noble (966948)

Plan and related Delivery Programme amendments to ensure community facility developer contributions are ringfenced more locally and that local communities have a larger say in their allocation (assumed).

Antonia Wright (1311246)

Unclear.

Broadland Properties per John Wright (1312043)

A higher development size (12 or more housing units) threshold, a Council specified list of required infrastructure investment, capacity and necessary developer contributions, and deletion of the final paragraph of the policy (all assumed).

Forbes per Grant & Geoghegan (1271817)

A clearer policy specifying required developer contributions (assumed).

Glenurquhart Rural Community Association (1220765)

Additional policy wording on how the cumulative impact of smaller developments on infrastructure facility networks will be dealt with (assumed).

Homes for Scotland (966619)

A higher development size (12 or more housing units) threshold, a Council specified list of required infrastructure investment, capacity and necessary developer contributions, and deletion of the final paragraph of the policy (all assumed).

Joan Noble (931076)

Plan and related Delivery Programme amendments to ensure community facility developer contributions are ringfenced more locally and that local communities determine their allocation (assumed).

Kirkwood Homes per EMAC Planning (1270584)

A higher development size (12 or more housing units) threshold, a Council specified list of required infrastructure investment, capacity and necessary developer contributions, and deletion of the final paragraph of the policy (all assumed).

Laura Keel (1312275)

Addition of a policy requirement for developer funded and built new schools where major new housing development is proposed (assumed).

Mark Gunn (1312546)

Addition of a developer contributions policy based on an element of profit clawback applied, on top of a core contribution requirement. Also a mechanism, potentially via developer-purchased insurance bonds, that ensures that any post-completion issues emerging over 20 years can be addressed at no cost to the local community.

Ministry of Defence (1270246)

None (assumed).

Nairn River Community Council (1312260)

Additions to the Plan and its related Delivery Programme to list all the infrastructure necessary to support new development in Nairn and to make clear that developers should fund water, sewerage, flood protection, district heating networks, an A96 bypass, other roads, healthcare, and social care provision. All infrastructure deficiencies assessed, listed, quantified and costed by the Council. Money collected for community facilities and biodiversity locally ringfenced and allocated according to the wishes of the local community (all assumed).

Nairn West & Suburban Community Council (1323971)

Plan and related Delivery Programme amendments to ensure community facility developer contributions are ringfenced more locally and that local communities determine their allocation (assumed).

Network Rail (1312503)

None (assumed).

Rachael Probee (1310748)

Addition of clarification of what “adequate capacity” means.

SEPA (906306)

None (assumed).

Springfield Homes (1147956)

As per Homes for Scotland response. A higher development size (12 or more housing units) threshold, a Council specified list of required infrastructure investment, capacity and necessary developer contributions, and deletion of the final paragraph of the policy (all assumed).

SSEN (1311702)

Addition of electricity transmission infrastructure within the definition of the ‘infrastructure network’ and this policy used as a trigger for an SSEN consultation on larger developments that may affect the transmission network.

Summary of responses (including reasons) by planning authority:

Aird Community Trust (1311972)

Noted. The Council is working towards a more transparent allocation of developer contributions but some information can still be commercially confidential. It is now normal Council practice for planning application committee reports to include the likely split and amounts of contributions for larger proposals and for the related legal agreements once registered to be publicly available via the Council’s website. The Council’s Developer Contributions Supplementary Guidance (DCSG) November 2018 [*] sets out what the Council seeks monies for and, where known and justified, standard amounts per unit of development. The Council’s Delivery Programme [*] provides further detail of particular projects and contributions. However, there is considerable debate on the geographic ringfencing and use of developer contributions once they are secured. The DCSG and other approved Council Development Briefs set out different ringfencing catchments for each type of contribution. For example, cumulative development transport contributions are normally sought and limited to use within a local part of the transport network. Education contributions are normally sought and used within the catchment of the particular secondary, primary or nursery school that has the existing or projected capacity issue. Affordable housing, commuted (in lieu of on-site provision) payment contributions

are used within the relevant Housing Market Area. Community facility contributions are ringfenced to the relevant High School catchment boundary. The Council accepts the principle that on-site or as local as possible ringfencing should be pursued. Indeed, direct developer funded provision rather than taking any contributions is the most efficient mechanism for delivery. However, there are circumstances where very local ringfencing is inappropriate or impracticable. For example, the reason why community facility contributions are ringfenced to the comparatively wide High School catchment boundary is that there isn't always a current and relevant community facility project within every village that can use contributions. Also, developers are rightly concerned that contributions are used to mitigate an impact of their development which normally means offsetting a quantitative, capacity deficiency within the catchment. Community groups often request funding for qualitative improvements such as painting the village hall or replacing degraded but still useable assets. Similarly, the community group may not have, or any likely prospect of raising, the balance funding to deliver the facility. Very local (to each small settlement) ring fencing will collect small amounts of money over long time periods. The Council's approach yields a larger, more useable sum and sooner. The approach can create competition between "rival" community facility proposals within the same catchment but the Council intends to review its allocation process with the aim of making it more inclusive and transparent. The DCSG does specify the need for developer contributions towards active travel network improvements and the Plan's Transport Strategy and transport general policy go further in defining what and where these should be.

Alistair Noble (966948)

See response to Aird Community Trust above. The Council's Delivery Programme makes particular reference to High Life Highland (HLH) because they are a financial delivery partner in many community facility proposals. HLH control and operate many of the existing community facilities within the Plan area and have a sizeable and future programmed budget to provide balance funding for the expansion of these facilities. HLH facility improvements are also designed and costed. The Council's Delivery Programme is a public document, views are invited on it and it is therefore transparent. Notwithstanding the above, the Council does accept that some HLH facilities can be distant from potential users within a High School catchment. The Council is committed to a review of its current approach to make the "bidding" process more inclusive and transparent albeit subject to the same practicality and defensibility issues outlined in the response to the Aird Community Trust above.

Antonia Wright (1311246)

Noted.

Broadland Properties per John Wright (1312043)

The proposed Policy 9 wording does not increase the amount of any developer contribution required nor does it change the development size thresholds specified within the Council's DCSG, which forms part of the approved development plan for the Plan area. Instead, the purpose of the policy is to direct developers to published policy and guidance on the infrastructure the Council believes is needed to accommodate the development proposed within the Plan. Also, Policy 9, in its final sentence, introduces an explicit policy test to allow the Council to conclude that a planning application does not accord with this policy of the Plan if there is inadequate existing or likely future capacity in the relevant infrastructure and/or community facility networks. It does put the onus on the developer to evidence adequate capacity. The Council believes this is reasonable because it publishes or offers advice on capacities for matters within its control such as school roll forecasts within its Delivery Programme. Scottish Government, through its draft

NPF4 is promoting the principle of Infrastructure First and although this is a nebulous concept, the Council believes that developers, particularly where they are promoting sites outwith current allocations or settlement boundaries, should be required to demonstrate adequate capacity. Policy 9 may impact the viability of sites to the private sector but an unfettered approach has adversely affected the viability to the public purse of recent development sites and will continue to do so unless a new approach is taken. Direct developer provision of infrastructure improvements is the optimum way of avoiding the costs and delays of negotiating and agreeing legal agreements but where necessary these can be standardised and most amounts are already specified within the approved DCSG. Recent Plan area house completions [*] are similar to pre-pandemic levels and close to the peak year of 2007 so there is no special case to be made in terms of viability. The DCSG won't cease to be part of the approved development plan on adoption of the Plan. It is founded upon Policy 31 of the HwLDP which will be repealed and replaced by a forthcoming "new-style" local development plan that will cover all of Highland (outwith the Cairngorms National Park area). This will extend the lifespan of the "foundation" policy to 2027 rather than 2024. The second sentence of the final paragraph of Policy 9 duplicates Policy 8 but in doing so offers a useful, brief cross reference. The Council is mindful of the cumulative impact of its development plan policies on viability and the DCSG offers the prospect of exemptions from or reductions to contributions if an independently vetted Viability Assessment demonstrates that an allocated or otherwise Plan supported development site is unlikely to proceed. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this representation.

Forbes per Grant & Geoghegan (1271817)

See response to Broadland Properties above. The DCSG and annually updated Delivery Programme offer as much certainty on the type and level of developer contributions as the Council's knowledge and resources allow. The Council also offers advice tailored to a particular site and proposal at pre-application stage. This advice is chargeable but can be offered early enough to inform land option/acquisition decisions.

Glenurquhart Rural Community Association (1220765)

The development size thresholds at which developer contributions start to be sought are defined within the DCSG. Policy 9 does not propose any change to these thresholds. Education and transport contributions can be sought for developments of three residential units or less. However, the Council does recognise the cumulative impact of piecemeal development particularly in the countryside around main settlements. The Plan's Hinterland boundary and wider spatial strategy seek to curtail this type of development and therefore its impact. Seeking additional developer contributions from very small developments is less cost effective in terms of administration and time, more difficult to justify in terms of direct and demonstrable adverse impact and can have a disproportionate impact of viability.

Homes for Scotland (966619)

See response to Broadland Properties above.

Joan Noble (931076)

See responses to Aird Community Trust and to Alistair Noble above. The second sentence of paragraph 3.6 of the DCSG does provide flexibility as to which project can benefit from community facility developer contributions. However, the Delivery Programme is the best vehicle for suggesting, vetting and publishing a decision on which projects are to be supported. The respondent implies that the local community should vet projects and decide on the allocation of monies. This would raise the same pitfalls as referenced

above; i.e., no conflict resolution mechanism, the risk of monies not being assigned to projects that offset direct development impacts, and monies being assigned to projects without sufficient balance funding. The Delivery Programme process allows communities to suggest their own projects but the vetting and allocation of monies to potential community facility projects should be done in a way that avoids these pitfalls.

Kirkwood Homes per EMAC Planning (1270584)

See response to Broadland Properties above.

Laura Keel (1312275)

The Council agrees and Policy 9 suggests that a development should offset, in a timely manner, all not just part of its adverse infrastructure/community facility network impact. Currently, Highland Council and many other local planning authorities approve a planning application so long as developer contributions are secured to offset the proportionate impact of that particular development. For example, education developer contributions are secured regardless of whether they are sufficient to deliver the additional school capacity required in a timely manner. Often the balance funding required to deliver the additional school capacity is dependent upon the amount and timing of other private monies from other development sites within the catchment, and from the council's capital programme. This approach has led to a time lag between the completion and occupation of new houses and the delivery of additional school capacity. This leads to short and even medium term overcrowding within schools. For example, identifying sufficient finance for and delivering a new build secondary school for Inverness will take 5-10 years. Policy 9 proposes an explicit, infrastructure policy-based reason for refusal of a planning application if the Council believes it necessary in any given case. In the main settlement Schedule 4s some developer respondents do suggest that they would be prepared to offer more than the standard DCSG defined education contributions but without firm commitment to do so. For example, both Tulloch at Welltown of Leys and Kirkwood at Faiways offer (gifted) land for a school site and contributions. New schools, where provided, have become community hubs for the more peripheral City neighbourhoods.

Mark Gunn (1312546)

See responses to Broadland Properties, Laura Keel and Nobles above. Policy 9 does not propose any change to the amount and development size threshold in seeking any of the developer contributions listed within the existing approved development plan (DCSG and Policy 31 of the HwLDP). This sets Highland-wide (and HwLDP "parent" policy based) guidance on the subject of developer contributions and it would therefore be inappropriate to review these matters just for the Inner Moray Firth area. Policy 9 does goes further than the approved development plan in suggesting a broadening of the infrastructure and community facility networks that may attract contributions but this change is already trailed in section 9 of the DCSG and the table that accompanies Policy 31 of the HwLDP. The split of funding for upgraded water and sewerage infrastructure is a matter for negotiation between Scottish Water and developers. Forward funding and delivery of all relevant infrastructure and community facility network improvements prior to any planning application being granted permission is impracticable and would make almost all development unviable. Many networks have existing deficiencies that are simply made worse by new development. Asking an applicant to pay for and wait until delivery of all network improvements in any given settlement would be unreasonable. Similarly, retrospectively identified developer contributions are unreasonable if not highlighted in some way when the original planning permission is granted. Most contributions are indexed to allow for inflation and some legal agreements do allow for a further uplift in payments if certain circumstances are fulfilled but these matters must be listed and agreed

at the outset.

Ministry of Defence (1270246)

Noted. See Broadland Properties response above regarding the role of a Viability Assessment.

Nairn River Community Council (1312260)

See responses to Aird Community Trust, Broadland Properties and the Nobles above. Footnotes 15 and 16 to Policy 9 allow assessment of and consideration of contributions towards a broader range of networks than is current Council practice. The Council agrees that a definitive, regularly updated, all networks capacity assessment and the seamless spatial and temporal coordination of the capital programmes of all major funding agencies should be the goal. The Council has pioneered this coordination role through local place planning initiatives such as Fort William 2040. However, it is very staff resource intensive and depends upon the buy-in of other funding agencies. The prevarication of Transport Scotland in dialogue over, and commitment, to the Nairn bypass is a good example of the challenges to such an approach.

Nairn West & Suburban Community Council (1323971)

See response to Joan Noble above.

Network Rail (1312503)

Support noted.

Rachael Probee (1310748)

There is no accepted definition of “adequate” but generally the Council take the advice of the agency responsible for the safe operation of that network. For example, sewage and water treatment works have population equivalent design capacities that Scottish Water provide advice on. Schools have published rolls and building capacities. However, some networks such as transport required far more detailed and proposal-specific assessment to determine adequacy. Also, some networks have very uncertain capacities because they don't have defined catchments. This applies to health and dental facilities. In some cases, the need for improvement will be defined in relation to a site-specific accident record (e.g. rail level crossings and road junctions) as well as the physical characteristics of the network. The respondent is correct to assume that all publicly funded agencies will maximise the capacity of a network asset before making a decision to invest in its expansion. Currently, with likely continued public expenditure constraints, there is very little future-proofing of new asset capacity; e.g., new build schools have little or no built in future capacity. A common, sensible compromise is a modular solution where the new asset has pre-planned expansion extensions within the site boundary; e.g, additional school building wings or additional sewage work settlement tanks.

SEPA (906306)

Noted.

Springfield Homes (1147956)

See response to Broadland Properties above.

SSEN (1311702)

Policy 9 is about network capacity not about development setback from infrastructure networks for health, safety or other operational reasons. Policy 30 Physical Constraints of the HwLDP and its related Supplementary Guidance provides adequate general policy

coverage on this issue. The high voltage electricity transmission network is a mapped constraint within the Council's development management software system and triggers a consultation with SSEN on individual applications in close proximity to that network. As with Scottish Water networks, the cost of an electricity distribution network capacity enhancement is a matter for direct discussion and agreement between a developer and SSEN. Also, SSEN Distribution has been reluctant to share local network capacity information with the Council. Therefore, it would be impracticable and unnecessary to add electricity transmission infrastructure to the list of networks.

Reporter's conclusions:

Reporter's recommendations: