

Agenda Item	10
Report No	WRSL/014/22

HIGHLAND COUNCIL

Committee: Wester Ross, Strathpeffer and Lochalsh

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 In terms of **place-specific issues** relevant to this Committee area, Strathpeffer Community Council supports the content of the Proposed Plan subject to no further changes being made. There is general support for the Placemaking Priorities and for the completion of the Peffery Way. Also, general support for the green network and greenspace mapping although some requests to extend it further out with the settlement towards Nether Kinellan and Loch Kinellan. A landowner seeks the re-allocation of land to the north of SP01 Kinellan North.

There are objections to land at Nutwood (SP02) for various reasons including concerns about viability of the site, lack of infrastructure capacity, loss of amenity, environmental impacts and impact on the Conservation Area. Of the 'Growing Settlements' identified within the Committee area, only Garve and Marybank have attracted comments. SEPA at the former seeks a stronger reference to potential fluvial flood risk. A landowner seeks classification of Marybank as a main settlement to allow the specific identification of a 50-housing unit site on land East of Balloan Road and South of Ord Road.

5.3 **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 In terms of **place-specific issues** relevant to this Committee area, reallocation of land to the north of SP01 Kinellan North at Strathpeffer is not supported as there is adequate land for housing development elsewhere in the village. Greenspace and green networks were only identified within Settlement Development Areas (SDAs) and around the edges of SDAs. It is not appropriate to extend it further into the countryside. Existing developer requirements will ensure concerns expressed on SP02 Nutwood can be suitably mitigated. The Garve flood risk reference change is factual and therefore reasonable but the inclusion of Marybank doesn't meet the Plan's criteria for a larger growth settlement i.e. a location that is both environmentally sustainable and economically viable and is therefore not recommended to Committee and the Reporter.
- 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 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 has 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

Authors: Scott Dalgarno, Development Plans Manager
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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 46	Strathpeffer	
Development plan reference:	Strathpeffer	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Andy Wilcox (1312341) Annette Findlay-Shirras (1323047) Caroline Rham (1270416) David Brownless (1271269) Helen Smith (1312380) Jean MacPhail (1310339) John Coupland (1310223) John Millar (1269017) John Wombell (1264121) Kit Bowen (1267501) Peter Walling (1310620) Rowella Clarke (1312534) Strathpeffer Community Council (1272875) Wyvis Plant & Power Ltd per GH Johnston Building Consultants (1312466)</p>		
Provision of the development plan to which the issue relates:	Strathpeffer	
Planning authority's summary of the representation(s):		
<p><u>Placemaking Priorities</u> <u>John Millar (1269017)</u> Supports the placemaking priorities as stated.</p> <p><u>Peter Walling (1310620)</u> Agrees with specified priorities on tourist sector, built and natural heritage and infill and redevelopment of existing buildings, but desires early completion of Peffery Way. Retaining the greenspace and green networks is vital. Does not want any further expansion of village boundaries.</p> <p><u>Caroline Rham (1270416)</u> Supports the scale and location of the housing in IMFpLDP2 and the restriction of further development to the west of the village. Seeks a nature conservation designation at Loch Kinellan which could be used to assess any future housing developments at Kinellan.</p> <p><u>Andy Wilcox (1312341)</u> Supports removal of MIR allocations at Kinellan. The village has reached its natural boundary and further development would be disproportionate to the historic character and green credentials of the village.</p>		

Helen Smith (1312380)

Supports placemaking priorities. Would like an additional placemaking priority for active travel to provide a shared space or segregated walking/wheeling/cycling lane from Millnain/Blairninich to allow residents there to access Strathpeffer safely and connect with the Peffery Way. Alternatively create a new active travel link directly between the Peffery Way and Millnain/Blairninich. At present, walking and cycling on the Dingwall -Strathpeffer Road is unpleasant and dangerous due to the lack of pavement or segregated cycling lane, with a pavement only starting at the Achterneed junction. This deters people living in Millnain/Blairninich from using active travel to reach Strathpeffer or Dingwall, both of which are within easy cycling distance and also, especially Strathpeffer, within walking distance for most people.

Annette Findlay-Shirras (1323047)

Supports placemaking priorities, in particular, concentrating on smaller scale infill and redevelopment opportunities rather than larger scale peripheral development. Supports additional greenspaces and green networks.

Settlement Map

Kit Bowen (1267501)

Generally supportive of approach taken for Strathpeffer. Queries if the 'solid' green is Greenspace and the green with the softened edges is Green Network. Requests mapping of additional protected greenspace, to help conserve natural habitats, at the following locations: to the south of the (new) SP01 down to the road going up to the Loch from the A834; and around the village periphery in general and more specifically towards Elsieck Farm and into the Nether Kinellan Nature Reserve. Considers it unlikely that the owner of land at the MIR site SP02 will allow the community to acquire the land for community purposes. Understood that an Eco Report was carried out in summer 2021 for the Nether Kinellan and Loch Kinellan area but have not been able to find the report on the Council Website, believes that the Natural Habitat in the area needs conserving and protection. Is there a map?

John Millar (1269017)

Supports village mapping as it conserves the village and greenspaces whilst allowing for limited development.

Strathpeffer Community Council (1272875)

Supports the settled view of the Council for Strathpeffer as long as no further changes are made. Supplies copy of letter submitted by Community Council to the MIR consultation [**], the views expressed in it remain the views of the Community Council.

Annette Findlay-Shirras (1323047)

Supports content of the map giving greater emphasis on protecting greenspace but seeks Nether Kinellan Nature Reserve to be shown as green space because of its importance to biodiversity.

John Wombell (1264121)

Supports removal of allocations at Kinellan. Wants environment protected at this location.

SP01 Kinellan North

John Millar (1269017)

Would have preferred no further development in this area but accepts limited development

of site and the developer requirements. Keen for greenspace in area to be protected from development.

Peter Walling (1310620)

Supports allocation as it is a natural extension to the existing recent development to the south west of this site.

David Brownless (1271269)

Supports the scale of housing identified for the allocation, it is a sensible level of organic growth after the recent excessive growth of 40 new houses at Kinellan.

Wyvis Plant & Power Ltd per GH Johnston Building Consultants (1312466)

Objects to the scale of this site and non-inclusion of land to the north as per existing allocation in adopted IMFLDP. Seeks reallocation of part of SP1 from adopted IMFLDP, for residential development for 20-30 units with potential for reduced site area and capacity. The IMFpLDP2 allocates a small section of land at SP01 Kinellan North for housing. Asserts that is as additional capacity and scope beyond this limited inclusion of a current planning application boundary. The inclusion of additional land would provide an effective housing supply and specifically self-build opportunities. Claims the Housing Land Supply assumptions which have guided allocations are unlikely to be sufficient to deal with the needs and demand presented in Strathpeffer and the wider area, over the plan period. Additional housing land would support a growing economy and a wider range of housing options. Strathpeffer is identified as a main settlement within the settlement hierarchy yet provides very few housing opportunities. The growth strategy is underpinned by a new settlement hierarchy which is a change to the current adopted IMFLDP 2015 and relies upon projection figures initially derived from a 2015 based Housing Need and Demand Assessment. A subsequent update has been provided through 2018 National Records for Scotland household projections, which seems to be based upon assumptions made immediately post the 2008/2009 housing market recession. The Council's intention is that the level of housing land allocations in the Proposed Plan are based on a Highland-wide Housing Need and Demand Assessment 2020 (HNDA) that is still low and disputed by Homes for Scotland as well as National Housebuilding Companies. This additional land in Strathpeffer would support the aims of the IMFpLDP2 to build more houses environmentally sustainable and economically viable locations that will be affordable, self-built and/or adapted for an ageing population. As per planning permission 18/04658/FUL and its conditions, there is provision made for access into the site and the associated masterplan that was out forward in the Design Statement shows an intention to make sure that the overall SP1 allocation is delivered as anticipated in the adopted IMFLDP. A more recent Planning Submission (20/04475/PIP) is seeking to obtain planning consent in principle for 1 detached house, 2 semis and 4 flats (now 3 detached dwellings). This application connects into the access road. Supplies copy of Development Framework Plan [*].

SP02 Nutwood

John Millar (1269017)

Objects to allocation as it would change the village envelope and have an adverse impact on the historic built environment.

Jean MacPhail (1310339)

Objects to the allocation for the following reasons: site was rejected from adopted IMFLDP; previously rejected by community due to the need for extensive earthworks, tree and hedge removal, surface water run-off problems, conservation village issues, school

capacity and existing sites remaining undeveloped, re-routing of large electricity cables and road-worthiness issues, these previous reasons for objection still stand; excessive recent growth of village.

John Coupland (1310223)

Objects to allocation for following reasons: was allocated in Mid Ross Local Plan but IMFLDP removed it, re-allocation of it in IMFpLDP2 is a box ticking exercise to show that there is land available for housing; planning permission has been granted but no development has happened because of unviable cost of access road and infrastructure connections. Suggests that the Nutwood properties, the fields between Nutwood and the road, the SP02 site and the adjacent ancient woodlands should be included in the Strathpeffer Conservation Area, providing an amenity area and green buffer for the village.

Rowella Clarke (1312534)

Objects for the following reasons: Strathpeffer Primary School and Dingwall Academy are already at capacity, new houses will add to this issue; Health Centre is already at capacity, new houses will add to this issue; existing issues with sewers and surface water flooding; inadequate road access and junction visibility; built heritage impact as the site is adjacent to a Conservation Area and an ancient woodland; poor connections to rest of village and limited accessibility out with the village; loss of greenfield site in direct contradiction to the placemaking priorities; potential negative impact on tourism; loss of historic character if new houses are not built in a similar style as nearby Victorian villas.

Modifications sought by those submitting representations:

Placemaking Priorities

John Millar (1269017)

None

Peter Walling (1310620)

Seeks early completion of the Peffery Way

Caroline Rham (1270416)

Seeks a nature conservation designation at Loch Kinellan.

Andy Wilcox (1312341)

None

Helen Smith (1312380)

Seeks additional placemaking priority for active travel to provide a shared space or segregated walking/wheeling/cycling lane from Millnain/Blairninich to connect to the Peffery Way or create a new active travel link directly between the Peffery Way and Millnain/Blairninich.

Annette Findlay-Shirras (1323047)

None

Settlement Map 29 Strathpeffer

Annette Findlay-Shirras (1323047)

Extend the green space to include the Nether Kinellan nature reserve.

Kit Bowen (1267501)

Provide additional greenspace and green networks (locations specified).

John Millar (1269017)

None

Strathpeffer Community Council (1272875)

None

John Wombell (1264121)

Further protection for the environment at Kinellan.

SP01 Kinellan North

John Millar (1269017)

Seeks additional protection for greenspace from development.

Peter Walling (1310620)

None

David Brownless (1271269)

None

Wyvis Plant & Power Ltd per GH Johnston Building Consultants (1312466)

Seeks reallocation of part of SP1 from adopted IMFLDP, for residential development for 20-30 units with potential for reduced site area and capacity.

SP02 Nutwood

Rowella Clarke (1312534)

Delete allocation (assumed)

John Coupland (1310223)

Delete allocation and/or cover with Conservation Area designation.

John Millar (1269017)

Delete allocation (assumed)

Jean MacPhail (1310339)

Delete allocation (assumed)

Summary of responses (including reasons) by planning authority:

Placemaking Priorities

John Millar (1269017) and Annette Findlay-Shirras (1323047)

Support for placemaking priorities noted.

Peter Walling (1310620)

Support for placemaking priorities noted, including the Peffery Way active travel link to Dingwall, however the representee seeks early completion of the Peffery Way. As per Policy 14 Transport and the Delivery Programme, developer contributions will be sought for inter-settlement connections identified in IMFpLDP2 including the Peffery Way.

Agree that retaining greenspace and green network is important. There is a placemaking

priority which states 'retain the greenspace and green networks in and around the village' and IMFpLDP2 has Policy 4 Greenspace which is to safeguard greenspace from development and Policy 5 Green Networks which ensures that any development proposals within or close to them are assessed on the extent to which they affect the physical, visual and habitat connectivity of the network and any mitigation that may be required. In Strathpeffer there is green network shown around the northern and western edge of the village.

The SDA boundary shows the extent of the village boundary for this Plan period. The SDA has been drawn to reflect the built-up area and allocated areas in the settlement.

Caroline Rham (1270416)

Support for the scale and location of housing and the restriction of further development to the west of the village is noted. Representee is seeking a nature conservation designation at Loch Kinellan, however which nature conservation designation is not stated. Loch Kinellan is situated to the west of the settlement on open ground. The boundary of the SDA and the green networks were carefully considered by the Council and this took into account nature conservation issues with regards to Loch Kinellan.

Loch Kinellan is an important wildlife and recreation area. In particular it is a Slavonian Grebe breeding site which is a European Protected Species. However having a nature conservation designation on the Loch will not necessarily mean that any future development near it would not be allowed. Any future development proposals will have to comply with statutory controls to ensure that protected species are not disturbed. There is also protection offered through HwLDP Policy 58 Protected Species and Policy 59 Other Important Species. There is also a presumption against development in the intervening land between the SDA and Loch Kinellan as it lies within the hinterland area, any housing proposals would be assessed against HwLDP Policy 35: Housing in the Countryside (Hinterland areas). The hinterland designation therefore effectively allows for green belt between the village and Loch Kinellan.

Andy Wilcox (1312341)

Support for allocation at Kinellan noted.

Helen Smith (1312380)

Support for placemaking priorities noted. The Highland Council continues to support the community aspiration to complete the Peffery Way route between Strathpeffer and Dingwall. Whilst the potential for this route to serve wider community sustainable travel needs, through connections to adjacent residential areas, is supported in principle, the settlements of Blairninich and Millnain are discrete from Strathpeffer, and do not feature as a settlement in the Plan. Therefore it would not be appropriate to set priorities for another settlement within the Strathpeffer part of the Plan. Nevertheless, The Highland Council considers that the Bute House Agreement commitment to spend at least £320M on Active Travel by 2024/25 offers its own, separate potential to support community aspirations for such infrastructure, the Active Travel team will continue to work with communities aiming to improve active travel in their local area.

Settlement Map 29 Strathpeffer

Kit Bowen (1267501)

General support noted. In the online version of IMFpLDP2 the darker 'solid' green is greenspace and the green with softened edges is green network. The settlement map for Strathpeffer is the greenspace/green network mapping.

Green networks provide the physical, visual and habitat connections for greenspaces and therefore ensure accessibility for both wildlife and people. Development can be more flexibly accommodated within or adjacent to a green network as long as the network's connectivity and integrity is maintained, and it is incorporated into a development as a positive landscape and design feature. Greenspaces are protected from development by Policy 4 Greenspace and are areas that are formally recognised and safeguarded places that contribute to the character and setting of a place and provide amenity, biodiversity, recreation and other benefits.

The area around the south western edge of the settlement, to the south of SP01 is shown as green network on the settlement map to create a green buffer between built development at the edge of the settlement and the road to Loch Kinellan. The green network is not intended to cover large areas outwith the SDA but rather recognise that connections between the built-up area and the wider countryside are important. It is recognised that the community has aspirations to use the land to the west of Kinellan for community purposes and also that it unlikely that the landowner will support this.

An audit of greenspaces was carried out in 2021 and this informed the settlement maps in IMFpLDP2. An additional audit was carried out in summer 2022, however Strathpeffer was not one of the settlements where the work was carried out. Only greenspace within SDAs was part of this audit.

John Millar (1269017)

Support for content of village mapping noted.

Strathpeffer Community Council (1272875)

Support for the content of IMFpLDP2 noted, subject to no further changes being made. The IMFpLDP2 is the settled view of the Council however there is the possibility of some changes being recommended by the Scottish Government appointed Reporter via the Examination of objections to the Plan.

Annette Findlay-Shirras (1323047)

Support for content of map giving greater emphasis on protecting greenspace is noted. Only greenspaces within SDAs are shown on the settlement maps hence why Loch Kinellan does not feature.

John Wombell (1264121)

Support for removal of allocations at Kinellan noted. See section above for response to further environmental protection at Loch Kinellan.

SP01 Kinellan North

John Millar (1269017)

Support for limited development and associated developer requirements at this allocation noted. See section above for response to greenspaces.

Peter Walling (1310620)

Support noted.

David Brownless (1271269)

Support for scale of allocation noted.

Wyvis Plant & Power Ltd per GH Johnston Building Consultants (1312466)

In the aIMFLDP allocation SP1 Kinellan covers a section of land to the west of Strathpeffer. The southern half of the allocation has been built out. Of the remaining northern half of the allocation a smaller area is allocated for housing – SP01 Kinellan North - and the land north of this is no longer allocated and sits outwith the SDA.

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 Strathpeffer is a Tier 3 settlement; Tier 3 settlements are identified as a partially sustainable location suitable for a local scale of growth. As such, the IMFpLDP2 allocates land for 22 houses within the next two years and the settlement text and placemaking priorities also state that there are opportunities for redevelopment of existing buildings and small-scale housing development on brownfield infill sites. It is acknowledged that the site could, just like many other sites, provide self-build opportunities, affordable housing, support a growing economy and a wider range of housing options. However taking into account the quantitative need, there is enough housing supply in Strathpeffer. Comments made regarding housing land supply within the Plan are addressed within Issue 3: Housing Requirements.

Access

It is acknowledged that as per planning permission 18/04659/FUL and its conditions (for 42 houses), there is provision made for access into the site. However, since the publication of the IMFpLDP2 planning permission in principle has been granted in August 2022, at SP01 for 3 houses (20/04475/PIP). The proposal was amended from 7 units to three houses. The proposal includes an indicative layout along with details of an access track into the site from Caberfeidh Place. The access for the three houses is a private access and is unsuitable to access land immediately to the north. The proposal does not block access to land to the north but it does not include a suitable access either. If in the future any development does occur in land to the north a new access will be required across this site.

SP02 Nutwood

John Millar (1269017), Jean MacPhail (1310339), John Coupland (1310223) and Rowella Clarke (1312534)

Settlement Development Area and Growth of Village

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. As such the settlement boundary will change over time. It is acknowledged that there has been recent housebuilding at Kinellan however the IMFpDLP2 allocates land for 22 houses within the next 10 years which is considered reasonable. Comments made regarding housing land supply within the Plan are addressed within Issue 3: Housing Requirements.

Viability of Site

There has previously been concerns about the viability and marketability of the site due to no development occurring on the site. The site does not feature as an allocation within the aIMFLDP however it benefits from planning permission in principle (18/01017/PIP - 15 houses). At CfS stage, the Agent for the landowner stated that despite the best efforts progress on the site had been slow due to prevailing market conditions.

Alternative sites remain undeveloped

The allocation at SP01 in the aIMFLDP has been partially developed with 42 units. IMFpLDP2 allocates a smaller site at Kinellan for 7 units.

Impact on the historic built environment

The developer requirements for the allocation include the following: 'programme of work for the evaluation, preservation and recording of any archaeological and historic features' and 'safeguard the architectural and historic character and setting of the conservation area, including appropriate design and materials'. The placemaking priorities includes: 'Protection and enhancement of outstanding built and natural heritage features'. HwLDP Policy 57 Natural, Built and Cultural Heritage also provides protection.

Loss of greenspace and Extension of Conservation Area

Whilst there are no formal greenspaces located next to the site, the wooded area around the site has been identified as Green Network on the Strathpeffer settlement map. This recognises the important physical, visual and habitat connections it provides and ensures these qualities are protected from development. Also, under Policy 2 Nature Protection, Preservation and Enhancement, the development would be required to contribute towards the enhancement of biodiversity. Conservation Areas are designated areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. Extension of the Conservation Area would not necessarily provide amenity areas or a green buffer for the village.

Impact on tourism

The site is removed from the core of the village so it is unlikely that it will have a negative impact on tourism.

Tree and Hedge removal

The Developer Requirements already seek to protect the woodland by including: 'protect and enhance existing woodland and individual trees, no construction activity within Root Protection Area'. Policy 2 'Nature Protection, Preservation and Enhancement' of the Plan also seeks to ensure that development proposals demonstrate a positive contribution to biodiversity. These requirements sit alongside protection already offered through HwLDP Policy 51 Trees and Development which provides protection for woodland.

Surface water/drainage

Any issues relating to surface water drainage are set out in the related Highland-wide Local Development Plan at Policy 66 Surface Water Drainage and can be resolved at planning application stage. However, a Drainage Impact Assessment is set out as a Developer Requirement.

Education and Healthcare Infrastructure

Health care is largely provided by NHS Highland and is not the responsibility of the Council. Issues relating to inadequacies with the current service or concerns over plans for upgrading of the assets in Strathpeffer should be directed to NHS Highland directly. 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. 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.

Electricity Cables, Ground levels, Road access and junction visibility

Re-routing requirements, ground levels/earthworks, road access and junction visibility can be adequately addressed at development management stage.

Active travel connections

The Developer Requirements and Placemaking Priorities already seek to address active connections both within and outwith the village by stating the following: 'improve active travel linkages out with the site towards Eagle Stone and the village centre' and 'Support Peffery Way active travel link to Dingwall'. The settlement text at paragraph 234 also states, 'The accessibility of Strathpeffer by sustainable modes of transport and employment opportunities are limited, however the active travel link to Dingwall, the Peffery Way should be encouraged'.

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.

Barbarville

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 in '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 Tornagrain 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 aIMFLDP. 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: