

Agenda Item	4
Report No	DSA/14/22

HIGHLAND COUNCIL

Committee: Dingwall and Seaforth

Date: 14 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 but does suggest, for the Committee's and then the Reporter's consideration, minor readjustments to take account of representations made to the Proposed Plan.

4.4 **Appendix 1** also recommends 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 The following **place-specific issues** are relevant to this Committee area.

- At **Conon Bridge**, local residents raise various issues including the safety and capacity of the A835 junction, objection to housing use at the former petrol filling station, the unknown detail of development at Braes of Conon, and neighbour concerns at the former fish processing site. SEPA reiterates its flood risk concerns about the filling station site. Tulloch Homes seeks the reallocation of housing sites at Riverford and Schoolhouse Belt, and confirmation of housing only use at Braes of Conon.
- At **Dingwall**, landowners and developers seek the allocation of land to the rear of Craig Road, at Drynie, Dingwall North and at Gallowhill for housing. The

Highland Housing Hub seeks housing to be included as a use at allocation DW09 Dingwall North - Dochcarty Brae. Key agencies, specifically NatureScot and SEPA, seek revised environmental and flood risk related developer requirements for DW04 Dochcarty Road East, DW06 Dingwall Riverside (North) and DW07 Dingwall Riverside (South). SEPA also seeks the deletion of allocation DW04 Dochcarty Road East and either the deletion or boundary revision for DW10 Land to East of Dingwall Business Park, due to flood risk issues.

- At **Maryburgh**, a landowner and a developer seek reallocation of land between the village and A835 claiming it is viable and effective housing land. The Woodland Trust objects to the confirmed Plan site on Brahan Estate land. The community council objects to the employment land allocated north of the A835 roundabout primarily because of its visual and travel impacts.
- At **Muir of Ord**, a local resident seeks a reduction in the distillery allocation to safeguard against neighbour impacts. The community council seeks a merger of the Lochan Corr and school allocations to provide greater flexibility in where a replacement school may be built and allow better active travel connectivity between new housing and other local facilities. Other residents oppose the scale, infrastructure capacity to support, and clarity of developments proposed. Landowners seek new housing sites at Corry Road, adjoining the Ord Arms and at Hawthorn Road.
- At **North Kessock**, allocated development land at Bellfield Farm has attracted landowner support but a desire for its enlargement. Most local residents oppose any housing development at this location. The potential park and ride site at the A9 junction have attracted landowner, developer, community council and local resident objections albeit for conflicting reasons. The allocation suggesting the addition of campervan service area facilities within the northbound A9 car park has attracted one neighbour objection.
- At **Tore**, Springfield objects to the Plan's non-endorsement of its major settlement expansion proposal. The nature of the proposal has evolved into a "low carbon" roadside service area led rather than housing led development. A local resident and the Woodland Trust object to the industrial allocation north of the grain mill silos because of woodland loss and other alleged "bad-neighbour" issues.

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

- At **Conon Bridge**, the Plan wording ensures that the capacity and safety of the A835 will be subject to future developer funded assessment. A suggestion is made to the Reporter to consider the reallocation of the Riverford site if they determine that there is a shortfall in the local housing land supply. It is unconstrained and was only deallocated because of concerns about its marketability which have now been overcome. Other Plan sites are reaffirmed without change because all legitimate grounds of objection can be mitigated.
- At **Dingwall**, additional allocations for housing at Craig Road, Drynie and Gallowhill are not supported as there are better located opportunities for housing elsewhere. At DW09 Dingwall North - Dochcarty Brae the additional use of

housing is not supported alongside the reaffirmed community use for the replacement St Clement's School. Requests from NatureScot and SEPA for revised developer requirements are suggested to the Reporter for inclusion. The deletion and/or boundary changes of sites at Dochcarty Road East and to the east of Dingwall Business Park are not supported.

- At **Maryburgh**, the two reallocation requests are rejected because of a lack of local infrastructure capacity notably roads and education and the costs of remedying it, and the lack of proven housebuilder interest. The confirmed site at Birch Drive benefits from a previous planning permission which addressed woodland issues. The community council's concerns regarding the employment area can be mitigated by good design and layout including additional landscaping.
- At **Muir of Ord**, it is suggested that privately owned residential properties be excluded from the allocation boundary. Although developer contributions are being secured, the Council's capital programme doesn't contain a funded scheme for a replacement Tarradale Primary School and therefore detailed site layout discussions are premature. Moreover, the Lochan Corr site has a recent permission. The landowner suggestions at Hawthorn and Corry Roads may be acceptable but only as small-scale housing in the countryside proposals. The adjoining Ord Arms site suggestion has already been enclosed within the settlement boundary which, in principle, supports its development. Otherwise, minor clarifications can address the concerns raised.
- At **North Kessock**, the landowner's suggestion for an additional 120 houses is rejected for a variety of reasons including local infrastructure facility capacity. However, the allocation is maintained because residents' concerns have been exaggerated or can be mitigated. The potential park and ride site at North Kessock is being assessed against others along the A9 north corridor and a conclusion on the Council's position should be reached in spring 2023. The campervan service area use of the northbound car park is appropriate and the neighbour's concerns can be mitigated.
- At **Tore**, Springfield's major settlement expansion proposal is rejected despite its evolution into an employment rather than housing led development. The potential offer of new jobs, a park and ride site and active travel connectivity improvements are positives but are made without formal commitment, without the public sewerage solution that the expanded settlement concept requires, and without a unified plan for how existing local residents will benefit from the expansion. The woodland north of the grain mill silos has limited ecological value and compensatory planting is required by the Plan. The other concerns of the neighbour have been exaggerated or can be mitigated.

6.3 **Strategic issues** will be considered at the Economy and Infrastructure Committee meeting on 2 February 2023. The Council's position on many of these issues will have to be adjusted to take account of the approved NPF4, which will hopefully be issued in time to inform the February report. For this committee's information, **Appendix 2** sets out a 'working draft' response on those strategic matters that may have implications for this Committee area.

In light of comments received and changes to date in circumstances since December 2021, the following minor adjustments to the Council's position are recommended first to Members and if agreed then to the Reporter.

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

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

7. Next Steps

- 7.1 After the six relevant local/City committees have approved their respective place-specific elements of the Council's response and the Economy and Infrastructure Committee has approved the strategic elements then it is intended to submit the Plan, the schedules in **Appendix 1** and other related material to the Scottish Government. In early 2023, at least one reporter will be appointed to consider the issues raised in representations. The examination process will take around one year at the end of which the Reporter's Report is published containing binding recommendations on how the Plan should be changed prior to its final adoption by full Council decision.

Designation: Executive Chief Officer Infrastructure, Environment & Economy

Date: 28 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 24	Conon Bridge	
Development plan reference:	Section 4 Places, Conon Bridge Settlement, PDF Pages 115-121	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>David Rendell (1311351) David Whiteford (1310215) SEPA (906306) Tulloch Homes per Suller Clark (1218219)</p>		
Provision of the development plan to which the issue relates:	Placemaking Priorities 6, Settlement Map 10 Conon Bridge, Development Sites, PDF paragraphs 122-125	
Planning authority's summary of the representation(s):		
<p>Settlement Map <u>David Rendell (1311351)</u> Seeks greater emphasis on and priority to resolve the problems of access to and from the village from the A835 because: the Plan's provisions will increase the amount of traffic generated by the expanded school and the new housing developments both resulting in increased queuing and waiting times at the junction; there are increased traffic flows on the A835 itself making it difficult to exit the Conon Junction to join the southbound flow of traffic; there are particular problems with lines of sight, compounded in the winter months with a 'low sun' behind the hill at Kinkell that makes it difficult to see traffic coming north towards Dingwall; and, pedestrians crossing the A835 to and from Corntown, are also at risk and therefore provision should be made for a safe crossing.</p> <p><u>Tulloch Homes per Suller Clark (1218219)</u> Seeks reallocation of Riverford site which is allocated for mixed use development as site CB5 in the aIMFLDP because: a Proposal of Application Notice was submitted in April 2022 followed by a public consultation event held in June 2022 both indicating serious landowner/developer intent to take the site forward; the Council's response to this pre-application proposal noted that it was likely to be in overall conformity with the current approved area development plan; the only negative comments related to matters that can be addressed by further assessment and mitigation; and, all adopted plan developer requirements can be addressed by the developer, e.g. a footpath connection to the Conon Bridge Rail Halt. The latest proposal being promoted by Tulloch Homes proposes 75 units, including 18 affordable units, using the same road footprint as the 45-unit scheme with the same amount of commercial land. An indicative site layout shows that it is possible to accommodate 75 units making best use of land as a scarce resource. The development provides a range of detached and semi-detached units, some single storey, some 2 storey, meeting the needs of the whole community. The development further includes the required parking and road network as well as the necessary landscape buffers, with trails and footpath accesses. Further, the site is able to provide 1.78 ha of main public open</p>		

space. The indicative layout has been carefully considered to propose single storey housing adjacent to the railway line with 2 storey housing (A862) road-fronting to the eastern edge of the site.

Seeks reallocation of **Schoolhouse Belt** site because: the principle of its development was established by its allocation as site CB1 within the aIMFLDP; the site is the subject of a pending planning application (Ref:21/05918/FUL) which was submitted December 2021 and for which only technical matters need to be resolved; the Council has confirmed the application is in overall conformity with the approved development plan and complies with the boundary, use and capacity prescribed in that plan; the site has a firm housebuilder interest and proposal which is at detailed planning application stage; the aIMFLDP developer requirements will be met including addressing woodland issues; and, the site has been the subject of previous planning approvals including in 2009 (08/00140/FULRC).

CB01: Former Petrol Filling Station

David Whiteford (1310215)

Objects and believes site would better be turned into car parking to accommodate the already over filled car park.

SEPA (906306)

Objects because of flood risk from both the River Conon and Eil Burn the areas of which should be confirmed by developer assessments.

CB02: Braes of Conon (North)

Tulloch Homes per Suller Clark (1218219)

Supports allocation for housing only because: Conon Bridge has a sustainable mix of facilities and transport links; it has also proved marketable (23 completions per annum at Brae of Conon) location for new housing; will soon receive a full permission; and, the site is effective and deliverable being promoted by a willing landowner and housebuilder and is already part serviced.

CB03: Former Public House and Adjoining Land

David Whiteford (1310215)

Supports site layout and proposed architecture but concerned with the sewage plant at the entrance to the site although planting might disguise this plus the need to control construction hours so the adjoining hotel can still function properly.

CB04: Braes of Conon (South)

David Rendell (1311351)

Objects because proposal and policy guidance are too vague. More site-specific detail is required to identify realistic requirements of the developer for this site.

Tulloch Homes per Suller Clark (1218219)

Supports but seeks higher capacity and allocation for housing only because: Conon Bridge has a sustainable mix of facilities and transport links; it has also proved marketable (23 completions per annum at Brae of Conon) location for new housing; a formal pre-application proposal was lodged in June 2022 for 160 residential units, and local events and a full application will follow in 2022; the proposal will be in accordance with the aIMFLDP provisions and housing only use will make further community and commercial facilities more viable elsewhere in the community; and, the site is effective and deliverable being promoted by a willing landowner and housebuilder and is already part serviced.

CB05: Former Fish Processing Site

David Whiteford (1310215)

Objects because: too high a housing density of housing for the location; large flat style buildings are not indicative of local architecture; adverse impact on adjoining listed building (the buildings are proposed to be the same height and size and directly behind the hotel and will be clearly visible from every window, blocking the hotel's rear views); the commercial elements of the proposal will add competition and kill local business; poor road junction; additional traffic calming measures have and will make the traffic congestion worse; insufficient car parking within site magnifying village centre issues; adverse tree, habitat and species impacts; visual and air pollution; objections missed because of mainly online nature of consultation; and, disruption during construction period.

Tulloch Homes per Suller Clark (1218219)

Objects because site is ineffective as evidenced by: permission being issued back in 2015; length of consideration of previous application; technical and viability matters to be overcome; and, length of period of unsuccessful marketing. Tulloch's sites are more deliverable and effective.

Modifications sought by those submitting representations:**Settlement Map**

David Rendell (1311351)

Greater Plan emphasis on and priority to resolve the problems of access to and from the village from the A835 including a safe pedestrian crossing to and from Corntown.

Tulloch Homes per Suller Clark (1218219)

Reallocation of the aIMFLDP Riverford site for 75 residential units, including 18 affordable units with similar developer requirements as those specified in the aIMFLDP (assumed).
Reallocation of the aIMFLDP Schoolhouse Belt site as per current planning application (and any permission resulting) (assumed).

CB01: Former Petrol Filling Station

David Whiteford (1310215)

Reallocation of site for car parking.

SEPA (906306)

Developer requirement amended to: "Flood Risk and Drainage Impact Assessments (no development in areas shown to be at risk of flooding from Eil Burn and post flood protection scheme mitigation)".

CB02: Braes of Conon (North)

Tulloch Homes per Suller Clark (1218219)

Reflection of current application/forthcoming permission (assumed).

CB03: Former Public House and Adjoining Land

David Whiteford (1310215)

Additional developer requirements to control visual impact of sewerage and to control construction hours (assumed).

CB04: Braes of Conon (South)

David Rendell (1311351)

Addition of site-specific and realistic developer requirements.

Tulloch Homes per Suller Clark (1218219)

Residential only allocation for 160 residential units with requirements in line with current pre-application proposal (assumed).

CB05: Former Fish Processing Site

David Whiteford (1310215)

Reduced housing numbers, single storey, of local vernacular, and sited away from listed building. More car parking on site, community garden, and better access to the river through the site.

Tulloch Homes per Suller Clark (1218219)

Deletion of site allocation (assumed).

Summary of responses (including reasons) by planning authority:

Settlement Map

David Rendell (1311351)

The capacity and safety of the existing A835(T)/B9163 trunk road junction is a concern of local residents and therefore of local councillors. Given that the Plan promotes an additional 245 homes in Conon Bridge a developer requirement was added for the largest site, CB04 Braes of Conon (South), to consider the impact of development of the site on the A835/B9163 junction through a Transport Assessment, which may necessitate developer contributions. The Council has met with Transport Scotland to consider the existing and future, safety and capacity of the junction. Transport Scotland has programmed improvements to the junction but these are limited to minor works such as safety barrier upgrades, resurfacing, installation of solar illuminated road studs and extension of the footway on the north west side of the junction to provide a dropped kerb uncontrolled crossing for pedestrians and cyclists. The current accident record for the junction doesn't indicate a significant safety issue. Similarly, there is no design capacity issue. Queue lengths and times are within limits deemed acceptable. An at grade roundabout upgrade for the junction is impracticable because of the slope which would require major earthworks, the staggering of the existing side roads and the need for a 4 leg roundabout to have even flows whereas the A835 flow is too dominant at this location. A grade separated junction would be of a prohibitive cost. Overhead lighting, traffic light control and speed limit reduction options have all been looked at by Transport Scotland but all have significant technical constraints. For example, traffic light controlled junctions on a 60mph trunk road are only permissible where there are significant active travel crossing movements and a speed limit reduction to 50mph is not supported by Police Scotland because it would be unlikely to influence driver behaviour and average recorded speeds passing the junction are not that far in excess of 50mph. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Tulloch Homes per Suller Clark (1218219)

The **Riverford** site is allocated within the aIMFLDP and the current pre-application proposal meets most if not all of the developer requirements for the site within that plan. The land is only proposed for deletion from the Plan because of doubts about its effectiveness principally (until recently) its lack of developer interest. It lies close to the settlement's rail halt and within a reasonable cycle distance of the other village facilities such as the supermarket and primary school. It is greenfield and peripheral but visually self-contained. The sufficiency of the Plan's allocations in terms of an effective housing land supply is discussed in Issue 3 Housing Requirements and in other Mid Ross

settlement Schedule 4s. Within the Mid Ross HMA the Plan's 10 year, all sector Housing Supply Target (HST) is 1,043 units and corresponding Housing Land Requirement (HLR) 1,356 units. The Council's 2022 Housing Land Audit (HLA) programmes 1,060 units over a similar 10 year period and this total doesn't include small windfall developments. If the Reporter deems it necessary that the Plan's allocations meet both the HST and HLR within the Mid Ross HMA then the Council would support the reallocation of the Riverford site for the reasons stated above and as a means to help meet that higher number. If the Reporter is so minded then the Council would suggest the same boundary, land use mix, indicative housing capacity and developer requirements as site CB5 in the aIMFLDP. The Council wouldn't support Tulloch's suggested higher housing capacity because of the finite capacity of the local primary school and the site-specific, physical constraints in further extending that capacity, and the A835 junction issues described above.

In contrast the **Schoolhouse Belt** site was not rolled forward from the aIMFLDP to the Plan because of additional site-specific woodland and watercourse issues. The current application [*] makes some attempt to better address these issues and achieve a better active travel link to the village's facilities but the land is still inferior in terms of economic viability and environmental sustainability to those allocated in the Plan and the Riverford site. The site had a previous, now lapsed, permission but the Council has significant concerns that woodland has been felled and not replaced or even proposed to be replaced. There were also objections to the retention of this site at MIR stage [*].

CB01: Former Petrol Filling Station

David Whiteford (1310215)

The site currently functions as an informal car park as overspill for the main public car park and for the local pharmacy. However, the Council has no funding or programme for creating new public car parks. Indeed, in sustainable travel hierarchy and modal shift terms, additional central village car parking may hinder a transition to lower emission travel. A higher value allocation use is also required to incentivise the landowner to release the site to the development industry and address the existing dereliction and contamination issues.

SEPA (906306)

The site is a small scale, brownfield site in the heart of a large, established settlement and is bordered by residential uses. The proposal would also remove dereliction and contamination from the former petrol tanks. Flood risk and drainage impact assessments are already referenced as a developer requirement. Petrol filling stations don't benefit from a specific reference within SEPA's Land Use Vulnerability Classification but in the Council's view are equally if not more vulnerable than residential use given the potential pollution risk to the water environment. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

CB02: Braes of Conon (North)

Tulloch Homes per Suller Clark (1218219)

Application 21/03207/FUL [*] is expected to be granted permission in 2022 pending conclusion and registration of the related legal agreement. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

CB03: Former Public House and Adjoining Land

David Whiteford (1310215)

Planning permission was granted in 2019 for 21 residential units [*]. A full application for 16 units is now pending [*]. The related and adjoining flood protection works were

completed in early 2022. The respondent's issues will be considered during the current application process and conditioning of any full permission. The Council believes, if the Reporter is minded to agree, that the allocation should be reaffirmed albeit with an amended capacity and if relevant then amended developer requirements to reflect the development granted a full permission.

CB04: Braes of Conon (South)

David Rendell (1311351)

An LDP is a statutory document that debates and then decides, in principle, where significant growth sites should be located, to what uses the land should be put and, what the developer and development should be required to do to have a reasonable expectation of obtaining planning permission. In principle guidance by its very nature doesn't prescribe the detail of future planning applications. The attitudes of landowners, developers and householders, and other circumstances such as technological opportunities change over time so prescribing detail now can often be abortive when the Plan's lifespan is 5-10 years.

Tulloch Homes per Suller Clark (1218219)

Conon Bridge is a large, established Tier 2 settlement with good sustainable travel mode connectivity but still requires more local employment opportunities to reduce commuting. Conon Bridge is characterised by small light industrial and commercial uses interspersed with but with reasonable setback from adjoining housing areas. The site is sizeable at almost 9 hectares and could/should deliver a small employment use component. Alternative employment use sites at Riverford and the Former Fish Processing Factory may not be deliverable. The respondent's intention to proceed, in the short term, with a 160 residential unit proposal is noted and may provide a suitable addition to the effective Mid Ross HMA housing land supply should the Reporter deem it insufficient (see the Council's response to this issue under the Riverford site heading above). That said, The Council does not agree that any increase in the Plan's site total (115 units) or speed of 10 year phasing (50 units), should be at the expense of delivering non-housing uses.

CB05: Former Fish Processing Site

David Whiteford (1310215)

In February 2021, the site was granted a full planning permission [*] for the uses and housing capacity stated in the Plan. Part of the related flood works were completed in 2022. The respondent's concerns were considered during the planning application process. The site's developer requirements list many of the concerns highlighted by the respondent and these will apply to any new or amended proposal should the permitted scheme not be implemented.

Tulloch Homes per Suller Clark (1218219)

The site's contamination and flood risk constraints are addressed but a change in landownership and perhaps public subsidy may be required to activate the site. The Council believes that the Plan should make best efforts to activate such a large brownfield site which if redeveloped could result in a significant environmental enhancement of the village centre. The permission was issued in 2021 not 2015 after resolution of many of the technical issues associated with the site. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Reporter's conclusions:

Reporter's recommendations:

Issue 28	Dingwall	
Development plan reference:	Dingwall	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Archie Carmichael (1312462) Dariusz Kisiel (1311350) Edwards Developments per Paul Houghton (1312027) Elizabeth Leghorn (1323215) Highland Housing Hub (1154846) Jacqueline Grant (1324110) Janet Appleton (1311182) NatureScot (1266529) Seonaid Grant (1311356) SEPA (906306) Souter and Armstrong per G H Johnston Building Consultants Ltd (1312289) Steven Liddle (1312458) Woodland Trust Scotland (1312249)</p>		
Provision of the development plan to which the issue relates:	Dingwall	
Planning authority's summary of the representation(s):		
<p>Settlement Map 10 Dingwall <u>Archie Carmichael (1312462)</u> Objects to the plan in general, it is just a map of sites, mostly housing, what about a plan that covers jobs, transport, infrastructure. Questions the need for additional housing when there is already insufficient jobs in the area and whether the additional housing will be for rent or owner occupied. Housing should be closer to where jobs are to reduce commuting and help with the climate crisis, a lot of people in Dingwall commute elsewhere for work. There will be a loss of greenspace if housing sites are developed, green space is essential for health. Improved existing infrastructure is more critical than new housing. Local road network is at capacity and in poor condition and will get worse with more housing, is there a plan to improve road and pavement conditions and safety for school children. Questions why issues around the entrance to the Primary School are highlighted, considers this is a lesser issue than wider traffic issues for existing residents of Tulloch Castle Drive which will become worse once the St Andrews Road link is completed and has any work been undertaken to determine the resulting distribution of traffic. Asks why not everyone was consulted on the IMFpLDP2 and seeks clarification on the neighbour notification distance.</p> <p><u>Non-Inclusion of Sites Previously Consulted on</u></p> <p><u>Edwards Developments per Paul Houghton (1312027)</u> Objects to the non-allocation of MIR site DW21. A number of studies have been commissioned to deal with the issues raised by the Council in their original site</p>		

assessment and in particular flood risk. The developer is also willing to provide developer contributions towards Dingwall Academy, Dingwall Primary School and Dingwall Leisure Centre.

Two flood risk assessments have been prepared [*] one of which responds to comments made by SEPA. The reports show that the site is capable of being developed and whilst further detailed modelling will be required at detailed design stage, there is sufficient comfort available to allow the allocation of the site. A Landscape and Visual Appraisal has been prepared which concludes that "the site has extremely limited potential to give rise to substantial landscape or visual effects and that the proposed mitigation can allow it to integrate acceptably with the existing surrounding built form". A Preliminary Ecological Appraisal has been prepared and the conclusions and recommendations of that suggest that the site can be developed without any undue impact on the Cromarty Firth Site of Special Scientific Interest (SSSI) and Cromarty Firth Special Protection Area (SPA) that lie approximately 120m south-east of the survey boundary. The site has no protected species and is not considered to be groundwater dependent.

Souter and Armstrong per G H Johnston Building Consultants Ltd (1312289)

Objects to the non-inclusion of land at Drynie, Dingwall North for the following reasons: it has extant planning permission for 121 houses; submission made at MIR stage has not been duly considered and does not accept the brief comment made by the Council on the submission that this is "a large edge of settlement site which may provide for a longer-term direction of growth for housing once other more central sites are developed." Seeks a full consideration of the site and its status. Supporting statement supplied which refers to their MIR submission [*].

Highland Housing Hub (1154846)

Objects to non-inclusion of land at Gallowhill within the Settlement Development Area as per the current adopted Plan because: development of this land has been a long-held objective; willing landowner; would allow for innovative approaches to providing access to open up development potential of a strategically important site.

DW02 Dingwall North – South of Tulloch Castle

Seonaid Grant (1311356) and Jacqueline Grant (1324110)

Objects to the allocation for the following reasons: poor ground conditions (damp); surface water flooding with water flowing down the hill and lying across from the primary school access; surcharging sewers and gullies due to landslips in the Tulloch Castle Drive area; promised parking at Primary School will not happen; at peak drop off/pick up times at the Primary School, there is traffic congestion and road safety issues for pedestrians (especially children), all of which will increase with more housing; loss of greenspace, only remaining greenspace is either under construction or allocated for housing development; already a loss of habitat and associated protected species (roe deer, badgers, Red Kites, Woodpeckers) impact presumably from nearby construction work; claims rats are appearing due to nearby construction work; Dingwall North does not benefit from good transport links, hills are steep to walk, reduced bus services, bus stops are inconvenient

Steven Liddle (1312458)

Objects unless there is a safeguard for the woodland covered by the Tulloch Castle Designed Landscape and/or by the TPO. Retention of the woodland will provide a visual screen between the development and the primary school, provide a drainage sump and filter to the burn that runs into the woodland, habitat for owls and pheasants, and carbon and noise pollution capture. Also provides opportunity to provide a footpath diversion

through the woodland to the school.

Elizabeth Leghorn (1323215)

Objects to the allocation for the following reasons: loss of greenspace, Dingwall has very few greenspaces and the parkland below the Kinnardie Link Road would be an invaluable asset for the local community in this part of Dingwall, providing space for paths, dedicated cycle lanes and access to the outdoors. Most of the green network for Dingwall consists of wooded areas with little open areas or spaces for play parks; increased traffic on Tulloch Castle Drive which will be compounded by the link up with St. Andrew's Road; impact on active travel route along Tulloch Castle Drive from increased traffic; impact on mature trees; impact on the setting of Tulloch Castle Hotel and the impact on its tourist business; natural heritage impact on woodpeckers, buzzard, red kites and hedgehogs; potential flood risk from run-off on the hill, green space can help mitigate the effects of flooding.

DW03 Dingwall North – St Andrews Road

Archie Carmichael (1312462)

Supports development as having no direct adverse impact but notes this is the first time he has been informed of the development.

DW04 Dochcarty Road East

Janet Appleton (1311182)

Objects to the allocation for the following reasons: adverse impact on woodland; removes a wildlife corridor; provides an amenity buffer between the industrial estate and existing housing; provides a natural defence to flood risk; other better sites available across the road from this site

Dariusz Kisiel (1311350)

Whilst accepting that there is a demand for extra housing, objects to the allocation for the following reasons: flood risk; ground stability issues due to groundwater; would make existing traffic congestion worse and negative impact on pedestrians/cyclists; over-development of site and wider area, too many houses being built in this part of Dingwall; adverse impact on character of area; impact on residential amenity from over-looking, loss of privacy, overshadowing; impact on visual amenity from layout, design and external appearance of buildings and landscaping, no detail is given on this; plot size of the proposed development does not fit with adjacent neighbourhoods; distance between the proposed development and the properties that surround it are of concern; impact on amenity especially on-road parking, loss of green space and a quiet and safe environment; noise and inconvenience from construction; impact on protected trees, wildlife and habitats; infrastructure capacity for water and drainage; site access (one way in and out road-no link road connection) and inadequate parking not in accordance with acceptable standards and would lead to potential safety hazards; impact of tree roots during and after construction; TPOs on site; subsidence risk due to topography of site; lack of capacity in school and health services.

SEPA (906306)

Objects to the site and seeks its removal as an allocation. As identified in the Council's Environmental Report the site is partially within the flood plain of the River Peffery and it has two small watercourses which run through it that are prone to flash flooding. Much of the site is also a wetland. Based on the information currently available the site could not be developed to comply with Scottish Planning Policy.

Woodland Trust Scotland (1312249)

Objects to the allocation as one area of non-ancient Inventory Woodland affected - 1.4 ha (total allocation) NH540598 native lowland deciduous woodland. The developer requirements state "any permanent woodland removal to be assessed against Scottish Government Control of Woodland Removal policy; compensatory tree planting;" As per the Scottish Governments Control of Woodland Removal Policy, there is a strong presumption against removal of UKBAP priority woodland (lowland mixed deciduous) in an area dominated with ancient woodland types. The surrounding area is LEPO native woodland and the site forms a connection from the LEPO woodland along a potential riparian corridor along the River Peffery to further networks of native woodland. Seeks deletion of site (assumed) or if allocation remains then a survey required and the riparian woodland should be protected via a planted buffer to the adjacent woodland to the east.

NatureScot (1266529)

Requests an additional developer requirement for protecting the features of the Cromarty Firth SSSI.

DW06 Dingwall Riverside (North)

SEPA (906306)

Object to the allocation. As identified in the Environment Report all of the site is at risk of flooding and information held by SEPA suggests the land levels are below the local flood level. The site is therefore not suitable for most types of new development. Request it is either removed or the flood risk developer requirement is changed to "Flood risk assessment (only water compatible uses or redevelopment of existing building for similar vulnerability use acceptable in areas shown to be at risk of flooding)."

DW07 Dingwall Riverside (South)

NatureScot (1266529)

Recommends additional developer requirement for proposals to demonstrate how they will protect the qualities of the Cromarty Firth SSSI. The River Peffery is adjacent to the site at the north and, along with the SPA and Ramsar, flows into the Cromarty Firth SSSI. There are opportunities to apply nature-based solutions (NBS) for helping to protect watercourses and at the same time providing other benefits such as active travel routes and wildlife corridors. It is recommended that NBS are included or made clearer within the Developer Requirements.

DW09 Dingwall North - Dochcarty Brae

Highland Housing Hub (1154846)

Supports the existing allocation for community uses but seeks amendment to the allocation to include special needs housing. The Housing Hub has had early discussions with the Council's Education Service about the potential to develop complementary housing adjacent to the proposed school. It is considered that around 12 houses could be accommodated on the site, which would also provide passive security to the school.

DW10 Land to East Of Dingwall Business Park

SEPA (906306)

Objects to the allocation unless either the boundary of the site is revised to match site DW9 in the adopted IMFLDP or the site is removed from the plan. Contrary to what is stated in the Environmental Report nearly all of this site is shown to be at risk of flooding in the detailed River Peffery flood study that was carried out on behalf of the Council. There are also records of flooding on site.

Modifications sought by those submitting representations:

Settlement Map 10 Dingwall

Archie Carmichael (1312462)

Seeks more emphasis on non-housing issues.

Highland Housing Hub (1154846)

Allocate land for housing (assumed)

Edwards Developments per Paul Houghton (1312027)

It is requested that the site is allocated for housing. That allocation can require the submission of a detailed Flood Risk Assessment, as a requirement with a planning application, and such other additional studies as are deemed appropriate.

Souter and Armstrong per G H Johnston Building Consultants Ltd (1312289)

Allocate site (DW11 in the Main Issues Report) for housing with capacity for 121 houses.

DW02 Dingwall North – South of Tulloch Castle

Seonaid Grant (1311356) and Jacqueline Grant (1324110)

Delete site or reduce site by removing land at lower part of the field. More greenspace provided. Ensure parking is provided beside the primary School. Improved transport links.

Steven Liddle (1312458)

Insert a Developer Requirement to safeguard woodland by the Tulloch Castle Designed Landscape and/or by the TPO (assumed).

Elizabeth Leghorn (1323215)

Delete site (assumed)

DW03 Dingwall North – St Andrews Road

Archie Carmichael (1312462)

None

DW04 Dochcarty Road East

NatureScot (1266529)

Additional developer requirement for protecting the features of the Cromarty Firth SSSI.

Janet Appleton (1311182)

Deletion of site (assumed).

Dariusz Kisiel (1311350)

Deletion of site (assumed).

SEPA (906306)

Deletion of site

Woodland Trust Scotland (1312249)

Deletion of site (assumed) or survey required and include a planted buffer between development and adjacent woodland to the east.

DW06 Dingwall Riverside (North)

SEPA (906306)

We object unless either the site is removed from the plan or the flood risk developer requirement is changed to “Flood risk assessment (only water compatible uses or redevelopment of existing building for similar vulnerability use acceptable in areas shown to be at risk of flooding).”

DW07 Dingwall Riverside (South)

NatureScot (1266529)

Additional developer requirement for proposals to demonstrate how they will protect the qualities of the Cromarty Firth SSSI. Include Nature Based Solutions within the Developer Requirements.

DW09 Dingwall North - Dochcarty Brae

Highland Housing Hub (1154846)

Include housing as a use for the allocation.

DW10 Land to East Of Dingwall Business Park

SEPA (906306)

Delete allocation or amend boundary to reflect site DW09 in the aIMFLDP.

Summary of responses (including reasons) by planning authority:

Settlement Map 10 Dingwall

Archie Carmichael (1312462)

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. The levels of growth required are identified through various factors, but for housing, as required within Scottish Planning Policy 2010 (SPP), a key source of evidence is the Housing Need and Demand Assessment. The topic of overall housing land requirement is considered more widely in Issue 3 Housing Requirements.

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 Dingwall is a Tier 1 settlement; Tier 1 settlements are identified as the most sustainable location suitable for a strategic scale of growth. In terms of housing types, the Council's HwLDP Policy 32 Affordable Housing expects all developments of 4 or more houses to contribute towards the delivery of affordable housing by providing at least 25% of the housing as affordable.

Green spaces and green networks are identified on the settlement map for Dingwall.

In any new development, open space including the provision of play facilities will be required to be provided in HwLDP policy 75 Open Space and associated supplementary guidance Open Space in New Residential Development. IMFpLDP2 Policy 2 Nature Protection, Preservation and Enhancement, requires any developments to contribute towards the enhancement of biodiversity, including restoring degraded habitats and building and strengthening nature networks and the connections between them.

In preparing the Proposed Plan, the Council has worked with relevant internal services and key external partners to assess the impacts of development and the necessary infrastructure which would be required to accommodate it. The main infrastructure and mitigation measures required have been set out within the Plan itself (including within

general policies, Placemaking Priorities and Developer Requirements), the associated Delivery Programme and other supporting documents such as the Environmental Report and Habitats Regulations Appraisal. The topic of infrastructure needs and delivery is discussed in more widely within Issue 13: Delivering Development and Infrastructure.

The issues of parking and drop-off at the Primary School continue to be recognised by the Council and this is set out in the settlement text at paragraph 136, a Placemaking Priority is included to provide additional car-parking and drop-off points at Dingwall Primary School and there is a Developer Requirement for Primary School drop off/parking. In terms of road safety for pedestrians, the settlement text at paragraph 138 states that new development in Dingwall North should ensure active travel routes to the schools are factored into the design of any development and there is for allocation DW02, there is a Developer Requirement for assessment and improvement of Safer Routes to School. In terms of localised, site specific issues such road and pavement conditions, these can be dealt with by planning conditions at development management stage. Information on traffic modelling that has been completed by the Council can be found below.

There has been consultation carried out at each stage of the plan process as set out in the Participation Statement. Councils are obliged to write to adjoining postal address premises (buildings) within 20 metres of an allocated site boundary. We voluntarily, wrote to all postal address premises where the centre point of the building was within 50 metres of 1 or more development plan sites.

Edwards Developments per Paul Houghton (1312027)

The land to the rear of Craig Road is grey land within the SDA of the aIMFLDP and is a greenfield site. During the CfS the land was promoted as a potential site for housing.

Due to flood risk constraints, within the MIR it was shown as DW21 Land to Rear of Craig Road, non-preferred for housing. The flood risk affecting parts of the site have been considered via the Strategic Environmental Assessment and it flagged that the eastern section of the site was at risk from coastal flooding, with a historic coastal flood defence, the standard of which is unknown and as such considered unsuitable for housing. During the MIR consultation concerns regarding flooding and drainage issues were raised and the landowner asserted that these issues could be dealt with. Following the MIR consultation, it was reported to the Dingwall and Seaforth Area committee in November 2021 that the eastern section of DW21 is at risk of flooding and considered unsuitable for housing and as such was not recommended to be included as an allocation within the Proposed Plan.

It is acknowledged that the site itself has merit on particular proximity to existing residential areas and relatively easy access to key facilities and employment opportunities (including via active travel and public transport). However taking into account the quantitative need and the constraints associated with the site, there are better alternative housing sites allocated.

Souter and Armstrong per G H Johnston Building Consultants Ltd (1312289)

The land at Drynie Farm is an allocation for housing (DW4 Dingwall North) within the aIMFLDP. During the CfS the land was promoted for housing. In the MIR consultation the site was included as an alternative site for housing (DW11 Dingwall North – Upper Docharty). Following the MIR consultation, it was reported to the Dingwall and Seaforth Area committee in November 2021, that it was considered a large edge of settlement site which may provide for a longer-term direction of growth for housing once other more central sites are developed and as such was not recommended to be included as an

allocation within the Proposed Plan.

The Council recognises that there are merits to the site. It is an existing allocation in the aIMFLDP and it benefits from extant planning permission for 121 serviced house plots (09/00476/FULRC and 17/04044/S42 to vary condition 1). It is conditioned via the planning permission that no development can commence until phase 1 of the Kinnardie Link Road is complete and available for use. However there are road infrastructure constraints in Dingwall which have an impact on the amount of development that can happen and where.

The aIMFLDP refers to the Kinnardie Link Road and that it is required to help deliver improved transport infrastructure in Dingwall. In the aIMFLDP there is reference made in the settlement text that only 90-100 houses can be completed at Dingwall North prior to completion of phase 1 of the Kinnardie Link Road and that completion of phase 1 would facilitate the release of an additional 100 units. However the Kinnardie Link Road has never been built and at present it does not feature in the Council's Capital Programme. The settlement text in IMFpLDP2 states that the Kinnardie Link Road remains a key aspiration for the town and this together with the completion of a road link between St Andrews Road and Chestnut Road remain key in delivering improved transport infrastructure for the town and in Dingwall North.

In light of the Kinnardie Link Road not being taken forward, a transport study was commissioned by the Council to understand the implications of potential housing development on the transport network in Dingwall based on traffic surveys undertaken in 2018. Following the results of the Dingwall Transport Study a report was approved by Ross and Cromarty Area Committee in January 2019 [*] which set out an updated threshold of 150 additional houses that could be built in advance of the Kinnairdie Link Road (KLR) subject to agreed mitigation which included short term improvements to key junctions, traffic management measures and active travel infrastructure requirements.

A subsequent report was taken to the Dingwall and Seaforth Area Committee in August 2022 [*] which recognised that the allocation threshold of 150 houses in advance of the Kinnardie Link Road, has been reached. Additional transport modelling was undertaken in recognition that development had reached the point where residential development was constrained. The modelling confirms that to achieve the level of development contained within the aIMFLDP, construction of the Kinnardie Link Road is required. The modelling shows acceptable traffic distribution around Dingwall with a revised development threshold of 250 homes (150 of these have already been built, consented or in the process of being consented), utilising the St Andrews Road to Chestnut Road Link and Station Road Signal upgrades. The modelling demonstrates that there will be a decrease in traffic using Tulloch Castle Drive, thereby reducing traffic flows near the school, but does show an increase in traffic on Mill Street and Burn Place.

Sites DW01, DW02, DW03 and DW04 in IMFpLDP2 allocate land for 204 houses. However they are considered as viable, central housing sites for the short to medium term, with development either already happening on site or active interest in them. The delivery of development at DW02 and DW03 aides progress with the provision of the road link between St Andrews Road and Chestnut Road. The land at Drynie Farm is more peripheral and provides no additional road linkages. Taking this and the quantitative need for housing, there are better alternative housing sites and accordingly the Council believes the Plan's content should remain unaltered in respect of this issue.

Highland Housing Hub (1154846)

The land at Gallowhill is grey land within the SDA of the aIMFLDP. During the CfS the land was promoted by the Highland Housing Hub, stating that a number of options were being investigated to form a viable access to serve the site. Due to access constraints, within the MIR it was included as an alternative site for housing (DW14 Gallowhill). No comments were received on it. Following the MIR consultation it was reported to the Dingwall and Seaforth Area committee in November 2021, that the land is constrained by a single track road access and as such was not recommended to be included as an allocation within the Proposed Plan. It is unlikely that the initial section of Blackwells Street could be widened due to existing buildings on either side. If the landowner is willing and a viable access could be found for the land, then the Council agrees that it could potentially be a site for housing. However at present there are other better alternative housing sites within Dingwall. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

DW02 Dingwall North – South of Tulloch Castle

Seonaid Grant (1311356) and Jacqueline Grant (1324110) and Elizabeth Leghorn (1323215)

Surface water/drainage

Through the Strategic Environmental Assessment, surface water drainage was not identified as an issue for the site. 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.

Parking, road safety, transport links

The issues of parking and drop-off at the Primary School continue to be recognised by the Council and this is set out in the settlement text at paragraph 136, a Placemaking Priority is included to provide additional car-parking and drop-off points at Dingwall Primary School and there is a Developer Requirement for Primary School drop off/parking. In terms of road safety for pedestrians, the settlement text at paragraph 138 states that new development in Dingwall North should ensure active travel routes to the schools are factored into the design of any development and there is a Developer Requirement for assessment and improvement of Safer Routes to School. This will encourage walking and cycling through sites and beyond with the creation of paths, however it is still acknowledged that the topography may be challenging for some people. In terms of transport links in Dingwall North, as per paragraphs 140 and 141 of IMFpDLP2, the development of sites will aid progress with the provision of the road link between St Andrews Road and Chestnut Road. This link will provide a possible circular route for public transport and would improve connectivity between the housing developments in Dingwall North for all modes of travel. Information on traffic modelling completed by the Council can be found in the Settlement Map section above.

Greenspace

The settlement map for Dingwall shows areas of greenspace and there are considerable areas of it around Dingwall North. Open space including the provision of play facilities will be required to be provided in HwLDP policy 75 Open Space and associated supplementary guidance Open Space in New Residential Development.

Habitat, protected species, trees

Loss of habitat and protected species - Any future developer will have to comply with statutory controls to ensure that protected species are not disturbed. There is also

protection offered through HwLDP Policy 57 Natural, Built and Cultural Heritage, Policy 58 Protected Species and Policy 59 Other Important Species. The land does not form part of any designated site, paragraph 196 of SPP only requires development plans to protect designated areas. It is considered that the Developer Requirement to protect, enhance, and integrate with existing green/blue networks should assist with helping to ensure any habitat loss is minimised and where possible enhanced. Rats are a matter for Environmental Health and not a planning issue. There are Developer Requirements which protect the woodland: TPOs protected and retained; holdback distance of 20 metres generally required between trees or woodland and new development; no construction activity within Root Protection Area.

Built Heritage

Development proposals will be assessed against Policy 57 Natural, Built and Cultural Heritage to ensure any impacts on Tulloch Castle Hotel and its setting are addressed and mitigated. There is also a Developer Requirement to safeguard the fabric, historic character and/or curtilage setting of the Listed Building.

Steven Liddle (1312458)

The (assumed) request to insert a Developer Requirement to safeguard woodland by the Tulloch Castle Designed Landscape and/or by the TPO is considered unnecessary as there are already Developer Requirements which protect the woodland: TPOs protected and retained; holdback distance of 20 metres generally required between trees or woodland and new development; no construction activity within Root Protection Area. A Landscape and Visual Impact Assessment is also required as well as assessment and improvement of Safer Routes to School. Furthermore several HwLDP policies are relevant to trees, in particular Policy 57 Natural, Built and Cultural Heritage provides protection for TPOs, Policy 51 Trees and Development and Policy 52 Principle of Development in Woodland. As such it is considered that the existing developer requirements for the site alongside the HwLDP policy framework provides adequate protection for woodland and accordingly the Council believes the Plan's content should remain unaltered in respect of this issue.

DW03 Dingwall North – St Andrews Road

Archie Carmichael (1312462)

Support for allocation noted. There has been consultation carried out at each stage of the plan process as set out in the Participation Statement [*].

DW04 Dochcarty Road East

Janet Appleton (1311182)

In terms of impact on woodland there is already the following developer requirements: for any permanent woodland removal to be assessed against Scottish Government Control of Woodland Removal policy; compensatory tree planting; Protected Species Survey; habitat survey and avoid areas of wetlands. These are considered sufficient. Any future developer will have to comply with statutory controls to ensure that protected species are not disturbed. Furthermore several HwLDP policies are relevant, in particular Policy 57 Natural, Built and Cultural Heritage provides protection for TPOs, Policy 58 Protected Species, Policy 59 Other Important Species, Policy 51 Trees and Development and Policy 52 Principle of Development in Woodland. As such it is considered that the existing developer requirements for the site alongside the HwLDP policy framework provides adequate protection.

The settlement map for Dingwall shows areas of greenspace and there are considerable

areas of it around Dingwall North. Also, under IMFpLDP2 Policy 2 Nature Protection, Preservation and Enhancement, the development would be required to contribute towards the enhancement of biodiversity, including restoring degraded habitats and building and strengthening nature networks and the connections between them.

The alternative site suggested south of site DW09 is at flood risk and not considered suitable for housing.

Dariusz Kisiel (1311350)

Producing a development plan is related to but separate from handling a planning application. Most importantly, the opportunity for public comment on development plans is totally separate from public comment on planning applications.

Responses to loss of green space, impact on trees and wildlife can be found above. There are no TPOs on the site. Response to traffic modelling can be found in the section on Settlement Map.

Amenity concerns, issues of overlooking or loss of privacy to neighbouring properties, noise from construction, parking and access requirements and the other issues raised can be addressed at the planning application stage and are reflected in the HwLDP general policy 28 Sustainable Design. Potential flood risk is dealt with via an existing developer requirement for a Flood Risk Assessment (no development in areas shown to be at risk of flooding).

The future developer of the site will be required to contribute towards any increased infrastructure provision required as a direct consequence of the development consistent with the Council's Developer Contributions Supplementary Guidance, this includes increased school capacity and upgrades to road infrastructure. Some of the key pieces of infrastructure are not the responsibility of the Council and it is for the infrastructure provider who has the obligation to ensure suitable capacity is in place. In particular, water and waste water is the responsibility of Scottish Water and SEPA and health care is largely provided by NHS Highland. Issues relating to inadequacies with the current service or concerns over plans for upgrading of the assets in Dingwall should be directed to those public agencies directly.

SEPA (906306)

The flood risk affecting parts of the site have been considered through the Strategic Environmental Assessment and a Developer Requirement for a "Flood Risk Assessment (no development in areas shown to be at risk of flooding)" has already been included.

Woodland Trust Scotland (1312249)

A response to impact on trees can be found above. In terms of blue and green corridors there is already a placemaking priority which states: 'Safeguard and enhance blue and green networks especially along the River Peffery'. If the Reporter is so minded the Council would be supportive of including an additional developer requirement for a woodland survey and a buffer between any built development and adjacent woodland to the east.

NatureScot (1266529)

For the sake of brevity - the PDF version of the Plan is already 748 pages long - the Council only references non-European natural heritage designations in site developer requirements if they lie within or are likely to be directly affected by an allocation. The

Cromarty Firth SPA is already referenced in the settlement text. Based on NatureScot's response to the Strategic Environmental Assessment and the HRA, if the Reporter is so minded the Council would be supportive of additional settlement text and developer requirements from the Appropriate Assessment which referenced that there will be no adverse effects on site integrity for the Cromarty Firth SPA in terms of safeguarding water quality from sedimentation and other types of pollution.

DW06 Dingwall Riverside (North)

SEPA (906306)

This a central site within the SDA, containing a mixture of brownfield, woodland, grassland and scrub. It is allocated in the aIMFLDP for Mixed Use (Business, Industrial, Community) and this allocation represents a roll forward of that. There is a mixture of existing, established industrial and business uses in the southwestern section of the site. It continues to provide opportunity for business expansion and employment opportunities.

It is accepted that risk of flooding continues to be an issue for this site and this is acknowledged in the developer requirement already set out in IMFpLDP2 which states: "Flood Risk Assessment (no development in areas shown to be at risk of flooding).

DW07 Dingwall Riverside (South)

NatureScot (1266529)

Development proposals will be assessed against Policy 57 Natural, Built and Cultural Heritage to ensure any impacts are addressed and mitigated, therefore it is not considered that an additional developer requirement for proposals to demonstrate how they will protect the qualities of the Cromarty Firth SSSI is required. If the Reporter is so minded, the Council would support an additional developer requirement for nature-based solutions to protect and enhance water courses.

DW09 Dingwall North - Dochcarty Brae

Highland Housing Hub (1154846)

Support for community use is noted.

In the MIR a larger site (DW10) was shown as an alternative site for development, stating that there may be potential for housing at the eastern end out with the flood risk area. Whilst the site does have merits in that it has a willing landowner, it is less central than other housing sites for housing. Lower lying parts of the larger MIR site are at risk from flooding.

Following the consultation on the MIR a modified and reduced in size section of the MIR site DW10 was identified as a preferred location for the replacement St Clement's School. As such the site is allocated and safeguarded for community uses as a potential site for a replacement St Clement's School. Since the Proposed Plan has been published a report has been to Full Council [*] stating that following the conclusion of the statutory education consultation process, it was recommended to and agreed by Council that St Clement's School be relocated to this site. There is budget provision for a new school in the Council's Capital Programme. There was no mention of housing provision in this report. Any potential housing on the site would need to be at the western end of the site. Whilst it could provide passive security for the school it would also create an island of houses separated from the rest of the town. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

DW10 Land to East Of Dingwall Business Park

SEPA (906306)

The aIMFLDP allocation DW9 that SEPA refers to is allocated for business use. The boundary of the site was guided by the Flood Risk Assessment that had been carried out for the Kinnardie Link Road Planning Application 11/02695/FUL.

In the MIR the site was shown as DW08 Land to East of Dingwall Business Park, preferred for business use and DW17 non-preferred for business use and DW18 non-preferred for mixed uses (industrial, business, retail). Following Elected Member discussion, it was recommended at the Dingwall and Seaforth Area Committee in November 2021 that DW08, DW17 and DW18 be amalgamated into one site and this was shown as allocation DW10 Land to East of Dingwall Business Park in the IMFpLDP2.

The flood risk affecting parts of the site have been considered via the Strategic Environmental Assessment and it flagged that the northern section of the site is at risk of flooding from the River Peffery and flagged appropriate mitigation.

The settlement text in the IMFpLDP2 states that risk of flooding continues to be an issue for some sites particularly around the riverside and Dingwall Business Park and that at Dingwall Business Park proposals will be subject to Flood Risk Assessment and may require the River Peffery Flood Protection Scheme to be in place for some sections of the site to be developed. There are also developer requirements for DW10 which include the following: 'Flood Risk Assessment (no development in areas shown to be at risk of flooding); may require River Peffery Flood Protection Scheme to be in place for some sections of the site to be developed; existing flood bund will require to be upgraded and a maintenance regime established and adopted by the Council; Drainage Impact Assessment'.

The existing flood bund around the Dingwall Business Park provides some relief from flood risk associated with the River Peffery. It had previously been understood that the embankment at Dingwall Business Park was a formal flood prevention scheme. While not brought forward under flood risk legislation it was built by the Council and another public body (HIE) for the specific purpose of flood prevention. However it has become apparent that the bund was not managed and maintained by the Council and has been sold to individual owners so that the embankment is now in multiple private ownership and so is no longer maintained as a flood bund. SEPA now regards it as an informal flood defence. Any development located behind this embankment could be vulnerable to flood risk from embankment failure and/or overtopping. With regards to SPP any protection offered by informal flood defences are not taken into account when considering development behind or benefitting from them. Such developments would be considered within the context of the SPP risk framework as if the embankments did not exist.

SPP says (para 263) that in medium to high flood risk areas (greater than 1:200 years) land in built up areas may be suitable for industrial and commercial development provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan.

HIE commissioned a report in July 2021 to determine the current condition of the bund which determined that works are needed to take it up to the appropriate level of protection (1 in 200 year) required by SPP. A paper was taken to the Council's Economy and Infrastructure Committee in August 2022 [*] and Elected Members approved, in principle, to adopt the flood bund should upgrade works be undertaken.

The preferred options for the River Peffery Flood Protection Scheme were submitted to SEPA for national prioritisation in December 2019. The Council has not yet been made aware of the outcome of that process which would feed into the Scottish Government review of grant funding for eligible schemes. In order to progress a flood scheme for the River Peffery, the Council would require Scottish Government funding and then allocate funding for the balance of the scheme. As outlined above the settlement text and developer requirement already state that the River Peffery Flood Protection Scheme may require to be in place for some sections of the site to be developed.

The site does have positive merits, it is situated on a main roadside and development of business uses are appropriate to surrounding uses. In the IMFpLDP2 Settlement Hierarchy, Dingwall is classed as a Tier 1 Settlement. Tier 1 settlements are identified as the most sustainable location suitable for a strategic scale of growth. IMFpLDP2 is directing most future growth towards the most economically viable and environmentally sustainable places. Together with this and the now significant confidence that the flood bund will be improved to the appropriate standard and then adopted by the Council, and the existing settlement text and developer requirements outlined above, the Council believes that the site can remain as an allocation. As such the Council is resistant to not continuing to allocate the site.

If the Reporter is so minded, the Council would support an additional developer requirement that no development will commence until such times as the bund improvement work has been carried out to the satisfaction of the Council and the Council has formally adopted the bund.

Reporter's conclusions:

Reporter's recommendations:

Issue 40	Maryburgh	
Development plan reference:	Section 4 Places, Maryburgh Settlement, PDF Pages 256-261	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Highland Housing Hub (1154846) Maryburgh Community Council (1323267) SEPA (906306) The Firm of Angus MacLean per GHJ (1312296) Woodland Trust (1312249)</p>		
Provision of the development plan to which the issue relates:	Placemaking Priorities 24, Settlement Map 28 Maryburgh, Development Sites, PDF paragraph 204-208	
Planning authority's summary of the representation(s):		
<p>Settlement Map <u>Highland Housing Hub (1154846)</u> Objects to non-inclusion of land that was formerly part of larger scale allocation MB1 in the aIMFLDP because: the land has direct access to Birch Drive; it forms a relatively level site that is disconnected from the adjacent land to the north west by a sharp fall in land levels; the site is situated directly beside existing housing; and, the land does not suffer from landownership and access issues that hampered development of the wider MB1 site.</p> <p><u>The Firm of Angus MacLean per GHJ (1312296)</u> Objects to non-inclusion of land that was formerly part of larger scale allocation MB1 in the aIMFLDP (and MB05 in the MIR) because: willing landowner; contribution land can make to the sustainable growth of the village and the effective housing land supply target; the Plan doesn't allocate land to meet the target; of its potential to meet a range of affordable and market need and demand; it benefits from an adopted development plan allocation; it has active developer interest (unnamed); the lack of primary school capacity shouldn't be a determining factor because the pupil product from the new houses built may be low; the site's development would fit NPF4's 20-minute neighbourhood concept; the new village employment allocation if developed will provide the demand/need for new housing opportunities which should be within active travel range of those new jobs; and supply indicative masterplan which shows a suitable and viable road access [*].</p> <p>MB02: Land at Birch Drive <u>Woodland Trust (1312249)</u> Objects because: of inevitable loss of woodland; it contravenes the control of woodland removal policy; and, the current developer requirements don't reflect the status of the woodland as an ancient woodland site and the presumption against removal that accompanies it.</p> <p>MB04: Land North of Maryburgh A835 Roundabout <u>Maryburgh Community Council (1323267)</u></p>		

Community objects to industrial units on site because: of adverse visual impact (loss of greenfields and setting of Ben Wyvis) as you approach the village on the NC500; insufficient demand for industrial units as evidenced by empty units at closeby Dingwall Business Park; increased HGV traffic; adverse impact on well used, frontage, active travel route (it may be removed or far more vehicles will have to cross it); and, the coalescence of Maryburgh and Dingwall.

SEPA (906306)

Objects to use of the word ditch or ditches rather than watercourse because the word “ditch” is often used to refer to a man-made drainage feature of little environmental consequence but these watercourses can often be modified natural water features.

Modifications sought by those submitting representations:

Settlement Map

Highland Housing Hub (1154846)

Reallocation of land that was formerly part of the larger scale allocation MB1 in the aIMFLDP.

The Firm of Angus MacLean per GHJ (1312296)

Reallocation of 15 acres of land (map supplied [*]) that was formerly part of the larger scale allocation MB1 in the aIMFLDP (and MB05 in the MIR) for 70 houses, allotments and greenspace.

MB02: Land at Birch Drive

Woodland Trust (1312249)

Remove the woodland section from the allocation.

MB04: Land North of Maryburgh A835 Roundabout

Maryburgh Community Council (1323267)

Deletion of allocation (assumed).

SEPA (906306)

Replacement of the word “ditch(es)” with “watercourse(s)”.

Summary of responses (including reasons) by planning authority:

Settlement Map

Highland Housing Hub (1154846)

Land referenced as site MB1 in the aIMFLDP has been allocated in successive Council development plans for almost 20 years but has never been activated. This is for several reasons notably because of the multiple landownerships and ransoms between them, the lack of volume housebuilder interest, the scale of the allocation, and the need for significant upfront infrastructure investment chiefly in road capacity including a potential new trunk road access on to the A835. Land at MB02 benefits from a recent albeit lapsed planning permission and more developer interest in terms of a commitment to progress the land to application stage. MB02 will improve the capacity of Birch Drive but also utilise that improvement. Similarly, the local primary school at Conon Bridge has limited spare capacity and the Plan’s aim is to concentrate on allocations that are the most environmentally sustainable and economically viable. Fewer but viable allocations, other things being equal, should help ration limited infrastructure capacity and give more certainty to communities, developers and infrastructure providers. The Council accepts

that the land suffers from few physical or environmental constraints but doubts the landowner's intent to activate it in the short term. The landowners and developers of alternative sites have made better efforts to demonstrate effectiveness. The respondent's site wasn't suggested at Call for Sites or Main Issues Report stage and no pre-application proposal has been lodged. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

The Firm of Angus MacLean per GHJ (1312296)

See response to Highland Housing Hub above. The suggested development site has few physical or environmental constraints but suffers from inadequate road capacity. Maryburgh's internal road layout has limited spare capacity and that capacity will be utilised by the two Plan allocated sites. In particular, Plan site MB01 will utilise the spare capacity in West Way at its bridge point constriction. MB1 in the aIMFLDP was always predicated upon a distributor loop road through to Birch Drive and a possible new access to the A835. The respondent's suggested alternative access layout and more direct connection to the A862 would result in the loss of mature woodland. It received permission in 2008 but has not been implemented. The layout also doesn't offer good, direct, active travel connectivity to the rest of the village and its facilities. Although developer interest is referenced, to date, there has been no formal pre-application proposal. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

MB02: Land at Birch Drive

Woodland Trust (1312249)

Site MB02 is reaffirmed rather than the alternatives above because the landowner committed to serious design and feasibility work in obtaining planning permission in principle in May 2016 [*]. This included detail designs for the improvement of Birch Drive, agreement on the detail of compensatory planting, traffic surveys, and a legal agreement addressing the issues of affordable housing and education developer contributions. The woodlands affected are of long established plantation origin albeit they appear on the 1860 "Roy maps". The landowner is undertaking a programme of removing conifers to allow most of the area to revert to native woodland. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

MB04: Land North of Maryburgh A835 Roundabout

Maryburgh Community Council (1323267)

The Council accepts that the allocation land is prominent in public views from the A835 for road users travelling northbound. For this reason, the full extent of the landowner's suggestion at Call for Sites stage [*] is not supported and the allocation boundary is restricted to the lower slopes below the line of large, existing farm buildings. The slope is also characterised by a wind turbine and a high voltage overhead power line. Stringent developer requirements are also added to mitigate landscape and visual impact. The Plan explains the post pandemic recovery rationale for additional employment land allocations. The site is well connected to the strategic trunk and local road networks. Unlike the referenced Dingwall Business Park the land is not subject to flood risk. There is a dearth of smaller Class 4 light industrial units across the Plan area and despite industrial land values being higher than that for residential, the local development industry hasn't responded to that demand. The owner of the allocation is proposing to address this issue. Larger vehicles will access the site but direct from the strategic road network. The developer requirements specify that the existing frontage active travel route must be retained and enhanced including its better connection to Maryburgh. To maintain safety, this might require a lights controlled crossing point across the site's principal vehicular access which may require construction of a roundabout on the A862. The allocation will fill

the gap between Maryburgh and Dingwall but the augmentation of existing boundary woodland will maintain a degree of visual separation. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

SEPA (906306)

The Council's reference to ditch and ditches rather than watercourse(s) was intended to use shorter, plainer language for currently canalised field boundaries. However, using the term watercourse throughout the Plan would be more consistent. If the Reporter is minded to agree with SEPA's representation then the Council would support such a change.

Reporter's conclusions:

Reporter's recommendations:

Issue 41	Muir of Ord	
Development plan reference:	Section 4 Places, Muir of Ord Settlement, PDF Pages 262-268	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Burton Property Trust per Galbraith (1218162) C & S Peterkin (1324451) Danny Mackay (1220759) Ellen Grant (1311136) Kathleen Constanduros per GHJ (1219399) Muir of Ord Community Council (1323337) NatureScot (1266529) Ord Homes Ltd per Reynolds Architecture (1218844) Rachael Probee (1310748)</p>		
Provision of the development plan to which the issue relates:	Placemaking Priorities 25, Settlement Map 29 Muir of Ord, Development Sites, PDF paragraph 209-211	
Planning authority's summary of the representation(s):		
<p>Placemaking Priorities <u>Ellen Grant (1311136)</u> Objects to boundary, scale and opportunity for expansion afforded by Glen Ord industrial allocation zoning (MO04) because: of loss of residential amenity (private houses are very close); loss of cultural heritage; of existing odour pollution from the factory; of existing noise pollution from delivery vehicles; existing air pollution (black soot covering solar panels, cars, windows etc); existing adverse impacts should be mitigated before expansion is considered; of the adverse visual impact of the giant blue factory building on the NC500 tourist route and other existing tourism businesses; and, site MO05 would be much more suitable for the distillery and its expansion.</p> <p><u>Muir of Ord Community Council (1323337)</u> Seeks Plan reference to current issues with Tarradale Primary School and a vision to resolve them because: the school has existing capacity and condition issues which will only be magnified by the new housing development proposed; a new/refurbished school site should be identified and funding secured from the Council's capital programme and developer contributions; the current solution of hiring portacabins is both expensive and takes space away from the school's outside play area; and, the Council's school roll forecasts and building capacity assessment are disputed by the local community. Also seeks amendment to IMFLDP Delivery Programme March 2022 to ensure that community facility developer contributions from developments within Muir of Ord are locally ring fenced to leisure facilities within Muir of Ord not secured against a project in Dingwall.</p> <p><u>Rachael Probee (1310748)</u> Objects to any more housing development because of a lack of local infrastructure</p>		

capacity (the primary school is full, the roads are bad, there is only 1 small shop and public transport is poor).

Settlement Map

Danny Mackay (1220759)

Seeks extension to Settlement Development Area (SDA) to include the small housing group at the end of Hawthorn Road (as per map supplied [*]) because the land: is not open countryside and is within the natural confines of Muir of Ord; is visually self contained by mature coniferous woodland to the north and sloping hills to the south and therefore development in this area will not have any visual or amenity impact; is within active travel range of village facilities such as the school and hall; would allow housing development of a type not available on the other allocated, volume housebuilder sites including self build opportunities which are now endorsed by Scottish Government legislation and guidance; and, will allow an opportunity for family to return to the community in which they grew up. Also, an SDA extension will still allow small scale proposals to be considered on their own individual merits and the Muir of Ord SDA has been drawn more tightly than around other settlements in the Plan.

Kathleen Constanduros per GHJ (1219399)

Objects to the non-inclusion within the Settlement Development Area (SDA) for 4 self or custom build houses of respondent's land on the west side of the settlement at Corry Road (site MO07 in the MIR) because: it was given inadequate consideration by the Council at MIR stage (resupplies case made at that stage [*]); the Plan allocates insufficient land to meet housing requirements and the specified requirements are too low; the land is within active travel range of the community's facilities; the site complies with NPF4's 20 minute neighbourhood concept; the local housing market is buoyant as evidenced by high prices and completions; the site could help address the self build market which larger sites are unlikely to do and could divert pressure from the surrounding open countryside; the site is serviceable and active travel network connections / improvements could be made; development opposite has extended the village boundary in this direction; commercial woodland has been felled and native woodland will be retained and allowed to regenerate; and a protected species survey can be undertaken if required.

Muir of Ord Community Council (1323337)

Seeks merger of sites MO01 and MO03 and the land reclassified as a Mixed Use (community, housing, greenspace and possibly retail) site because: MO01's development should be dependent upon a solution to Tarradale Primary School's condition and capacity and the safeguarding and improvement of other community and recreational facilities; it would allow the formation of a safer road access (through the existing school site) than the one currently permitted from the Black Isle road; and, it would allow more effective local consultation on the precise type and configuration of uses within this wider boundary than occurred for site MO01.

Ord Homes Ltd per Reynolds Architecture (1218844)

Objects to the non-inclusion for housing development of 1.57 hectares of respondent's land adjacent to The Ord Arms Hotel because: it is within the village envelope of Muir of Ord and is a clear 'gap site' between clusters of buildings; the site is of very little use agriculturally due to its size, topography, and ground conditions, suitable only for grazing a limited quantity of livestock; it is not identified in the Plan as protected greenspace; the site's contours can be levelled to a more natural landform; ground conditions (sand and gravel) are suitable for construction and drainage; water, sewerage and power services are adjacent and connection economic; road access has good visibility and is within the

30mph zone, the site is within active travel distance of the community's facilities and connected by an existing footway; bus and rail connectivity is closeby; and, the site could deliver a mix of housing tenures and types including self build plots.

MO01: Lochan Corr

Muir of Ord Community Council (1323337)

Seeks amendments to reference the most up to date planning application history and ownership so that full transparency is demonstrated to local residents.

Rachael Probee (1310748)

Objects because of lack of primary school capacity, loss of greenspace used for walking, increased flood risk and lack of improved active travel and public transport links.

MO02: Land South of the Cairns

C & S Peterkin (1324451)

Seek amendments to reference the most up to date planning application history and layout because the current Plan content is out of date.

Muir of Ord Community Council (1323337)

Seeks amendments to reference the most up to date planning application history and layout because the current Plan content is out of date and may be misleading to local residents.

MO03: Recreation and Leisure Areas

NatureScot (1266529)

Seeks additional Developer Requirements to: protect the integrity of the Moray Firth SPA; protect the Beaully Firth SSSI; utilise opportunities to retain and use existing trees along with new planting to enhance green and blue networks and act as nature-based solutions for protecting water bodies and creating multi-use active travel routes; and, link up with green and blue networks in the adjacent proposed site MO01. All of the above to safeguard and enhance natural heritage.

Rachael Probee (1310748)

Queries whether this site should be reserved for a new / expanded primary school because the Plan's housing sites could generate another 328 or more children.

MO05: Land East of Industrial Estate

Burton Property Trust per Galbraith (1218162)

Supports allocation because: additional industrial land will assist in the promotion of local employment, infrastructure and business growth; the site can be phased in a responsive and flexible to the demand from the local community; careful site masterplanning will mitigate landscape, visual and other environmental impacts; initial feasibility work is underway including road access points from the B9169; the site is serviceable; industrial use enquiries have been received recently proving local need/demand.

NatureScot (1266529)

Suggests an additional Developer Requirement to require nature-based solutions to address the site's flood risk because these would also provide other benefits such as active travel routes and wildlife corridors.

Modifications sought by those submitting representations:

Placemaking Priorities

Ellen Grant (1311136)

Relocation of the distillery and all associated industrial activity to site MO05 or failing that the boundary of site MO04 reduced to the one factory area (not including the warehouses or the visitor centre/ shops etc).

Muir of Ord Community Council (1323337)

Addition of reference to current issues with Tarradale Primary School and a vision to resolve them. Amendment to the IMFLDP Delivery Programme March 2022 to ensure that community facility developer contributions from developments within Muir of Ord are locally ring fenced to leisure facilities within Muir of Ord not secured against a project in Dingwall.

Rachael Probee (1310748)

Deletion of allocations with a housing component (assumed).

Settlement Map

Danny Mackay (1220759)

Extension of Settlement Development Area (SDA) to enclose the small housing group at the end of Hawthorn Road (as per map supplied [*]).

Kathleen Constanduros per GHJ (1219399)

Extension to the Settlement Development Area (SDA) to enclose land on the west side of the settlement at Corry Road (site MO07 in the MIR).

Muir of Ord Community Council (1323337)

Merger of sites MO01 and MO03 and the land reclassified as a Mixed Use (community, housing, greenspace and possibly retail) site.

Ord Homes Ltd per Reynolds Architecture (1218844)

Allocation for housing development of 1.57 hectares of land adjacent to The Ord Arms Hotel.

MO01: Lochan Corr

Muir of Ord Community Council (1323337)

Deletion of reference to Planning Permission 18/05159/PIP and insert most recent planning reference. Add site MO01 'Lochan Corr' into Highland Council ownership within Appendix 3, Table 7.

Rachael Probee (1310748)

Deletion of allocation (assumed).

MO02: Land South of the Cairns

C & S Peterkin (1324451)

Addition of reference to most up to date planning application history and layout.

Muir of Ord Community Council (1323337)

Addition of reference to most up to date planning application history and layout.

MO03: Recreation and Leisure Areas

NatureScot (1266529)

Addition of Developer Requirements to: protect the integrity of the Moray Firth SPA;

protect the Beauy Firth SSSI; utilise opportunities to retain and use existing trees along with new planting to enhance green and blue networks and act as nature-based solutions for protecting water bodies and creating multi-use active travel routes; and, link up with green and blue networks in the adjacent proposed site MO01.

Rachael Probee (1310748)

Unclear.

MO05: Land East of Industrial Estate

Burton Property Trust per Galbraith (1218162)

None (assumed).

NatureScot (1266529)

Additional of Developer Requirement to require nature-based solutions to address the site's flood risk and provide active travel routes and wildlife corridors (assumed).

Summary of responses (including reasons) by planning authority:

Placemaking Priorities

Ellen Grant (1311136)

The Muir of Ord distillery allocation is rolled forward from the aIMFLDP and is intended to safeguard the existing enterprise, allow its intensification or expansion within its ownership boundary, and limit potentially prejudicial development in close proximity to it. The Plan allocation boundary has already been contracted to exclude the northern tip of the aIMFLDP allocation at Old Milton Inn. Given this representation and other verbal requests from neighbours to the west of the distillery then the Council would be content to support the exclusion of other privately owned properties that lie within the current allocation boundary. If the Reporter is minded to agree with this representation then the Council would support the exclusion of the privately owned properties 1-6 Ord Distillery, Orrinside, St Boswells and Easdale (as depicted on [*]) from the boundary of the allocation. The distillery originated in the 1800s and to require its relocation would undermine almost 200 years worth of investment at the current site. It is also a tourist attraction with spin off benefits for the wider settlement which may be harder to realise if located in a modern building in a modern industrial estate. Alleged pollution and other adverse effects from the existing operation are matters outwith the current Plan's process and control.

Muir of Ord Community Council (1323337)

The Plan does not make specific reference to Tarradale Primary School because presently it is operating within its physical capacity (2021/22 roll of 268 versus 342 capacity or 78%) and there is no Council capital programme commitment to fund its expansion either by new build or redevelopment. The current school roll forecast predicts [*] even with the Plan's development allocations that it will stay within its 100% capacity limit throughout the period to 2036/37. However, the Plan through its Delivery Programme [*], recognises that the local school estate has significant challenges in terms of the size, configuration and condition of the current buildings. The Delivery Programme requires developer contributions from housing developments within the catchment at the major extension / new school rate plus land costs. It also references the Council's intention to apply to Scottish Government for funding to replace the school. Allocation MO03 references improved education provision and encloses the existing school buildings to support both the new build or redevelopment options. The Council's response on the collection, ringfencing and use of developer contributions (particularly for community facilities) is set out in Issue 13 GP9: Delivering Development and Infrastructure.

Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Rachael Probee (1310748)

See response to Muir of Ord Community Council above regarding primary school provision. Muir or Ord is a town, benefits from a good range of local community, commercial and employment facilities, has a regular rail connection service, has flatter and more available land than many other Plan settlements, is not unduly affected by flood risk, and has some spare capacity in its infrastructure networks. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Settlement Map

Danny Mackay (1220759)

Muir or Ord, perhaps because of its lack of physical constraints, radial road pattern and multiple landownerships doesn't have as distinct boundaries as many other Highland settlements which are usually bordered by flood plains, steep hillsides and/or estate ownerships. The respondent's suggested Settlement Development Area (SDA) extension would enclose land that is visually self-contained fitting within bordering woodland and a gently rising slope. However, the land is outwith the aIMFLDP and Plan SDAs and is classified as open countryside. The size of the suggested SDA extension would create a large potential infill area off Hawthorn Road which at its end is a narrow single track road with few passing places. The Council's countryside policies allow a new house if at least one of a long list of permissible exceptions apply. The land is reasonably close to the settlement centre but poorly connected to it by all travel modes because of the present narrow width of Hawthorn Road and lack of a footway. Accordingly, any development potential should be limited and safeguarded for developments that meet the countryside policies exceptions criteria. Therefore, the Council believes the Plan should remain unaltered in respect of this issue.

Kathleen Constanduros per GHJ (1219399)

See response to Danny Mackay above regarding Muir or Ord's settlement pattern. The respondent's suggested Settlement Development Area (SDA) extension would enclose land without undue physical constraints but would remove an area of regenerating native woodland. The land is outwith the aIMFLDP and Plan SDAs and is classified as open countryside. The suggested SDA extension would extend the length of frontage development along the Corry Road radial route which is a narrow if straight single track road with passing places. Widening of the road would require land in third party ownership and likely result in the loss of mature roadside trees. The Council's countryside policies allow a new house if at least one of a long list of permissible exceptions apply. The land is reasonably close to the settlement centre but poorly connected to it by all travel modes because of the present narrow width of Corry Road and lack of a footway. Accordingly, any development potential should be limited and safeguarded for developments that meet the countryside policies exceptions criteria. See Issue 3 Housing Requirements regarding the Council's response in disputing the claimed shortfall of effective housing sites. Within the Mid Ross HMA the Plan's 10 year, all sector Housing Supply Target (HST) is 1,043 units and corresponding Housing Land Requirement (HLR) 1,356 units. The Council's 2022 Housing Land Audit (HLA) programmes 1,060 over a similar 10 year period but this total doesn't include small windfall developments. If the Reporter believes that the shortfall relative to the Mid Ross HLR is an issue then the Council in its Schedule 4 responses suggests better (more economically viable and environmentally sustainable) sites than at Corry Road to meet any shortfall. Therefore, the Council believes the Plan should remain unaltered in respect of this issue.

Muir of Ord Community Council (1323337)

See Placemaking Priorities response to community council above. The Council agrees that primary school replacement options should be kept as open as possible. However, it believes that the large land area enclosed within MO03 includes sufficient land to achieve this. In January 2021, a planning permission in principle permission [*] was granted in respect of all of MO01 and the approved indicative layout does not include education use. The permission has no new primary school dependency albeit education developer contributions are secured in respect of the development. Later phases of the development are dependent upon various transport improvements including an active travel link along the Black Isle Road frontage. A full standard connection along this frontage is difficult to achieve because it requires acquisition of third party owned land. The Council is investigating an alternative through land it owns. If, for whatever reason, the permission is not implemented or not fully implemented then an adjustment to the common boundary between MO01 and MO03 could be considered but this is likely to be too late in the Plan process. Such an adjustment would also require a firmer commitment on new school funding to make it worthwhile. A new legislation based local development plan for Highland will commence in 2023 and be completed by 2027/28 and this may be a better timeframe within which to revisit this issue hopefully with a Scottish Government funding commitment for a replacement school.

Ord Homes Ltd per Reynolds Architecture (1218844)

See Settlement Map section responses above regarding Muir or Ord's settlement pattern and Mid Ross HMA housing requirements. The respondent's suggested development site was submitted through the Call for Sites process and consulted upon through the MIR. The land is bordered by development on three sides and by the railway line to the east. Between MIR and Proposed Plan stages, the Settlement Development Area (SDA) was extended to include it in recognition of its infill development potential. The respondent provides further evidence of the site's effectiveness and therefore, if the Reporter believes there is shortfall in the Mid Ross HMA then the Council would support its specific allocation for housing development. The respondent's suggested 20 unit capacity is reasonable given the site's size, location, constraints and the prevailing density of this part of the settlement.

MO01: Lochan Corr

Muir of Ord Community Council (1323337)

The related planning application reference is correct. The planning permission in principle decision notice [*] was issued on 14 January 2021. That application/permission boundary encloses land now owned by the Highland Council. The Council accepts that site MO01 should be added to Plan Appendix 3 - Schedule of land ownership to reflect the Council's acquisition of this land.

Rachael Probee (1310748)

See responses to community council above regarding primary school capacity and an active travel link to the village centre facilities. The respondent's other grounds of objection were addressed during the determination of the application and within the related legal agreement.

MO02: Land South of the Cairns

C & S Peterkin (1324451)

The only non-referenced application is a section 75 agreement modification application 20/00323/S75M which was granted permission in May 2020 [*]. The site's housing

capacity is still 60 units albeit these are to be delivered as a self-contained first phase of the wider site. The overall site/allocation boundary which mirrors the original planning permission in principle is unchanged. The Council agrees that the most recent application / permission reference number should be added to the developer requirements text.

Muir of Ord Community Council (1323337)

See response to the Peterkins above.

MO03: Recreation and Leisure Areas

NatureScot (1266529)

For the sake of brevity - the PDF version of the Plan is already 748 pages long - the Council only references non-European natural heritage designations in site developer requirements if they lie within or are likely to be directly affected by an allocation. The Moray Firth SPA is already referenced. Similarly existing and new planting are already referenced. The developer requirements section is not the appropriate place to set out the reasoning for each requirement particularly where the requirement is common to many sites and can be explained once within the related general policy. The suggestion to link up the green and blue networks between MO01 and MO03 is appropriate and the Council would support its addition if the Reporter is minded to agree.

Rachael Probee (1310748)

See responses to community council above regarding primary school capacity, the potential for a replacement, and where that might be located.

MO05: Land East of Industrial Estate

Burton Property Trust per Galbraith (1218162)

Support noted. The Council welcomes the landowner's progress in activating the site and readiness to consider appropriate mitigation.

NatureScot (1266529)

The site isn't subject to fluvial or coastal flood risk. There are small depressions subject to pluvial risk but these would be smoothed by land recontouring during the construction phase. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Reporter's conclusions:

Reporter's recommendations:

Issue 44	North Kessock	
Development plan reference:	Section 4 Places, Munloch Settlement, PDF Pages 284-288	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>A Tulloch (1271373) Anne Thomas (1323247) Broadland Properties per John Wright (1312044) Cara Thompson (1269104) Knockbain Community Council (1271797) NatureScot (1266529) Owen Smith (1271776) Richard Cole-Hamilton (1271499) S Shaw (1263105) Springfield Homes (1147956) Sue Blaney (1270621) Susan Belford (1310170)</p>		
Provision of the development plan to which the issue relates:	Placemaking Priorities 28, Settlement Map 32 North Kessock, Development Sites, PDF paragraph 221-224	
Planning authority's summary of the representation(s):		
<p>Placemaking Priorities <u>Anne Thomas (1323247)</u> Seeks specific protection for tree belt beyond Tor Gorm Road because it is: important for mental health; used for enjoying nature; used as a path through to the bus stop on the A9; maintained by the community; important to biodiversity in and around the Lochan; development would be right up against the woodland; and, access to the bus stops in Charleston and Coldwell laybys is poor and this cuts the village off from buses to Dingwall and a more frequent service to Inverness (cutting the village off from buses to Fortrose and beyond has resulted in many villagers having to use their cars, particularly due to a long gap in the afternoon). Favours several small park and ride sites especially for bikes at bus stops rather than one big one at North Kessock, which is too close to Inverness to intercept a lot of traffic. Any larger park and ride should increase frequency and range of destinations.</p>		
<p>Settlement Map <u>Broadland Properties per John Wright (1312044)</u> Objects to the non-allocation of Bellfield (South) for residential, business and community uses development of approx. 120-150 homes with same developer requirements as Bellfield Farm allocation (development framework supplied [*]) because: it is an effective and deliverable; it lies adjacent to existing allocations; it is a highly marketable location; respondent has agreed terms and entered legal drafting with a housebuilder who desire a larger capacity; inadequate housing target for Mid Ross HMA and allocated sites won't meet the stated target and North Kessock as a Tier 1 settlement is the best place to meet</p>		

this shortfall; the existing Bellfield Farm allocation developer requirements can be met including a setback from the western boundary and extending public access into this area; the development will fit well in the landscape; a Transport Statement is supplied [*]; it will retain and enhance existing planted areas to deliver a considerable improvement in publicly accessible and useable open space; it will provide an extension of the foot/cycle path network through the site (set back from the core path network to mitigate the experiential impact identified in the site assessment); it will deliver the daylighting of a culverted watercourse through the site; the respondent has a good track record of delivering sites across the Black Isle; the site is free from any physical constraints and contamination; no deficit funding would be required for this proposal to be delivered; and, the site is free of infrastructure constraints with capacity either available or capable of being provided via contributions.

NK01: Bellfield Farm

A Tulloch (1271373)

Objects because: of unsafe oncoming traffic (the access road leading to NK01 runs directly towards respondent's property rather than running parallel to it meaning respondent will feel vulnerable and unsafe whilst in the garden); of increased passing traffic; loss of privacy and quality of life because of no buffer strip to main connecting road; Noise pollution and other disturbance during long construction phase; property depreciation; loss of rural character; inadequate road capacity especially Yairs Rise; lack of winter maintenance on steep access roads; and, roundabout too small for larger vehicles.

Broadland Properties per John Wright (1312044)

Seeks expansion (development framework supplied [*]) of allocation to include lochan and land around it, capacity increased to 180-200 homes, business and community uses, and amended requirements because: the existing greenspace doesn't need to be protected and can be delivered and enhanced as useable open space through developer requirements; agreement has been reached with a housebuilder; inadequate housing target for Mid Ross HMA and allocated sites won't meet the stated target and North Kessock as a Tier 1 settlement is the best place to meet this shortfall; public access into this area can be extended and core paths retained and improved; the development will fit well in the landscape; a Transport Statement is supplied [*]; it will deliver the daylighting of a culverted watercourse through the site; the respondent has a good track record of delivering sites across the Black Isle; the site is free from any physical constraints and contamination; no deficit funding would be required for this proposal to be delivered; the site is free of infrastructure constraints with capacity either available or capable of being provided via contributions; and, the extension of Sgriodan Crescent would be an active travel not a vehicular connection. The development would likely be delivered in 2 phases with the residential coming first which would service the land for non-housing uses to be responsive to demand.

Cara Thompson (1269104)

Objects because of: loss of popular area for wildlife and walkers; loss of greenspace; loss of area where children play which would limit their local play opportunities or make it more dangerous; inadequate infrastructure; and, disturbance to wildlife.

Owen Smith (1271776)

Objects because: concerned planting west of Tor Gorm Road will be lost; need for development setback from lochan; pollution from development shouldn't drain into lochan;

and, previous permission and development plan restricted this area to leisure use (golf club/course).

Richard Cole-Hamilton (1271499)

Objects because conditions for previous planning applications at Bellfield Farm have not been met - most notably the provision of a new golf course. No further development should be permitted until the leisure facilities previously promised have been delivered.

S Shaw (1263105)

Objects because: feared loss of planting west of Tor Gorm Road; loss of or disturbance to species some of which are protected (barn owl, red kites, buzzards, other birds, bees, insects, voles, moles, mice, badgers, foxes, roe deer, bats); potential loss of habitat; lack of a full ecological assessment by Council/developer; loss of green network connectivity across open fields; poor ground conditions and surface water drainage; and, change in natural hydrology and the species that depend upon it.

NK02: Land Adjoining A9 Junction

Broadland Properties per John Wright (1312044)

Objects to uses proposed (should be retail only) and boundary because: land to the north of the A9 cannot be developed for the intended purpose because of a lack of a suitable road access; retail use is more deliverable and more beneficial to local residents; respondent owns most of southern portion of site and has firm retailer operator interest; of resubmitted MIR comments [*]; any negative impacts of a retail proposal can be mitigated; and, an alternative retail site layout submitted [*] is deliverable.

Cara Thompson (1269104)

Objects because: existing laybys already meet this need; inadequate existing A9 junction safety and capacity which would just be worsened by this development; and, the site is too small and the existing mobile food suppliers are a better option.

Knockbain Community Council (1271797)

Objects because: the proposed site is too close to the housing development and will cause nuisance by way of noise and vehicle fumes; the carpark will be a haven for evening car based anti-social behaviour; the entrance and exit to the proposed site is too close to the sliproad/underpass and could create a danger; and, there is an adequate facility already within the village for people to park and ride if they desire.

NatureScot (1266529)

Seeks Plan text clarification that the existing woodland will be retained and protected from development including an appropriate tree root protection area. Also seeks nature-based solutions for addressing flood risk through retaining the existing woodland and through tree planting.

S Shaw (1263105)

Objects because: loss of and/or disturbance to area used by walkers, deer and other insects and animals; a car park will be an eyesore to the village; the existing bus timetable is useless so people won't park and wait for a bus that may never arrive; and, the size of car park will be too small to be effective.

Springfield Homes (1147956)

Objects because: the land north of the A9 has significant topographical constraints making it likely unviable; a very large area of cut will be required thereby creating a significant

landscape/visual impact; the southern area is too small [*] to accommodate a viable number of parking bays (100 is insufficient if a meaningful shift towards sustainable transport is to be achieved); there is no deliverable adjacent land to expand the P&R should it be successful; and, locating the P&R at North Kessock would result in private car trips travelling the majority of the distance to Inverness before drivers/passengers would get out of their vehicle and access a bus (the site is just over 2 miles from the Longman Roundabout) and therefore any saving in car miles would be minimal. Respondent can offer a much better P&R site at Tore because it: will intercept cars much earlier (6 miles) in their journeys therefore reducing more car/km; Tore is on a nodal point for more journeys; fewer cars will pass the accident blackspot Munloch Junction; therefore proposal at Tore would achieve road safety betterment and sustainability enhancement. Respondent is committed to a 200 space P&R in the first phase of its development at Tore. The P&R would be funded and built by respondent as part of its Low Carbon Transport Hub proposals which are currently the subject of a planning application submitted in 2022.

Sue Blaney (1270621)

Objects because: retail use wasn't consulted upon at MIR stage; public toilets are not mentioned which would be essential; it won't divert sufficient traffic to make any appreciable difference to congestion levels; the site will worsen pedestrian safety because local traffic levels will increase and the site is next to housing and close to the school; a retail use will attract more pedestrian movements across busier roads where no pavements exist; and, the existing A9 junction is substandard (slip and joining lanes too short) and the A9 speed limit should be reduced to 50mph all the way to Tore.

NK03: A9 Northbound Car Park

Susan Belford (1310170)

Objects because: respondent's property directly borders the picnic area at the western end of the A9 Northbound Layby; tourism developments can impact negatively on the lives of Highland residents and the environment; local residents contribute far more to Highland life, including the local economy than transient visitors; the related planning application [*] overdeveloped the site with campervan pitches too close to neighbouring properties and local residents; potential for 24-hour noise pollution and littering from use proposed; potential root damage to boundary hedge; no improvement of boundary fences and planting proposed which could have mitigated impact; development may not be financially viable; no clear site management plan; A9 slip and joining lanes too short for slow moving campervan traffic; potential tree damage/loss; it will encourage more campervan and other slow moving vehicle turning movements at the dangerous Munloch A9 junction; the site is shown as protected greenspace within the aIMFLDP; and, there is a local deficiency of useable greenspace.

Modifications sought by those submitting representations:

Placemaking Priorities

Anne Thomas (1323247)

Addition of specific protection for tree belt west of Tor Gorm Road.

Settlement Map

Broadland Properties per John Wright (1312044)

Addition of a new allocation as shown on supplied development framework [*] for residential development at Bellfield Farm (South) with a capacity of 120-150 homes with same (as suggested for amendment by respondent) developer requirements as Bellfield Farm (NK01).

NK01: Bellfield Farm

A Tulloch (1271373)

Delete allocation or an alternative vehicular access road to it (assumed).

Broadland Properties per John Wright (1312044)

Expand allocation to include the lochan, land around it and the tree belt on the east boundary as per supplied development framework [*]. Amend the capacity of the site to 180-200 homes and mixed use (business and community). Delete the greenspace designations.

Cara Thompson (1269104)

Delete allocation or if necessary then only build a limited number of houses to the north side of the farm track.

Owen Smith (1271776)

Addition of clarification that: the tree belt to the west of Tor Gorm Road is excluded from the allocation and will be protected; there will be a considerable development setback from the lochan; uses will be restricted to leisure, business and community (all assumed).

Richard Cole-Hamilton (1271499)

Amendment that uses will be restricted to leisure, business and community (assumed).

S Shaw (1263105)

No development close to the tree belt west of Tor Gorm Road and a reduced scale of development in the field near the lochan and a development setback from it (assumed).

NK02: Land Adjoining A9 Junction

Broadland Properties per John Wright (1312044)

Contraction of allocation to remove the land to the north of the A9. Acceptable uses changed to retail only.

Cara Thompson (1269104)

Delete P&R element and change use to retail (assumed).

Knockbain Community Council (1271797)

Deletion of allocation (assumed).

NatureScot (1266529)

Addition of textual clarification that the existing woodland will be retained and protected from development including an appropriate tree root protection area. Also addition of text supporting nature-based solutions for addressing flood risk through retaining the existing woodland and through tree planting.

S Shaw (1263105)

Deletion of allocation (assumed).

Springfield Homes (1147956)

Deletion of P&R element and reference to P&R proposal at Tore (assumed).

Sue Blaney (1270621)

Deletion of allocation (assumed).

NK03: A9 Northbound Car Park

Susan Belford (1310170)

Deletion of allocation or if pursued then for a far smaller number of pitches with a much larger setback from neighbouring properties, improved boundary planting/fencing and active site management to restrict negative impacts (assumed).

Summary of responses (including reasons) by planning authority:

Placemaking Priorities

Anne Thomas (1323247)

The Plan boundary for NK01 has been drawn to exclude the existing woodland area planted to the west of the Tor Gorm Road houses. The land is not displayed as protected greenspace because it has limited public access and amenity value and is more important just to immediate neighbours. Similarly, the Plan boundaries don't preclude an improved pedestrian access to the westbound A9 bus stop layby although the proposed park and ride facility at NK02 might be a safer if more distant place to access better public transport connections. The current westbound A9 bus stop layby area would require lengthening and/or widening to provide improved pedestrian access and cycle parking. The limited scale of proposed adjoining development is unlikely to justify and fund (via developer contributions) this investment. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Settlement Map

Broadland Properties per John Wright (1312044)

See Issue 3 Housing Requirements regarding the Council's response in disputing the claimed shortfall of effective housing sites. Within the Mid Ross HMA the Plan's 10 year, all sector Housing Supply Target (HST) is 1,043 units and corresponding Housing Land Requirement (HLR) 1,356 units. The Council's 2022 Housing Land Audit (HLA) programmes 1,060 over a similar 10 year period but this total doesn't include small windfall developments. If the Reporter believes that the shortfall relative to the Mid Ross HLR is an issue then the Council in its Schedule 4 responses suggests better (more economically viable and environmentally sustainable) sites than an expansion of NK01 to meet any shortfall. North Kessock has limited capacity in its infrastructure networks and an extra 120 houses beyond the 80 allocated may compromise those networks. The land's marketability is not questioned and the interest of a housebuilder is an indication of the site's effectiveness. However, 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 unjustified for the respondent to claim a good track record of land release. The existing landscaping was planted as a screen/buffer between development parcels not as public open space and should not be claimed as a substitute for accessible public open space which should be integral to the new development area. The landowner's intention to retain the core path is welcomed and the smaller scale development proposal "Bellfield North" Illustrative Masterplan [*] provides a suitable setback to ensure a continued open outlook from the path across the Beaully Firth. So too is the intended daylighting of a culverted watercourse. The addition of "Bellfield South" would compromise the quality of the core path in that part of it would pass through a housing estate rather than offer an unrestricted outlook across the firth. The site is free of significant physical and environmental constraints but a larger development may compromise infrastructure network capacity and therefore require public deficit funding.

The suggested 200 residential unit and related uses scale of the proposal is akin to a City expansion area and although North Kessock functions as a suburb of Inverness in some ways it is physically and visually detached from the rest of the City and currently has poor sustainable mode connectivity to its higher order facilities. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

NK01: Bellfield Farm

A Tulloch (1271373)

See response to Broadland Properties above. The Sgriodan roundabout and its leg to access NK01 have been constructed near to distributor road standard, the leg being approximately 6 metres in width with footways on both its sides. A small section of its footway directly adjoins one front garden (2 Yairs Rise). Therefore, the Council would assert that the existing road construction and its extension will not create a householder safety issue. 80 additional units with the transport mitigation listed within the developer requirements section will not result in significant net detriment to the local road network (although 200 are likely to create the need for further mitigation measures). The Sgriodan road was designed and constructed to allow its extension into the next phase of future development. The existing road access arrangements for 2 and 4 Yairs Rise are awkward and untypical for a full standard distributor road but there is some setback between the properties and the distributor road. Scottish Government national advice now encourages lower design standard accesses to housing areas – i.e. road layouts that slow vehicle speeds by design. Potential noise pollution and construction phase disturbance issues can be addressed by mitigation during the future development management process. The adjoining land is already allocated albeit for business, tourism and leisure uses and therefore the loss of rural character and property depreciation arguments are less relevant. The gradients of the allocated site and the vehicular connection to it are not steep.

Broadland Properties per John Wright (1312044)

See response to Broadland Properties in Settlement Map section above. Clarification that the extension of Sgriodan Crescent would be an active travel not a vehicular connection is welcomed. Clarification that the development would likely be delivered in 2 phases with the residential coming first is contrary to the Plan's developer requirement for timeous delivery of the non-housing uses.

Cara Thompson (1269104)

See NK01 responses above. The Plan does not support any development of the existing landscaped buffer area. The other land is in active agricultural use and is not useable public open space. The large open fields have limited natural heritage / habitat value and the lochan is specified for retention with a suitable development setback.

Owen Smith (1271776)

See NK01 responses above. All development allocations within the Plan's main settlement must have a public sewer connection for foul water or if SEPA agree then a similar standard of private facility treatment. A developer requirement is already added to this effect. At planning application stage, surface water arrangements will need to demonstrate no net detriment in terms of the quality and quantity of surface waters draining to the lochan. The aIMFLDP and the previous planning permission restricted the use of this area to business, tourism and leisure uses but the golf course has not proved a marketable proposition and hotel demand is being met at more commercially competitive sites within Inverness City. In contrast, North Kessock has very limited land options for new housing development and related facilities. The settlement is restricted by a dual carriageway and

high pressure gas pipeline to the north and by firths to the east and south. Hence the emerging Plan revisited the use mix of this land west of the village.

Richard Cole-Hamilton (1271499)

See NK01 responses above. The land available at Bellfield and Lettoch Farms is insufficient to accommodate a full PGA standard 18 hole golf course with appropriate internal and external safety setbacks. Highland and most Scottish golf clubs have seen a recent decline in membership and the Torvean Golf Club in Inverness has successfully reconfigured its course at its existing location so there isn't an existing club wishing to relocate. Recent proposals in Sutherland have been seeking a links course close to Royal Dornoch as a draw for international visitors. The land at North Kessock isn't suitable for a traditional links course. The Council doesn't wish to safeguard the land for a likely unviable use.

S Shaw (1263105)

See NK01 responses above. Large, open, arable fields don't tend to have high habitat, connectivity and ecological value. The land is classified as prime in terms of its land capability for agriculture and has very good ground conditions for development and within curtilage drainage. The developer is proposing deculverting which should further improve local drainage.

NK02: Land Adjoining A9 Junction

Broadland Properties per John Wright (1312044)

The Council only supports a small retail unit at this location as ancillary to the park and ride facility. There appears to be local support for a local shop to serve this end of the village (other village alternatives are not within a reasonable walking distance of the west end of the village). A retail use is complementary to a park and ride facility as a time filler and convenient pick-up point waiting for the next bus and the park and ride facility will generate significant footfall for the unit. It is therefore unfortunate that the majority owner of the southern portion of the allocation opposes the use of the land for this purpose. A park and ride facility would enhance the viability of its retail proposal and the travel mode sustainability of its housing led development proposed for Bellfield Farm. The land north of the A9 can have a separate road access most likely via the construction of a mini roundabout at the existing Drumderfit / Drumsmittal road junction. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Cara Thompson (1269104)

The North Kessock A9 partially grade-separated junction was constructed within the physical and high pressure gas pipeline constraints that determined its less than full standard design. Since its construction its accident record has been far improved. A 50mph A9 speed limit has also been introduced on the Inverness side of the junction. The Council believes that the junction's capacity can accommodate the Plan's allocations and Transport Scotland have not disputed this. However, the Plan recognises that further Transport Assessment and other feasibility work will be required to confirm this when more detailed proposals have been formulated. The existing laybys are distant from the village junction and separated by the closed central reserve, dual carriageway and therefore don't allow an Inverness to North Kessock bus service to perform a short loop turnaround. Village resident active travel connectivity to the eastbound car park is also poor. The park and ride facility could accommodate existing mobile food suppliers as well as a more formal unit. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Knockbain Community Council (1271797)

Existing development only fronts a small part of the allocation and is setback from the allocation boundary by a green verge, a distributor class road width and the retail unit is unlikely to be positioned on the site frontage. The same houses are already in close proximity to a heavily trafficked dual carriageway trunk road so any increase in noise levels are likely to be marginal. The principal local bus operator has already started making the switch to electric vehicles and intends that all its buses will be electric in the near future. Most private drivers are likely to make the same switch within the 10 year Plan period. The design of the car park can militate against evening car based anti-social behaviour. A spur off the existing roundabout exists which is not too close to the sliproad/underpass and won't create a road safety issue. The village centre car park is too far from the village junction to allow an Inverness to North Kessock bus service to perform a short loop turnaround. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

NatureScot (1266529)

There is already a Plan developer requirement to retain existing woodland and set development back from it. New, additional planting is also referenced. The site is not subject to fluvial or coastal flood risk. No net detriment in the surface water drainage regime will almost certainly require permeable parking surfaces and new planting. These matters are already adequately referenced. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

S Shaw (1263105)

See other NK02 responses above. The land is already a focus for travel activity and the disturbance such movement brings. The Council has commissioned a strategic transport appraisal (STAG) of bus priority and modal interchange opportunities on the A9 Corridor (Tore – North Kessock – Longman) and A82 to Rose Street roundabout. The conclusion of this feasibility work is expected in Spring 2023. This will provide the objective-led assessment of the optimum location for a modal interchange on the A9 corridor north of Inverness. The Council has identified the site at North Kessock due to: its closer proximity to the Kessock Bridge where congestion typically begins/ends in the morning/evening peak hours; the existing grade separated crossings of the A9 and existing slip roads; and, the availability of land on the north and south sides of the A9. A park and ride facility at North Kessock will serve a large part of the Black Isle and areas beyond and will need to offer a very regular peak time loop bus service to Inverness to be successful. It will therefore offer a marked improvement on the frequency of the existing service.

Springfield Homes (1147956)

See other NK02 responses above. The Council's further feasibility work will test the optimum size and location of park and ride facility provision on this northern A9 corridor entrance to the City of Inverness. This will include the respondent's suggested location of Tore. Examples elsewhere suggest that such facilities work best at or close to the point of congestion. For the A9 north corridor this is at North Kessock not Tore. Changing to a more sustainable mode earlier in the commuting/shopping journey would better reduce emissions but only if the switch occurs at all. The part bus mode journey will need to be time competitive with the car only journey. Establishing an A9 bus priority lane both ways between Tore and Inverness would move the point of car congestion towards Tore and make the two journey times closer but currently Transport Scotland are not endorsing such a measure. A park and ride facility at Tore should reduce the number of vehicles on the A9 passing the Munloch junction but not the number making the turning movements to and from the B9161. These turning movements are the primary source of the current

safety issue. The respondent's commitment to fund and build a 200 space facility in the first phase of its development at Tore is noted and welcomed.

Sue Blaney (1270621)

See other NK02 responses above. Public toilet provision isn't essential for a park and ride facility if the frequency of the service is very regular and the onward journey is of short duration. If the facility is to be successful then both will need to apply. The facility is not next to the primary school and will not generate additional traffic movements past it. New and improved active travel links to the rest of the village is already listed as a developer requirement.

NK03: A9 Northbound Car Park

Susan Belford (1310170)

The allocation is for a campervan service area which will only be a marginal intensification of the current parking area use. The listed developer requirements address the respondent's concerns about setback from adjoining properties, waste management, planting retention and augmentation and the A9 slip lanes. The recent increase in campervan journeys across Highland has caused localised waste management, congestion and road surface damage issues. In response, the Council and many local community groups are seeking to channel these visitors and their vehicles to dedicated service areas where campervans and mobile homes can stay overnight, access proper chemical toilet disposal and other waste facilities, and be close enough to a settlement's facilities to provide local economic benefit and allow active travel accessibility to those facilities. The North Kessock site is an optimum site for this use because it is an existing car park, at a tourist gateway location, close to village facilities such as the local hotel and shop and has space to accommodate improved waste management facilities. The Council's planning application for a more intensive caravan site development was withdrawn in September 2020. It wouldn't be normal practice for a developer to fund a replacement garden fence for an adjacent householder unless an enhanced boundary treatment is required to offset an adverse effect of the new development. In this case there is a sufficient setback from that boundary for adverse effects to be unlikely. However, any future planning application process could consider this matter when potential adverse effects can better be assessed. Similarly a site management plan is for future consideration. The site is a car park not a public open space. The use will increase turning movements at the allocation site but not at the Munloch A9 junction. The use will better manage existing campervan journey demand across Highland not increase it.

Reporter's conclusions:

Reporter's recommendations:

Issue 49	Tore	
Development plan reference:	Section 4 Places, Tore Settlement, PDF Pages 314-318	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Douglas Macaskill (1323476) SEPA (906306) Springfield (1147956) Woodland Trust (1312249)</p>		
Provision of the development plan to which the issue relates:	Placemaking Priorities 33, Settlement Map 37 Tore, Development Sites, PDF paragraph 247-249	
Planning authority's summary of the representation(s):		
<p>Settlement Map <u>Springfield (1147956)</u> Allocation of respondent's land as per supplied development framework plan [*] because: a)MFLDP identifies Tore as a major expansion settlement; the 2021 MIR described Tore as "a strategically competitive location, central to Inner Moray Firth employment opportunities and at the intersection of trunk and A roads"; and as "a competitive location for industrial and storage uses and existing enterprises may require to be extended"; the Plan's 'Working Paper 1 (Journey Time)' highlights Tore as one of the few settlements which meets the council's requirements for both frequency and competitiveness of travel connectivity to all three major destinations; the Plan accepts Tore is a strategic, sustainable location which is ideally placed to accommodate future development; the Plan's Employment Land section identifies the need for land for distribution and warehousing centres at strategic locations with good transport links; the land has no special ecological, cultural, historic or landscape designation at either national, strategic or local level, there are no insurmountable physical, infrastructural or environmental constraints to future development; subject to appropriate mitigation and investment, safe access, water provision, foul and surface water drainage, flood risk and noise issues can all be satisfactorily accommodated, while contamination is not an issue; the development will provide a far more cost effective and sustainably superior P&R transport solution than the Plan's site at North Kessock; and, the respondent has submitted a planning application to the Council for permission in principle for a low carbon transport hub with an associated mix of Classes 4, 5 and 6 including a park and ride facility, which takes full advantage of Tore's strategic sustainable location on the Black Isle road network in relation to Inverness.</p> <p>TR01: By Woodneuk <u>SEPA (906306)</u> Objects to use of the word ditch or ditches rather than watercourse because the word "ditch" is often used to refer to a man-made drainage feature of little environmental consequence but these watercourses can often be modified natural water features.</p>		

TR02: Land North of the Grain Mill

Douglas Macaskill (1323476)

Objects because: just moved and bought this property, mainly because of the privacy aspect and countryside views; fear of property depreciation; noise pollution; adverse impact on wildlife including protected birds and red squirrels.

SEPA (906306)

Objects to use of the word ditch or ditches rather than watercourse because the word "ditch" is often used to refer to a man-made drainage feature of little environmental consequence but these watercourses can often be modified natural water features.

Woodland Trust (1312249)

Seeks deletion of allocation because: mitigation is likely to be inadequate; the woodland is classified as ancient woodland inventory of long established plantation origin and the species is native; and, it is part of Croftclunie Plantation - the same woodland that is designated as protected greenspace to the east.

Modifications sought by those submitting representations:**Settlement Map**

Springfield (1147956)

Allocation of respondent's land as per supplied development framework plan [*].

TR01: By Woodneuk

SEPA (906306)

Replacement of the word "ditch(es)" with "watercourse(s)".

TR02: Land North of the Grain Mill

Douglas Macaskill (1323476)

Deletion of allocation (assumed).

SEPA (906306)

Replacement of the word "ditch(es)" with "watercourse(s)".

Woodland Trust (1312249)

Deletion of allocation.

Summary of responses (including reasons) by planning authority:**Settlement Map**

Springfield (1147956)

The respondent's purchase of a large landholding at Tore was made with a view to creating a much larger settlement at the location. Springfield's submissions have evolved between Call for Sites, Main Issues Report and Proposed Plan stages. The latest version detailed within the Bogroy Farm Design and Access Statement is described as a Black Isle Gateway and Low Carbon Hub and more plainly as a business park and service centre comprising Use Classes 1-10 excluding Class 9 Residential. The balance of the respondent's landholdings to the south and east are suggested primarily for longer term housing development.

The aIMFLDP supports a major settlement expansion at Tore albeit on different land. The emerging LDP revisited the desirability and feasibility of this scale of growth at this location

and concluded that there wasn't a quantitative need for it in housing terms and that Tore, because it was so distant from a suitable waterbody into which to discharge treated effluent, was not an economically viable location for major development. Springfield's acquisition of the landholding and pre-application work to date is indication of serious housebuilder intent to progress matters. This intent is an indication of effectiveness but, to date, no serious sewerage solution has been proposed. Similarly, the settlement's strategic road accessibility is a benefit in terms of vehicular connectivity but a major constraint in terms of cross settlement active travel connectivity. Proper resolution of this issue such as an overbridge of one or more of the major roads would be very costly. Speed limit reductions and lights controlled active travel crossings may provide cheaper solutions but would be less effective.

The respondent's Figure 5a Development Framework Plan suggests a development led by a commercial uses first phase similar to a major road service area. The later phases would deliver more traditional business and industrial accommodation and employment. Two road accesses are proposed from the non-trunked A832 and land reserved for a central park and ride and low carbon hub facility. The respondent's switch to an employment-led growth area is welcomed. The Plan explains the post pandemic recovery rationale for additional employment land allocations albeit this one is unallocated. The site is close to the strategic trunk and local road networks. There is a dearth of smaller Class 4 light industrial and Class 5 general industrial workshop units across the Plan area and despite industrial land values being higher than that for residential, the local development industry hasn't responded to that demand. However, the scale and speculative nature of the proposal and the absence, to date, of effective sewerage and active travel connectivity solutions to service it, cast doubt on its suitability for inclusion in the Plan as a positive land allocation. The lack of insurmountable physical and environmental constraints is accepted. The Council has commissioned consultants to assess the relative effectiveness of park and ride solutions for this northern A9 corridor entrance to the City of Inverness. This study will report back in spring 2023 and options at North Kessock and Tore will be assessed. The respondent's recent application [*] will be considered by the Council but it may have been preferable to allow the principle of the development to have been tested through the Plan's Examination process before proceeding to application stage.

The use mix, phasing and layout of the most recent proposal is at odds with the respondent's original "new settlement" proposal. The first phase of the latest proposal is a standalone proposal designed for car borne transitory customers which will not form part of a "new settlement" core. The new/relocated primary school is depicted on Figure 12 as the centre of the expanded settlement but has no functional, visual or physical relationship with that first phase development. It would be helpful (for the Council and perhaps the Reporter) if the respondent clarifies how the initial service and employment areas will relate to the rest of the existing and proposed housing areas so that Tore as a whole can better function as a single place.

Given the negatives and uncertainties outlined above, the Council believes the Plan should remain unaltered in respect of this issue.

TR01: By Woodneuk
SEPA (906306)

The Council's reference to ditch and ditches rather than watercourse(s) was intended to use shorter, plainer language for currently canalised field boundaries. However, using the term watercourse throughout the Plan would be more consistent. If the Reporter is minded to agree with SEPA's representation then the Council would support such a change.

TR02: Land North of the Grain Mill

Douglas Macaskill (1323476)

The Plan explains the post pandemic recovery rationale for additional employment land allocations. The site is close to the strategic trunk and local road networks. There is a dearth of smaller Class 4 light industrial and Class 5 general industrial workshop units across the Plan area and despite industrial land values being higher than that for residential, the local development industry hasn't responded to that demand. The allocation is rolled forward from the aIMFLDP and is also intended if required to allow expansion of the adjoining grain silo enterprise onto land less prominent from the A9. The respondent states that his property purchase was recent and therefore his purchasing solicitor's property search would have revealed the existence of the aIMFLDP industrial allocation. The purchase would (or at least should) have been made in full knowledge of the adjoining zoning and its potential adverse implications. A protected species survey is listed as a developer requirement. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

SEPA (906306)

The Council's reference to ditch and ditches rather than watercourse(s) was intended to use shorter, plainer language for currently canalised field boundaries. However, using the term watercourse throughout the Plan would be more consistent. If the Reporter is minded to agree with SEPA's representation then the Council would support such a change.

Woodland Trust (1312249)

The site's developer requirements require woodland retention where possible and compensatory planting within the site boundary where not. The woodlands affected are of long established plantation origin but not, despite the Inventory entry, of high natural heritage value. Natural regeneration largely of birch woodland has occurred across the felled conifer areas. Additional native broadleaf planting could result in a net enhancement of biodiversity at this location. The remaining Croftclunie Plantation to the east is outwith the Settlement Development Area (SDA) and not shown as protected greenspace. It and other areas are depicted as green networks. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Reporter's conclusions:

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Reporter's recommendations:

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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 emptycroft 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 aMFLDP 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 go 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: