

<b>Agenda Item</b>	<b>8</b>
<b>Report No</b>	<b>ECI/05/2023</b>

## HIGHLAND COUNCIL

**Committee:** Economy and Infrastructure

**Date:** 2 February 2023

**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 seeks approval for the Plan to be submitted for examination including the Council's position on strategic matters raised through last year's consultation on the Inner Moray Firth Proposed Local Development Plan. The Council's position on place-specific matters was considered and approved by each of the six relevant Local/City committees during November 2022. 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 strategic issues relevant to the Plan 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 place-specific matters and note the local/City committee agreed 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 Plan includes a number of policies that will improve how development contributes to climate change. It 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 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 consideration by the Committee and at examination, 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 on strategic matters where there has been a significant change in circumstances since December 2021.
- 4.5 Primarily, these relate to the publication of the revised National Planning Framework 4 (NPF4) which was laid before the Scottish Parliament in November 2022 and is scheduled to be adopted in early 2023. NPF4's importance will lie in its statutory status as forming part of every approved development plan in Scotland. It will have an effect on all planning application decisions in Highland. The Plan will have to be compatible with NPF4 unless a variation or additional detail can be justified because of local circumstances.
- 4.6 Secondly, the Plan must assess and address potential adverse effects on protected European natural heritage sites. The appendices contain 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. NatureScot has indicated that additional Plan text can provide adequate mitigation on this issue except in relation to four allocated development sites at Tain which it believes may individually or collectively affect the integrity of Morangie Forest Special Protection Area (capercaillie interest).
- 4.7 Thirdly, an announcement on Green Freeports in Scotland is anticipated and would present a significant change in circumstances. The Plan has been prepared to support the scale of change required to deliver this major opportunity. Both appendices include suggested adjustments to the Council's position to reflect the announcement and its implications. Members will recall that in June 2022 full Council endorsed the Opportunity Cromarty Firth (OCF) bid noting the range of benefits for Highland communities, the potential to attract major inward investment and jobs, alongside custom and tax incentives.
- 4.8 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 in January 2023. The consultation on the Proposed Plan was undertaken within these timescales and the documentation that is before the Committee for approval is considered to be suitable and appropriate for referral to examination. 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 comments on strategic matters. Respondents who submitted late comments are identified in italics.

5.2 Comments received on strategic issues are 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 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 (e.g. 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.
- Many parties dispute the amount, type, availability and location of land earmarked to meet 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 Plan contains 15 policies that apply across the Plan area that are known as General Policies. Comments on each of these policies are briefly summarised in the following bullet points:-

- **Low Carbon** – the majority of respondents raise doubts about achieving the stated 75% reduction in carbon emissions and a number of respondents also highlight concerns over the use of Heat Networks.

- **Nature** – all the development industry, whilst noting their support for protecting biodiversity, don't support the ambitions of the policy and argue it is not compliant with legislation and case law. Other respondents argue it does not go far enough whilst others support it as proposed.
- **Water** – is supported by most respondents but additional clarity is requested by nature protection bodies. Some concerns are raised that the policy mitigation is insufficient to protect the environment.
- **Greenspace** – is strongly supported by local community groups, residents and stakeholders, but the development industry and Scottish Government raise concerns over the criteria used for identifying and protecting greenspaces.
- **Green Networks** – is strongly supported by most respondents although some wish such networks to be identified across more of the Plan area.
- **Town Centre First** - the development industry request policy protection for existing retail parks and other commercial centres within Inverness. Other comments support the Council's approach.
- **Industrial Land** – new and expanded industrial sites are sought to support the OCF project and at Nairn. Housing developers dispute the need to include employment uses within mixed use allocations. Some parties seek far more conditional support for employment uses given the possible environmental implications.
- **Placemaking** – respondents support the design-led approach to achieve better placemaking, but the development industry opposes the cost and delay of auditing their proposals. Community groups seek a better local input in implementing this policy.
- **Infrastructure** - several responses from community groups query 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. Conversely, the development industry bemoans the impact on the viability of their sites because of Plan stated infrastructure requirements.
- **Affordable Housing** - development industry respondents oppose increasing the Inverness City affordable housing quota to 35% and others believe affordable housing should be affordable to all and/or should only be made available for those people with a local connection.
- **Self & Custom Build Housing** – the development industry questions the need for a self and custom build housing policy and raises concerns over how it will operate on higher capacity, volume housebuilder led sites. Other respondents support the policy but seek assurances that the viability assessment and other exception criteria are robust.
- **Growing Settlements** – few comments were received on this criteria-based policy and these query the need for infrastructure improvements and seek better protection of natural heritage interests.

- **Accessible and Adaptable Homes** – there is strong support for the principles of this policy.
- **Transport** – the development industry seeks to dilute the impact of the Council's strategy and policy that favours new building in locations that will encourage travel by more environmentally sustainable modes or in other locations seeking developer contributions to improve connectivity by those modes. Other parties are supportive and/or seek a Council commitment to direct provision of improvements to travel networks.
- **Development Briefs** - the development industry seeks clarification of potential conflicts between development brief and other Plan provisions. Other parties seek clarification and consultation when briefs are produced or renewed.

5.3 The Council's position on place-specific matters raised through the consultation were subject to separate reports approved by each of the six relevant Local/City committees during November 2022. These are detailed in **Appendix 2**.

## 6 Recommended Council Position

6.1 **Appendix 1** contains the Council's case to examination on each strategic issue raised in representations. Cross references to supporting documents are shown as [\*] and will be added post committee. The Council's response on each **strategic issue** is briefly summarised in the following bullet points. In all cases, the Council's existing position remains robust and only minor adjustments and clarifications are suggested.

- **Outcomes** – to reaffirm the Plan Outcomes but to suggest additional text 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 as embodied within NPF4.
- **Settlement Hierarchy** – to reject larger proposals within very small settlements as disproportionate and to direct limited infrastructure funding to where its provision will be the most cost effective and environmentally sustainable.
- **Hinterland** – to retain the existing Hinterland boundary given the mixed comments on this issue and because of the Council's commitment to address climate change partly by reducing the need for unnecessary car-borne travel.
- **Spatial Strategy** – to reaffirm the Plan's Spatial Strategy but suggest clarifications 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.
- **Housing Requirements** – to reaffirm to the Reporter that the Council believes the Plan area's total housing requirement and related housing land supply are sufficient and effective relative to the target set by Scottish Government. The Council has published a Housing Land Audit and a Housing Need and Demand Assessment to evidence this position.

The Plan contains 15 policies that apply across the Plan area that are known as **General Policies**. The Council's response on each is briefly summarised in the following bullet points:-

- **Low Carbon** – to suggest to the Reporter that given that the recent Building Standards Regulations amendments in terms of the energy use of buildings will achieve many of the policy's desired outcomes, that these aspects of the policy be removed. However, in terms of heat networks, the policy's provisions remain robust, necessary and in conformity with NPF4.
- **Nature** – to suggest to the Reporter that the scope of the policy be narrowed to accord with NPF4, the latest research on this topic, and recent case law. A rewording of the policy is also proposed to clarify that net betterment can be achieved either through direct developer provision onsite or by payment of a developer contribution towards offsite provision which must result in net betterment.
- **Water** – to suggest to the Reporter, minor wording changes to provide additional clarity as to which geographical areas the policy applies. Otherwise NatureScot were content that the policy ensures adequate protection of natural heritage interests.
- **Greenspace** – in response to comments received the Council has updated its Greenspace Audit that underpins the policy both in terms of criteria and site assessment which has led to a much more robust and defensible Audit. The development industry criticism over a limited number of sites being identified as protected greenspace are not accepted.
- **Green Networks** – no changes are recommended as the areas identified have been supported but no additional green networks are identified given that doing so for every smaller settlement would be disproportionate to the resources required and benefits derived.
- **Town Centre First** - the existing retail parks and other commercial centres within Inverness don't need protection from other out of city centre commercial development because they are established and largely complete or have extant planning permissions. They don't merit protection because they don't meet all of the Scottish Government's criteria for a town centre, notably they have limited sustainable travel mode connectivity.
- **Industrial Land** – new and expanded industrial sites are suggested to the Reporter to assist the OCF project and to nurture existing enterprises. The requirement for employment uses within housing developments is tempered by a suggestion that it only apply to larger (major application scale) developments.
- **Placemaking** – to reaffirm the policy because of the strong support for adopting a 'design-led approach' and for community input. Minor revisions are suggested to align with NPF4.
- **Infrastructure** - officers intend to review internal policy and practice in relation to community facility developer contributions and this matter is discussed more widely in another report to this committee. An embargo on any growth until all infrastructure networks are improved is impracticable.

More sensibly, the Plan will make most efficient use of existing and future infrastructure capacities. It is reasonable to require a developer to offset all the adverse effects of its proposal. If this makes it unviable then arguably the location, proposal or the developer should be changed rather than the cost of the adverse effects being borne by the public purse or the local community.

- **Affordable Housing** – NPF4 now sets 25% as a minimum for market led housing sites and the Council’s HNDA provides adequate evidence of pressing housing need within the Inverness area. Therefore, the proposed increase to 35% is retained and should be defensible at examination. The affordability of new housing is largely dictated by the level of Scottish Government public subsidy available to housing associations and other providers. Similarly, the ability of these providers to favour those with a local connection is constrained by national housing legislation.
- **Self & Custom Build Housing** – the policy helps implement one of the Plan outcomes and is supported in NPF4. The concerns of the development industry are noted but seen as technical issues that can be overcome. The policy only affects larger sites (over 100 houses) and will deliver a limited number of self or custom build plots which will allow the Council (and industry) to further understand the demand for urban self and custom building.
- **Growing Settlements** – the existing general policy is included in other Highland local development plans and was deemed to be adequate when tested through their examination processes. Accordingly, it is recommended for retention unchanged.
- **Accessible and Adaptable Homes** - subject to a number of refinements, including allowing greater end user adaptation and ensuring the viability assessment is robust, it is recommended that the policy is retained.
- **Transport** – to clarify that the Council continues to assist in the delivery of a range of active travel and other sustainable travel mode network improvements across the Plan area. In response to the development industry, a commitment to consult on the detailed application of the transport policy is suggested.
- **Development Briefs** - the Plan text clarifies that where different provisions of the Council’s approved development plan documentation appear to be in conflict then the most up to date provisions will prevail. This approach mirrors the principle established within primary planning legislation. Affected parties will be consulted if and when a new development brief is produced, or significant changes proposed to any approved brief.

6.2 The Council’s position on **place-specific matters** was endorsed by the six relevant Local/City committees during November 2022. These are detailed in **Appendix 2**.



## 7 Next Steps

- 7.1 Following Committee approval then it is intended to submit the Plan, the schedules in both appendices, 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: 7 January 2023

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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  
6. Local/City Committee Minutes: November 2022  
7. Housing Need and Demand Assessment: December 2021  
8. Housing Land Audit: 2023  
9. National Planning Framework 4: 2023

The above information is available at: [www.highland.gov.uk/imfldp](http://www.highland.gov.uk/imfldp)

## APPENDIX 1: STRATEGIC MATTERS

<b>Issue 1</b>	<b>Vision and Outcomes and Plan General</b>	
<b>Development plan reference:</b>	Section 1 Vision and Outcomes, PDF Pages 28-29	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<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 &amp; Drummond Community Council (1270300)  Marcin Blazynski (1310135)  Ministry of Defence (1270246)  Nairn River Community Council (1312260)  Nairn West &amp; 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>		
<b>Provision of the development plan to which the issue relates:</b>	Table 1 Topics and Outcomes, claimed omissions from Plan	
<b>Planning authority's summary of the representation(s):</b>		

## **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 HND/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 [redacted] 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 4<sup>th</sup> 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 has changed. In line with this new 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 approved Scottish Government planning and transport policy is to encourage LPAs to identify, support through permissions, and then protect an optimum network of "city, town and local" centres. National Planning Framework 4 (NPF4) also supports proposals to improve the sustainability of existing commercial centres. NPF4's Annex F Glossary defines town centres and commercial centres but, unhelpfully, does not define local centres. It is unclear whether existing commercial centres merit identification and protection or not. The Council believes it reasonable to assume that the NPF4 Glossary's 5 tests of, or criteria to define, a town centre should be applied to decide whether a commercial, district or neighbourhood centre merits definition and protection as a "local centre". The respondent's site lies outwith the boundary of the Inshes Commercial Centre as identified within the aIMFLDP. The Inshes Commercial Centre fails 3 of the 5 tests of a town centre in being predominantly a retail park, with no placemaking merit, and with very little evening social activity. The Council agrees with NPF's desire, where possible, to retrofit large retail parks as something more attractive and sustainable. This means better sustainable travel mode connectivity, a more diverse mix of land uses and a more attractive physical environment where people will wish to meet and linger at all times of day. The respondent's various proposals for this landholding do very little in this regard. The indicative layout of the latest related application [redacted] is still an uncompromising retail park layout extension to a retail park. No additional commitments are made to make the layout more accessible to sustainable travel modes.

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 are that these lower tier centres don't meet all the NPF4 "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 NPF4 "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 NPF4 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. NPF4’s definition of the 20 minute neighbourhood concept now offers greater certainty on policy intent and application and therefore 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:**



<b>Issue 2</b>	<b>Spatial Strategy</b>	
<b>Development plan reference:</b>	Section 2 Spatial Strategy, PDF Pages 30-39	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<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 &amp; Suburban Community Council (1323971)  NatureScot (1266529)  Network Rail (1312503)  Port of Inverness per G&amp;S (1220786)  Rachael Probee (1310748)  Scottish Government (963027)  SSEN (1311702)  Steve North (1263190)  Woodland Trust (1312249)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Settlement Hierarchy (Table 2), Rural Housing Hinterland Area (Map 2), Spatial Strategy Map (Map 1)	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Settlement Hierarchy (Table 2)</b>  Aird Community Trust (1311972)</p>		



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 Maguire (1312382)

Supports hierarchy based on relative sustainability of each settlement.

NatureScot (1266529)

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

Network Rail (1312503)

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

Rachael Probee (1310748)

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

Steve North (1263190)

Supports Plan approach as helping both sustainability and viability.

Woodland Trust (1312249)

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

**Rural Housing Hinterland Area (Map 2)**

Antonia Wright (1311246)

Objects (no reasons stated).

Ballifeary Community Council (1312380)

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

Broadland Properties per John Wright (1312043)

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

HIE per Turnberry (1312470)

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

Homes for Scotland (966619)

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

Iain Nelson (1323043)

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

Jane Shadforth (1323040)

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

Kirkwood Homes per EMAC Planning (1270584)

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

year housing land supply.

Lynne West (1311763)

Supports (no reasons stated).

Macdonald Hotels per Pegasus group (1312504)

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

MacLennans per GHJ (1312467)

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

Mark Gunn (1312546)

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

Meadhbh Maguire (1312382)

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

Rachael Probee (1310748)

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

Steve North (1263190)

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

Woodland Trust (1312249)

Supports area and policy but seeks Plan recognition of the adverse impact of countryside development on nature not just climate and increased emissions. The impacts on nature

can include breaking up ecological connectivity and fragmenting habitats particularly (ancient) woodlands.

### **Spatial Strategy Map (Map 1)**

#### Andrew Ashcroft (1310631)

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

#### Andrew Jones (1324077)

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

#### Antonia Wright (1311246)

Objects (no reasons stated).

#### Bòrd na Gàidhlig (1323448)

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

#### Broadland Properties per John Wright (1312043)

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

#### Donald Begg (1312031)

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

#### Dorothy Getliffe (1270774)

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

#### Fred Olson per JLL (1311832)

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

#### Iain Nelson (1323043)

Supports but must balance improvements to infrastructure with realistic expectations for

development of industry and tourism. Plan area shouldn't be a giant holiday park and/or an industrial site.

Jane Shadforth (1323040)

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

Joan Noble (931076)

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

Katie Walter (1323046)

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

Lynne West (1311763)

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

Nairn River Community Council (1312260)

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

Nairn West & Suburban Community Council (1323971)

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

NatureScot (1266529)

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

Port of Inverness per G&S (1220786)

Reports that Port of Inverness is part of the Opportunity Cromarty Firth (OCF) consortium bid for Green Freeport status. Supports Plan's reference to OCF. Asserts that the Ports Harbour Gait proposal will support both the renewable sector and tourism. It will also

provide enhanced integration between Inverness City Centre and waterfront through active travel links and delivery of the Maritime Heritage Trail.

Rachael Probee (1310748)

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

Scottish Government (963027)

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

SSEN (1311702)

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

Steve North (1263190)

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

**Modifications sought by those submitting representations:**

**Settlement Hierarchy (Table 2)**

Aird Community Trust (1311972)

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

Andrew Ashcroft (1310631)

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

Antonia Wright (1311246)

None (assumed).

Broadland Properties per John Wright (1312043)

Clarification that a settlement's position in the hierarchy will not dictate the Council's response to a development proposal within that settlement (assumed).

Highland Housing Hub (1154846)

Addition of Pitcalnie (Nigg) as a growing settlement.

Homes for Scotland (966619)

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

Iain Nelson (1323043)

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

Jane Shadforth (1323040)

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

Katie Walter (1323046)

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

Meadhbh Maquire (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 Maquire (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. Although NPF4's provisions classify parts of the Plan's Hinterland area as "remote rural areas" sporadic housing development in these locations would not meet the three criteria listed in NPF4 Policy 17 c) i-iii. In particular these locations don't contain fragile communities and encouraging car dependent commuter housing in open countryside locations is not the way to address the climate

crisis.

Broadland Properties per John Wright (1312043)

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

HIE per Turnberry (1312470)

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

Homes for Scotland (966619)

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

Iain Nelson (1323043)

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

Jane Shadforth (1323040)

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

Kirkwood Homes per EMAC Planning (1270584)

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

Lynne West (1311763)

Noted.

Macdonald Hotels per Pegasus group (1312504)

See Issue 37: East Inverness for the Council's response to the site's suitability as a City development allocation. This part of the City fringe is characterised by small farm based housing groups other sporadic rural development and the Drumossie Hotel which was sited at this location because it was on the old A9, close to Inverness, with an elevated, attractive outlook and a rural ambiance. The aIMFLDP enclosed the land either side of the A9 within the Inverness Settlement Development Area (SDA) so that important woodland belts could be identified and safeguarded and that limited development opportunities could be supported where existing housing and other building groups exist and can be extended. The Drumossie Hotel wasn't developed to be in the City. It was constructed as a traditional roadside motor touring hotel in the 1930s. The adjoining aIMFLDP IN90 allocation recognises the tourism or business potential of this land which is one of very few in Highland that is close to a high capacity grade separated trunk road junction and at the visual gateway to the Inner Moray Firth. The Council accepts that the site is part

developed, has existing use permissions and is not of prime agricultural quality. The Plan's decision to draw in the SDA either side of the A9 on this approach to Inverness was based on recent pressure for larger housing developments and the poor environmental sustainability of the location in particular its poor active travel and public transport connectivity. It is up a steep hill, not close to community facilities and next to a busy, noisy trunk road so isn't a good housing development site. The Hinterland policy supports the expansion of existing rural businesses including ancillary housing accommodation. For example, hotel worker accommodation would be acceptable in principle on this site. The nature of the respondent's proposal is unclear but mainstream market housing would be unacceptable at this location because of its environmental sustainability challenges. The presence of the listed building adds another development constraint. Retirement accommodation without a functional connection to the existing hotel would create the same environmental sustainability challenges as mainstream housing. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

MacLennans per GHJ (1312467)

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

Mark Gunn (1312546)

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

Meadhbh Maguire (1312382)

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

Rachael Probee (1310748)

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

Steve North (1263190)

Support noted. Consistent application and enforcement of the provisions of any policy is important but circumstances can be very varied with small scale rural developments and local politics can also play a part. The lack of suitably sized and located industrial land within the nearest main settlement can also tilt the balance in favour of rural sites. Some industrial or "bad neighbour" uses such as kennels and catteries are more suited to a rural

location without immediate neighbours.

Woodland Trust (1312249)

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

**Spatial Strategy Map (Map 1)**

Andrew Ashcroft (1310631)

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

Andrew Jones (1324077)

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

Antonia Wright (1311246)

Noted.

Bòrd na Gàidhlig (1323448)

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

Broadland Properties per John Wright (1312043)

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

Donald Begg (1312031)

Noted. Adequate road space capacity is vital to most forms of local travel whether its active, bus priority, in electric vehicles or by fossil fuel cars. The spatial strategy doesn’t direct development to sites near the trunk road network but adequate road network capacity for all users is one of many factors determining the strategy, the settlement hierarchy and site selection within settlements. Some large scale industrial allocations require good strategic road network connectivity and some tourism and commercial uses

gain a competitive economic advantage in being visible from and accessible to that same network. The Plan takes account of these requirements in its site selections.

Dorothy Getliffe (1270774)

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

Fred Olson per JLL (1311832)

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

Iain Nelson (1323043)

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

Jane Shadforth (1323040)

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

Joan Noble (931076)

The NC500 promoters have via their website diversified the information about off route attractions and facilities. HwLDP Policy 42, already, in its 3<sup>rd</sup> 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 prejudice 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 [4]. 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 NPF4 requirements on this matter.

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:**

<b>Issue 3</b>	<b>Housing Requirements</b>	
<b>Development plan reference:</b>	Section 2, PDF Pages 33-36	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Antonia Wright (1311246)  Broadland Properties per John Wright (1312043)  Forbes per Grant and Geoghegan (G&amp;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 &amp; 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>		
<b>Provision of the development plan to which the issue relates:</b>	Housing Requirements, Table 3	
<b>Planning authority's summary of the representation(s):</b>		
<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 &amp; 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 Kessock 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 [2] and 2020 HNDA [3]. 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 NPF4);
- incorporating an additional 30% generosity/flexibility allowance (similar to the approach adopted by Scottish Government for Highland within 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. NPF4 has now been adopted with no changes to the revised NPF4 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/or 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 (HLR) 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 sites across the Plan area. It demonstrates that the aIMFLDP allocates sufficient effective land combined with known existing larger (4 or more unit sites) windfall development and an assumed 980 units for (1-3 unit) smaller windfall developments. All these sources should deliver 8,928 units over the period 2022-2032 relative to 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 expected programming of IMFpLDP2 sites combined with likely windfall development should deliver an even greater excess relative to the HLR and HST targets. 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 [1]. 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 [1] 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 [1]. 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 [1] 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 private 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 unjustified 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. The Easter Ross Area Committee on 8 November 2022 approved [\[\\*\]](#) a Council commitment to review the development plan’s provisions for the Easter Ross area within two years of a successful Opportunity Cromarty Firth bid to ensure adequate housing land is available to support economic growth. The same Committee also agreed to highlight to the Reporter the view of the Easter Ross Area Committee that the IMFLDP2 provisions must be flexible, adaptable and subject to timely and regular review.

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:**

<b>Issue 4</b>	<b>Transport Strategy and Policy</b>	
<b>Development plan reference:</b>	Connectivity Section, PDF pages 73-81	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Aird Community Trust (1311972)  Anne Thomas (1323247)  Broadland Properties per John Wright Planning (1312044)  Christine Farrar (1312491)  Donald Begg (1312031)  Forbes per Grant and Geoghegan (1271817)  Glen Urquhart Community Council (1323049)  Hercules Unit Trust per Burnetts (968628)  HIE per Turnberry (1312470)  Homes for Scotland (1312434)  Kirkwood Homes per EMAC Planning (1312497)  Laura Keel (1312277)  Lidl per Keith Hargest Planning (1312411)  Lynne West (1311763)  Nairn River Community Council (1312260)  NatureScot (1266529)  Network Rail (1312503)  Paul Bole (1252634)  Rachael Probee (1310748)  SEPA (906306)  Springfield Properties (1147956)</p>		
<b>Provision of the development plan to which the issue relates:</b>	PDF paragraphs 87-96, General Policy 14 Transport, Map 3 Transport Strategy, Map 4 Active Travel Network	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Transport Strategy</b>  <u>Lynne West (1311763)</u>  Supports strategic transport route improvements, suggests Council should support shared electric transport for rural settlements that have no or poor public transport connectivity, and electric vehicle charging infrastructure to support local and tourist demand.</p> <p><u>Aird Community Trust (1311972)</u>  Supports identification of active travel connections between settlements, and improving public transport and rail halts, including at Lentrán. Suggests Council-led initiatives are the best approach to deliver such infrastructure.</p> <p><u>Donald Begg (1312031)</u>  Objects to Plan's Transport Strategy because the Highland weather, lack of secure cycle storage, and logistics of transporting purchased goods all inhibit active travel as a modal</p>		



choice. Suggests travel behaviour is returning to pre-pandemic patterns with people back in the office and that new housing will result in an inevitable increase in car use. Questions the sustainability of non-combustion engine vehicles and suggests road infrastructure improvements are essential in Inverness.

Nairn River Community Council (1312260)

Raises concern that Scottish Government does not have a date committed for the construction of Nairn Bypass and that this will impact on the ability of the transport network to accommodate further development. Raises concern that there is insufficient investment in non-car modes, that travel plan-based mitigation in buses is time limited and suggests there is potential for negative implications of the increasing age profile of people moving to Highland. Suggests that there will be a significant increase in commercial development along the A96 corridor leading to detrimental impacts on Nairn that should therefore be mitigated by prohibiting any additional junctions onto the existing A96.

Paul Bole (1252634)

Objects to delivering new build active travel routes. Suggests instead that existing routes should be cleaned for use.

Rachael Probee (1310748)

Objects to the Plan's transport strategy because: public transport services are being cut; distances to bigger settlements are beyond active travel distance; and, electric vehicles are unaffordable for most people.

Network Rail (1312503)

Objects to the Plan's transport strategy, noting that any requirements arising from development proposals must be identified in the Plan, and will not be considered within committed Network Rail funding. Outlines Far North Line capacity improvements are being progressed for passengers and freight. Objects to the transport strategy not highlighting the role of Inverness Rail Station for transport interchange and emerging improvements to it through the ongoing Inverness Station Masterplan work with partners. Objects to the absence of specific policy support for freight enhancement and decarbonisation, and a shift from road to rail for freight, beyond the support the Plan provides for individual sites. Outlines that Network Rail is currently developing a strategy to deliver this during the lifetime of Plan. Outlines the decarbonisation plans for the Perth to Inverness Highland mainline, and lines that run within and beyond the Plan area.

NatureScot (1266529)

Objects to the proposed transport strategy, noting that 20-minute neighbourhoods should be included and further emphasis on the role of green networks in providing active travel opportunities as well as providing biodiversity and climate change solutions.

**Map 4 Active Travel Network**

Aird Community Trust (1311972)

Supports development of an Inverness to Beaulieu active travel route as a single, Council-led project.

Christine Farrar (1312491)

Supports the principle of improving active travel infrastructure, particularly to improve safety through provision of segregated routes.

Glen Urquhart CC (1323049)

Objects to the proposed Active Travel Network because Glen Urquhart and Drumnadrochit

is omitted. Outlines that the community council is seeking to improve the active travel network, including creation of a Loch Ness Hub.

Rachael Probee (1310748)

Objects to proposed active travel network on basis that it will not be delivered due to other local services being cut.

Anne Thomas (1323247)

Objects to proposed active travel network because it does not identify a Loch Ness circular route, that has previously been discussed.

**General Policy 14 Transport**

Nairn River Community Council (1312260)

Suggests that Policy 14 contradicts Council's response to NPF4 consultation, because it does not recognise the higher level of car dependence in Highland.

Donald Begg (1312031)

Objects because the local weather, topography, lack of cycle storage, and the limited proportion of the population physically able to travel actively make it unviable for the wider population (assumed).

Laura Keel (1312277)

Supports policy but observes that there is a lack of quality information, smart technology, and promotion of public transport services, alongside a lack of facilities to support people to live well locally within the principle of a 20-minute neighbourhood (assumed).

SEPA (906306)

Supports (no reasons stated).

Lidl per Keith Hargest Planning (1312411)

Objects to Policy 14 and its potential conflict with policies within the adopted HwLDP. Suggests there is a conflict between Policy 14 and Appendix 2, with the former omitting information contained in the latter explaining that this aspect does not form a material consideration for decisions made during the lifetime of the Proposed Plan.

Broadland Properties per John Wright Planning (1312044)

Objects to policy because the Plan area is too rural and the population density too low for the approach to be practical. Suggests electric car uptake and a ban on internal combustion vehicles should be considered as mitigation to decarbonise transport. Suggests that the methodology to assess journey time competitiveness is unintelligible unless all the information about is made available within the Plan. Also it lacks a threshold for its application. The goal it seeks to achieve is unrealistic in the short to medium term. Suggests many locations will not have public or active travel infrastructure that is preferable, resulting in an unreasonable development moratorium in certain places, to their disadvantage. Suggests making clear that any contributions sought will be under the terms of Circular 3/2012.

Kirkwood Homes per EMAC Planning (1312497)

Objects to policy because the Plan area is too rural and the population density too low for the approach to be practical. Suggests electric car uptake and a ban on internal combustion vehicles should be considered as mitigation to decarbonise transport. Suggests that the methodology to assess journey time competitiveness is unintelligible unless all the information about is made available within the Plan. Also it lacks a threshold

for its application. The goal it seeks to achieve is unrealistic in the short to medium term. Suggests many locations will not have public or active travel infrastructure that is preferable, resulting in an unreasonable development moratorium in certain places, to their disadvantage. Suggests making clear that any contributions sought will be under the terms of Circular 3/2012.

Hercules Unit Trust per Burnetts (968628)

Objects to policy because it is convoluted, cumbersome, onerous and unnecessary for small-scale proposals. Suggests it should be applied only to 'Major Developments' as defined in the TCP (Hierarchy of Development) (Scotland) Regulations 2009. Suggests developer contributions should only be sought where travel generating impacts are likely to be significant and require mitigation for the proposal to be made acceptable and should only be sought where specific interventions are required.

Forbes per Grant and Geoghegan (1271817)

Objects to policy being applied to a site allocated in the Local Development Plan because the Council has already indicated support in principle for that location as sustainable through its site selection process.

HIE per Turnberry (1312470)

Objects to policy because: the tests included will be too onerous for many sites to achieve; no 'impact assessment' has been prepared to support Policy 14 as required by SPP and the DPMTAG guidance; and, a new policy being retrofitted to an existing development could harm further development coming forward.

Rachael Probee (1310748)

Objects because cuts to existing services mean public transport cannot be relied upon.

Network Rail (1312503)

Objects because: explicit reference to the railway as a form of sustainable transport is missing; no reference is made to Transport Assessments considering rail and road impacts, including the need to upgrade rail infrastructure or facilities to absorb impacts of new development; and, no reference is made to the railway network under developer contributions. Also objects because no acknowledgement is made that Network Rail should be excluded from making developer contributions as a publicly owned body. Highlights that numerous level crossings are present in the Plan area and that Network Rail will only permit new level crossings in exceptional circumstances.

Homes for Scotland (1312434)

Objects to policy because the Plan area is too rural and the population density too low for the approach to be practical. Suggests electric car uptake and a ban on internal combustion vehicles should be considered as mitigation to decarbonise transport. Suggests that the methodology to assess journey time competitiveness is unintelligible unless all the information about it is made available within the Plan. Also it lacks a threshold for its application. The goal it seeks to achieve is unrealistic in the short to medium term. Suggests many locations will not have public or active travel infrastructure that is preferable, resulting in an unreasonable development moratorium in certain places, to their disadvantage. Suggests making clear that any contributions sought will be under the terms of Circular 3/2012.

Springfield Properties PLC (1147956)

Objects because policy appears to be applying strategic transport matters to sites retrospectively, after the Plan is adopted and sites are allocated. Suggests this introduces

doubt as to the viability of sites that are otherwise considered effective, through their allocation in the Plan. Considers that the background papers to the journey time methodology deal with strategic-scale policy for the plan-making process rather than the development management planning process. Objects because it is not considered appropriate for an applicant to be required to undertake an appraisal process for a site already allocated in the Plan, subject to detailed matters not considered during the planning process. Mitigation for allocated sites should be identified in the Plan. Supports the views expressed in the representation to the Proposed Plan made by Homes for Scotland.

#### **Modifications sought by those submitting representations:**

##### **Transport Strategy**

###### Network Rail (1312503)

Addition of: specific reference to Inverness Station in Transport Strategy section of the Plan; general policy support for rail freight enhancement and railway decarbonisation; and, general policy support for improvements to the Far North Line.

###### NatureScot (1266529)

Addition of reference to the 20-minute neighbourhood concept within the transport strategy and inclusion of the following text to para. 103: "To ensure we have a healthy, active population, walking wheeling and cycling should be the easiest way to move around, and green networks can provide attractive active travel routes whilst increasing biodiversity and providing nature-based solutions for tackling climate change."

###### Paul Bole (1252634)

Deletion of all Plan references to new build active travel routes (assumed).

###### Lynne West (1311763)

Addition of Plan support for shared electric transport for rural settlements that have no or poor public transport connectivity, and electric vehicle charging infrastructure to support local and tourist demand (assumed).

##### **Active Travel Network**

###### Glen Urquhart Community Council (1323049)

Inclusion of Drumnadrochit as a better connected hub for active travel and electric vehicle charging (assumed). Addition of reference to sustainable transport to improve tourism including reference to feasibility study undertaken for Loch Ness active travel route (assumed).

###### Anne Thomas (1323247)

Inclusion of a Loch Ness circular active travel route (assumed).

###### Christine Farrar (1312491)

None.

##### **General Policy 14 Transport**

###### SEPA (906306)

None.

###### Laura Keel (1312277)

Unclear.

Lidl per Keith Hargest Planning (1312411)

Amendment to Policy 14 to remove the conflict between it and HwLDP policies (assumed).

Broadland Properties per John Wright Planning (1312044)

Deletion of Appendix 2 and reference to its principles in policy. Appendix 2's detail being brought forward as Supplementary Guidance with proper, separate consultation. A 12-residential unit threshold for the application of the suggested revised policy and equivalent floorspace threshold (to be made by THC) for other uses. Inclusion of a caveat in the suggested revised policy where sustainable transport tests cannot be met: "Where this is not possible, proportionate contributions to encouraging use of public transport and active travel will be sought where these will directly mitigate the impact of the proposed development. Further guidance will be provided on this in due course." 50 home threshold for Travel Plans instead of 10 homes and change of the word "must" to "should" in the fourth sentence of para. 2 of Policy 14 and deletion of point 5 referring to travel plan requirements. Deletion of the end of the first sentence of the third paragraph of Policy 14 "...to support the transition to sustainable transport", and deletion of the reference to a standard contribution per house or floorspace developer contribution towards active travel and public transport.

Kirkwood Homes per EMAC Planning (1312497)

Deletion of Appendix 2 and reference to its principles in policy. Appendix 2's detail being brought forward as Supplementary Guidance with proper, separate consultation. A 12-residential unit threshold for the application of the suggested revised policy and equivalent floorspace threshold (to be made by THC) for other uses. Inclusion of a caveat in the suggested revised policy where sustainable transport tests cannot be met: "Where this is not possible, proportionate contributions to encouraging use of public transport and active travel will be sought where these will directly mitigate the impact of the proposed development. Further guidance will be provided on this in due course." 50 home threshold for Travel Plans instead of 10 homes and change of the word "must" to "should" in the fourth sentence of para. 2 of Policy 14 and deletion of point 5 referring to travel plan requirements. Deletion of the end of the first sentence of the third paragraph of Policy 14 "...to support the transition to sustainable transport", and deletion of the reference to a standard contribution per house or floorspace developer contribution towards active travel and public transport.

Hercules Unit Trust per Burnetts (968628)

Amendment to state that policy applies only to developments classed as "Major Development" as defined in the TCP (Hierarchy of Development) (Scotland) Regulations 2009. Also amendment to clarify developer contributions will only be sought where travel generating impacts are likely to be significant and require mitigation.

Forbes per Grant and Goeghegan (1271817)

Amendment to state that policy applies only to non-allocated sites (assumed).

HIE per Turnberry (1312470)

Addition of caveat to Policy 14 to end of the last sentence of the first paragraph of the Policy: "unless otherwise justified in a Transport Assessment or Statement which accompanies a planning application". Addition of a site-specific caveat to Policy 14 for "Inverness Campus" at the beginning of the first sentence of the second paragraph of Policy 14 to read: "Except in the Inverness Campus area (or where there is an agreed travel plan in place covering the wider development area)...".

#### Network Rail (1312503)

Addition of reference to Transport Assessments in Policy 14, with explicit statement of need to assess impacts on the rail network including its capacity to absorb any increased demand, including potential mitigation of upgraded rail infrastructure or facilities. Addition of acknowledgement in Policy 14 that Network Rail should be excluded from making developer contributions.

#### Homes for Scotland (1312434)

Deletion of Appendix 2 and reference to its principles in policy. Appendix 2's detail being brought forward as Supplementary Guidance with proper, separate consultation. A 12-residential unit threshold for the application of the suggested revised policy and equivalent floorspace threshold (to be made by THC) for other uses. Inclusion of a caveat in the suggested revised policy where sustainable transport tests cannot be met: "Where this is not possible, proportionate contributions to encouraging use of public transport and active travel will be sought where these will directly mitigate the impact of the proposed development. Further guidance will be provided on this in due course." 50 home threshold for Travel Plans instead of 10 homes and change of the word "must" to "should" in the fourth sentence of para. 2 of Policy 14 and deletion of point 5 referring to travel plan requirements. Deletion of the end of the first sentence of the third paragraph of Policy 14 "...to support the transition to sustainable transport", and deletion of the reference to a standard contribution per house or floorspace developer contribution towards active travel and public transport.

#### Springfield Properties (1147956)

Removal of reference to the journey time assessment requirement.

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

#### **Transport Strategy**

##### Lynne West (1311763)

Noted. The Council's Climate Change Team and associated committee is currently developing a range of initiatives and strategies related to the delivery of electric vehicle infrastructure and shared transport, in partnership the Highlands and Islands Transport Partnership, and these are the most appropriate mechanisms to address the respondent's suggestions.

##### Aird Community Trust (1311972)

Noted. The Council's Active Travel Team is actively pursuing a range of infrastructure delivery projects, funding opportunities and prioritisation of delivery of infrastructure. Together, these workstreams form the Active Travel Strategy for Highland, which is the most appropriate mechanism to address the respondent's suggestions.

##### Donald Begg (1312031)

Noted. The Strategy is developed in the context of the National Transport Strategy [\*\*\*], Strategic Transport Projects Review 2 [\*\*\*], and National Planning Framework [\*\*\*]. It is considered that the Plan's Transport Strategy aligns with, and seeks to deliver these established national policy principles, where relevant, at the local Plan area level.

##### Nairn River Community Council (1312260)

See response to Donald Begg above. Matters relating to impacts of development on the trunk road network are dealt with by Transport Scotland, which is a consultee for relevant applications to the Council.



Paul Bole (1252634)

See response to Donald Begg above.

Rachael Probee (1310748)

See response to Donald Begg above. The Council is working on a wide range of sustainable transport improvement projects including: the Bus Partnership Fund in Inverness and Fort William; a wide range of Places for Everyone-funded active travel projects; applications to further active travel funds (Places for Everyone and Active Travel Transformation Project); and, is aware of the Scottish Government's Transport Minister-led Bus Taskforce, which THC is represented on. Therefore, it is considered that the Plan's transport strategy is effective and, in combination with the wider initiatives outlined, will achieve positive outcomes.

Network Rail (1312503)

The definition of "sustainable transport" provided in footnote 22 of the Plan includes Public Transport, which is widely accepted to include both bus and rail, it is therefore considered that rail is included in the transport strategy. Furthermore, the Transport Strategy Map explicitly identifies rail as a separate category on the relevant strategic transport corridors within the Plan area. Specific reference to Inverness Rail Station Masterplan is made in the Central Inverness section of the Plan at paras. 187 and 190, and through site allocations INC03 and INC04. However, if the Reporter is so minded, then the Council would support the addition of the following wording to the end of the sentence at point 3 of para. 95 "For Inverness" to read: "Creating a network of park and ride sites at entrances to the city, and supporting the enhancement of modal interchanges, including Inverness Rail and Bus Station." In order to emphasise the role of rail freight and rail improvements, if the Reporter is so minded, then the Council would also support the addition of the following wording to a new bullet point to the "Sustainable transport interventions: Delivering the Transport Strategy" part of the Transport Strategy under "For the whole Plan area" to read: "2. Maximise the use of rail in the decarbonisation of transport for the region, including rail freight and passenger transport."

NatureScot (1266529)

If the Reporter is so minded then the Council would support the addition of the following wording after the fourth sentence of para. 91 to read: "Such measures will support and enable the delivery of the 20-minute neighbourhood concept."

### **Active Travel Network**

Aird Community Trust (1311972)

Noted.

Christine Farrar (1312491)

Noted.

Glen Urquhart Community Council (1323049)

Whilst a specific route is not identified in the transport strategy from Drumnadrochit to Inverness, this does not preclude such a route from being progressed in future. The feasibility of delivering such a route is currently being considered by the Council's Active Travel Team, and will be progressed separately to the Plan, subject to input from all relevant stakeholders, including Transport Scotland as Trunk Road Authority for the A82, should this form part of any potential future routes.

Rachael Probee (1310748)

Noted. See response to Rachael Probee above.

Anne Thomas (1323247)

See response to Glen Urquhart Community Council above. Whilst a specific route is not identified for a Loch Ness circular route, this does not preclude such a route from being progressed in future, the feasibility of which can be considered in the preparation of THC's Active Travel strategy at a future date.

**General Policy 14 Transport**

Nairn River Community Council (1312260)

The Council recognises that in some parts of Highland that there is a greater level of car dependence, as this is explained in the proposed transport strategy, which describes different interventions based on how urban or rural different parts of the Plan area are.

Donald Begg (1312031)

See other response to Donald Begg above.

Laura Keel (1312277)

See response to Rachael Probee above.

SEPA (906306)

Support noted.

Lidl per Keith Hargest Planning (1312411)

The Plan recognises (on page 4 of the PDF version in the Status section) that for a very limited number of sites that different components of the current and future approved development plan (HwLDP, aIMFLDP, IMFLDP2 and Supplementary Guidance) do and will in future continue to say different things about the Council's attitude to development of these sites. The last sentence of that section clarifies that "In the event of any incompatibility between a provision of these plans then the most up to date plan will prevail as the Council's policy for that site/issue." This approach mirrors the approach taken within section 24(3) of the Town and Country Planning (Scotland) Act 1997 as amended, in assessing incompatible provisions of a local development plan and the National Planning Framework. In short, the Council recognises that the Plan will provide a more up to date Council policy position which for a very limited number of land parcels will be incompatible with older but still extant Council policy. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

The response to Broadland Properties below addresses the draft nature of the proposed methodology for Journey Time Competitiveness as set out in Appendix 2 and provides clarification of its material consideration status.

Broadland Properties per John Wright (1312044)

A recent Council estimate of Highland's population distribution revealed that approximately 75% of the population live within a development plan defined settlement, which includes villages, towns and the City of Inverness. The Inner Moray Firth Plan area is the most populated, has the most densely populated settlements, and the greatest level of settlement interdependence due to the relatively short distances between places and high level of shared services, facilities and recreational opportunities. Therefore, it is considered reasonable that, with the correct strategic approach to transport network planning, that the Plan area can achieve a higher level of sustainable transport mode accessibility, as set out in the Connectivity section of the Plan.



The purpose of Policy 14 is to provide a greater level of consistency and transparency over the assessment of transport impacts of development proposals, both allocated and unallocated. At development plan preparation stage, it is not possible to undertake a detailed assessment of the likely travel impacts of a development because all the relevant information is not yet available. However, through the SEA Site Assessment process, the Council's site selection included specific questions and consideration of how sustainable each potential development site (and settlement) was in terms of transport issues. The sites allocated in the Plan are those that scored best in terms of overall environmental sustainability and economic viability and/or those which are under construction or otherwise committed. The SEA process also prompted appropriate sustainable transport developer requirements to be included within the Plan. Therefore, the Plan has taken all reasonable steps to ensure the most sustainable sites, from a transport perspective, are allocated in the Plan. However, to align with National Planning Framework 4's expectation for LDPs to "[give consideration to] ... the accessibility of proposals and allocations by sustainable modes...", Policy 14 provides the additional level of detail required to properly assess the transport impacts of proposals through the development management process.

Policy 14 does not seek to place an additional burden upon applicants, but rather, it seeks to provide a framework as to how information that is available or already being gathered should be used to demonstrate how a development will deliver a key objective of Scotland's National Transport Strategy (NTS2) [2] and NPF4 to reduce carbon (and other harmful) emissions from the transport sector and networks. The "Sustainable transport" section of NPF4 [2] states a policy intent to "encourage, promote and facilitate development that prioritises walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably". To achieve this at a proposal-specific level, Policy 14 provides a framework, aligned to NPF4 Policy 13, and explains how applicants should undertake such assessment. Specifically, it establishes a consistent measure for assessing how competitive a site is in supporting sustainable travel modes, which expands on the principles set out in NPF4 Policy 13, and in particular, points d, e and f of that policy. The respondents' suggested policy amendments to include a threshold, exemptions or to delete parts of the policy would undermine the Plan's ability to contribute to the national sustainability outcomes and objectives expressed within NTS2 and NPF4. Paragraph 1 of Policy 14 explains that proposals must demonstrate that they are "at least as, or more competitive...than travelling by private car". This is considered a reasonable goal, and applicants, through their assessment, can identify appropriate mitigation to reach this goal. However, it is acknowledged that Transport Planning professionals are best placed to assess the transport impacts of a development, and therefore, following the suggestion from the development industry, if the Reporter is so minded, then the Council would support the deletion of Appendix 2 and the amendment of Policy 14 so that the principle of the journey time competitiveness policy test is moved to within the body of Policy 14, with reference added committing the Council to prepare additional supporting guidance following adoption of the Plan, in consultation with the development industry, transport providers and other key stakeholders. The amended Policy 14 would read:

"Policy 14  
Transport

To receive planning permission, development proposals must be able to demonstrate that they can meet the goal of walking, wheeling, cycling and public transport being at least as, or more competitive travel options for people using the development, than travelling by private car. A proportionate assessment should be included as part of the Transport Assessment or Statement, where one is required, and should include:

1. **Context:** Appraisal of nearby committed major developments (as defined in THC Roads and Transport Development Guidance).
2. **Trips:** Trip generation information, specific to the location, scale and type of development, and origins of trips.
3. **Users:** Appraisal of the end users of the proposal and how this influences trip generation and travel choice.
4. **Journey times:** Representative journey times for each mode of travel expected to be available for end users of the site, including an explanation of data sources and methodologies used.
5. **Route quality:** Appraisal of the quality and attractiveness of routes for each mode and each origin identified.
6. **Assessment:** Provide an assessment of points 1 – 5 to determine if the proposal enables sustainable travel that is at least as, or more competitive than private car. This should include any proposed mitigation required to reach this goal.

Further detailed supporting guidance about this information will be prepared in consultation with the development industry, transport providers and other key stakeholders”

The thresholds for seeking Travel Plans are set because this scale of development is considered great enough to have a level of impact that may require mitigation. It is therefore considered appropriate to retain this unchanged in Policy 14. Developer contributions are an effective way of mitigating the impacts of development, including on the transport network. The Council therefore considers that setting out the expectation that developer contributions will be sought for a transition to more sustainable travel patterns is reasonable. The Council seeks contributions in line with Circular 3/2022. It is therefore not considered necessary to make explicit reference to them in Policy 14.

Kirkwood Homes per EMAC Planning (1312497)

See response to Broadland Properties above.

Hercules Unit Trust per Burnetts (968628)

See response to Broadland Properties above.

Forbes per Grant and Geoghegan (1271817)

See response to Broadland Properties above.

HIE per Turnberry (1312470)

The Council does not consider it appropriate to create caveats that would support unsustainable development, as this would undermine the national goals set out in NTS2 and NPF4 as well as the Transport Strategy described in the Plan. Whilst the sustainable transport interventions delivered to date at Inverness Campus are noted, future development may still have the potential to give rise to unsustainable trip generation, and therefore creating a site-specific caveat would undermine the principles of the Plan and national policy described above. Existing consented developments are subject to the planning conditions placed upon them when approved, any new development proposals should be assessed against the most up to date planning policy at the time of determination of an application.

Network Rail (1312503)

The suggested changes to Policy 14 which are described in the response to Broadland Properties above, include a specific reference to Transport Assessments. Explicit

reference to rail impacts is not considered necessary, since the definition of Sustainable Transport given in footnote 22 includes public transport, which includes rail, where relevant. The Council do not consider that Network Rail's status as a publicly owned company arm's length body of the Department for Transport exempts it from the requirement to make developer contributions for relevant developments. Whilst most Network Rail engineering works are unlikely to generate significant additional travel movements larger developments such as new railway stations do. These larger developments should not be exempted from direct developer funded mitigation measures or if necessary then financial developer contributions. For example, the new Inverness Airport Rail Station has only been improved for all sustainable travel modes by negotiation. Understandably, Network Rail is focused on improving rail connectivity but it may also need to be encouraged to improve integration with other sustainable travel modes. Network Rail's policy of not supporting the creation of new level crossings is noted but none are proposed (or required in connection with allocated development sites) within the Plan.

Homes for Scotland (1312434)

See response to Broadland Properties above.

Springfield Properties (1147956)

See response to Broadland Properties above.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 5</b>	<b>GP1: Low Carbon Development</b>	
<b>Development plan reference:</b>	Section 3 General Policies, PDF Pages 41-43	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Antonia Wright (1311246)  Broadland Properties (1312044)  Defence Infrastructure Organisation (1270246)  Fred Olsen Renewables Ltd (1311832)  Hercules Unit Trust (968628)  Highlands &amp; Islands Enterprise (1312470)  Homes for Scotland (966619)  Iain Nelson (1323043)  Jane Shadforth (1323040)  JM and LM Forbes per Grant and Goeghegan (1271817)  Kirkwood Homes (1312500)  Laura Keel (1312277)  SSEN Transmission (1311702)  Lidl Great Britain Ltd (1312411)  Lynne West (1311763)  Mark Gunn (1312546)  Nairn River Community Council (1312260)  NatureScot (1266529)  Rachel Probee (1310748)  Rebecca Fretwell (1324100)  Robertson Homes Ltd (1266646)  SEPA (906306)  Springfield Properties (1147956)  Steve North (1263190)</p>		
<b>Provision of the development plan to which the issue relates:</b>	General Policy 1, PDF Paragraphs 42-45	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Antonia Wright (1311246), Lynne West (1311763) &amp; SEPA (906306)</u>  Support the policy without reasons.</p> <p><u>Broadland Properties (1312044), Homes for Scotland (966619), Kirkwood Homes (1312500), Robertson Homes Ltd (1266646) &amp; Springfield Properties (1147956)</u>  Support the aims of the policy and note that housebuilders have made significant advances in delivering efficient homes and this work is continuing. However, concerned that, as the technical specifications of new homes are covered by Building Standards, the expert practitioners familiar with the relevant standards set by this regulatory regime are best placed to assess compliance. Therefore, do not consider it would be appropriate to consider matters of building standards as part of the planning process. As well as</p>		

requiring non experts to assess detailed technical matters it would lead to standards varying across local authorities. Believe consistent change across Scotland led by building standards is the most appropriate way of delivering increasingly efficient homes. This will help to foster the economies of scale which will be necessary to design and produce the new technologies necessary to facilitate further advances in efficiency. Building standards are currently in the process of being updated.

In addition, seek the threshold for the part of the policy relating to existing heat networks to be increased to 12 homes, as this is consistent with what development industry respondents are seeking for other policies within the Plan. The recognition of viability constraints is important, as well as the acknowledgement of physical or legal constraints to connections potentially if necessary land is not in the developer control or if prospective occupants have a preference for a certain heating solution. The part of the policy relating to heat networks needs to take a more practical approach to what is likely to be viable. It states that "Where one does not already exist, Major Developments will be required to create a new heat network". It is highly unlikely that creating a new heat network will be a practical or viable solution for a development of just 50 homes. Especially when just 60% of the homes would be unrestricted open market homes in some areas (due to the combined impact of Plan general policies 10 and 13). SEPA changed its guidance on information requirements in relation to District heating in June 2019. Rather than requiring all development to explore connections it now advises that this should be explored in the following two circumstances: 1 All significant/anchor developments or substantial developments; 2 Development Adjacent to heat networks or heat sources. The guidance defines substantial developments as those which may consist of new towns, urban extensions, large regeneration areas, or large development sites subject to master planning, or large mixed-use developments. In this context it is not necessary for all major applications (50 homes plus) to submit an energy statement demonstrating it is not feasible.

#### Defence Infrastructure Organisation (1270246)

Supports overarching policy framework and welcomes this policy. Believes, as this policy, sets requirements to reduce carbon emissions to 'new build development' proposals, it by default excludes existing buildings (including listed buildings). Supports this position, as it would be economically unfeasible to achieve a 75% reduction in carbon emissions for conversions/change of use of properties.

#### Fred Olsen Renewables Ltd (1311832)

Supports policy aspiration but objects as no reference to onshore wind is made within the policy and there is a need to acknowledge the importance of onshore wind in the energy mix.

#### Hercules Unit Trust (968628)

The target of 75% reduction in carbon emissions for each new build development compared with minimum requirements of current Building Standards is unclear, as is the viability of such a target being achievable for all new development. The evidence base for this requirement is also questioned and it is asserted that without this evidence the policy is not open to scrutiny.

#### Highlands & Islands Enterprise (1312470)

Reports it is delivering the Inverness Campus Masterplan development, with around 50,000m<sup>2</sup> of committed and pipeline projects projected expected during the lifetime of the Plan. The Campus also forms part of the area covered by the East Inverness Development Brief, which proposes a consolidation of predominantly employment uses

within the core of the Campus, expansion of the existing residential neighbourhood at Cradlehall and a purposeful green corridor that accommodates East Link and community facilities such as parkland and potential growing space. Believes that requiring new development to adhere to this new policy retrospectively, imposes unreasonable restrictions on bringing forward further development at Inverness Campus even though such development would be in line with the East Inverness Development Brief and extant planning permissions.

Iain Nelson (1323043)

Raises concerns over the ability of the technologies promoted to work effectively in the Highland environment and the ability of appropriately trained tradesmen to install the devices.

Jane Shadforth (1323040)

Believes all new builds need to be low carbon and as energy efficient as possible and should be able to generate and store renewable energy for their occupants. Asserts that the provisions of the policy should also be extended to the retrofitting of existing buildings.

JM and LM Forbes Grant & Geoghegan (1271817)

Supports the principle of the policy but considers that the building regulations, which are regularly reviewed and updated, are better placed to implement the principle. Disputes heat network provisions of policy as ill thought through. Believes the Council should identify settlements/ developments within which heat networks may be viable and prescribe their investigation on a site-by-site basis.

Laura Keel (1312277)

Supports the use of energy efficient materials and renewables in new buildings. However, solar might not be appropriate for all areas and stronger support should be given to onsite wind generation. Reports that there are a number of both private and community systems which could be used as case studies.

Lidl Ltd (1312411)

Disputes the need to prepare a supporting statement for modest extensions to existing buildings and householder applications and the additional burden this will create.

Mark Gunn (1312546)

Objects as the policy will drive up the cost of housing to the extent that for many families the ability to purchase a home will never be realised unless the Council provides supports through subsidies or loans. The policy must also recognise that such a blanket target on new builds ultimately means nothing if the maintenance burden that arises is not also addressed holistically.

Nairn River Community Council (1312260)

Asserts that the Council has not produced a Low Carbon Development Policy but instead a "hypothetical policy" and there is no explanation as to how the noted settlements were identified for potential heat networks identified in para. 56. Also questions if staff training and funding for this work has been considered and the timeframe for preparing the 'Low Carbon Development Guidance document'. Seeks clarity on how this policy complies with NPF4.

NatureScot (1266529)

Seeks the extension of the policy to cover nature-based solutions (NBS) for future proofing buildings, thus allowing the twin crises of climate change and biodiversity loss to be dealt



with comprehensively.

Rachel Probee (1310748)

Expresses concern over the promotion of moving away from gas to heat homes to the use of electric for space heating.

Rebecca Fretwell (1324100)

Expresses concern over the promotion of electric vehicles, especially on-street charging and ensuring an adequate number are provided.

SSEN Transmission (1311702)

Supports policy and notes it primarily relates to new buildings for mainstream commercial and residential development, and as such transmission infrastructure development is not entirely relevant to this policy. Requests that renewable energy developments and electricity transmission infrastructure are also included within the policy 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.

Steve North (1263190)

Believes this policy is essential but seeks for it to be extended to the reuse of existing buildings.

**Modifications sought by those submitting representations:**

Defence Infrastructure Organisation (Rachel Reaney) (1270246), Iain Nelson (1323043), Lynne West (1311763) Nairn River Community Council (1312260) & Rebecca Fretwell (1324100)

None.

Broadland Properties (1312044), Homes for Scotland (966619), Kirkwood Homes (1312500) & Springfield Properties (1147956)

Policy amended as follows (**additions**, ~~deletions~~):

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

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

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

## 7. Other methods and innovations to decarbonise development.

For proposals of **12 or more homes** with space heating needs which are located within areas identified by the Council as a Heat Network Zone (included within the Low Carbon Development Guidance, **which will be subject to consultation**): All developments will be required to connect to an existing heat network where available, **unless**: ~~Where one does not already exist, Major Developments will be required to create a new heat network.~~

- Where applications can demonstrate that connection to or creation of a heat network is not viable **or practical**. ~~as part of the development, the proposal will need to be future proofed to allow connections to heat networks when one becomes available. In such cases an agreed network design will be required.~~

Or

- Where the applicant can demonstrate that connection to a heat network is ~~neither viable nor the~~ **not the** most appropriate heating solution., ~~both as part of the development and likely in the future, alternative low carbon emitting heat arrangements will be required.~~

**Where a Heat Network does not already exist, the largest developments such as large urban extensions should investigate the creation of a new heat network and provide this where viable.**

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

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

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

### Fred Olsen Renewables Ltd (1311832)

Amendments to acknowledge of the importance of onshore wind in the energy mix.

### Hercules Unit Trust (968628)

Deletion of the 75% target. The Policy should refer to new build development proposals being "expected" to demonstrate that they achieve reductions in carbon emissions compared to minimum Building Standards requirements and that further explanation and justification for what may be expected will be set out in a Low Carbon Development Guidance document which will be issued for consultation.

### Highlands & Islands Enterprise (1312470)

Addition of a further exempt development as follows: "Whilst the following development proposals are exempt from this policy, the Council would encourage developers to consider the broad issues and opportunities to deliver low carbon development: Buildings which form part of an adopted development brief, masterplan and/or extant planning permission in principle"



Jane Shadforth (1323040)

Amendment to the policy to include the retrofitting of existing buildings.

JM and LM Forbes per Grant and Geoghegan (1323040)

Identification of settlements / developments within which heat networks may be viable and prescribe their investigation on a site-by-site basis.

Lidl Ltd (1312411)

Set a size or type threshold above which the 75% reduction in carbon emissions compared to Building Standards requirements will apply, such as all new residential developments and all commercial, business and retail developments over 500 m<sup>2</sup>.

NatureScot (1266529)

Extension of the policy to cover nature-based solutions (NBS) for future proofing buildings.

Mark Gunn (1312546)

A Plan commitment to provide financial assistance to low-income developers and small-scale self-build projects to offset the financial burden the policy will create. Addition of a policy requirement, for developments greater than 3 houses, of a financial guarantee which would repay in 50 years if the stated reduction in emissions has been achieved.

Rachel Probee (1310748)

Deletion of policy.

Robertson Homes Ltd (1266646)

Deletion of paragraph 1 and consideration of whether this policy applies to Planning Permission in Principle applications (PPP). If it will apply to PPP applications then specification of which of the seven components will be applicable. Respondent suggests only parts (3), (4) and (7) of the policy should apply. Rewording of the policy to specify that all developments will be required to connect to an existing heat network where available, unless it is shown to not be viable. Removal of the requirement for all Major developments to create a new Heat Network.

SSEN Transmission (1311702)

Addition of an electricity transmission infrastructure policy and the inclusion of text which recognises the importance and need for new national developments relating to electricity transmission infrastructure including the reinforcement and development of the network.

Steve North (1263190)

Extension of the scope of the policy to the reuse of existing buildings.

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

Antonia Wright (1311246)

Support noted.

Broadland Properties (1312044)

The UK Climate Change Act amendment commits Scotland to a target of net zero emissions of all greenhouse gases by 2045, to achieve this it will be necessary to significantly reduce carbon emissions from buildings. To this end, the Programme for Government 2019-20, set a commitment to decarbonise the heat in new homes from 2024 and consideration of similar actions for new non-domestic buildings from that date. In

addition, the Council's own Climate & Ecological Emergency declaration in May 2021, led the development of the Plan policy. Furthermore, NPF4 Policy 1 (Tackling the climate and nature crises) requires all proposals to give "significant weight" to the global climate and nature crisis. Whilst Policy 2 (Climate mitigation and adaptation) part a) requires "...development proposals...[to be]...designed to minimise lifecycle greenhouse gas emissions as far as possible..." Based on all the legislation and policy on reducing carbon emissions from our future build stock, it is considered appropriate for the Council to consider the advancement of planning policies that would deliver on this aspect, hence the proposed policy.

However, since the conception of the policy as part of the IMFLDP MIR and the publication of the Proposed Plan, the Scottish Government Building Standards Division has been undertaking considerable work in reviewing and improving the Energy Standards within the Scottish Building Regulations. This work has included the Improvements to Energy Standards for New Buildings within Scottish Building Regulations 2021: Modelling Report, which outlines in technical detail how new buildings will need to be improved in efficiency of insulation and space heating and will reduce carbon emissions by a minimum of 30% (para.5. Improvements to Energy Standards for New Buildings within Scottish Building Regulations 2021: Modelling Report) [\*]. The recommendations of this report were adopted and included in updated energy and environmental Building Standards which were due to come into effect on 1<sup>st</sup> December 2022, albeit this introduction has been delayed to 1 February 2023 to allow energy compliance software to be updated to allow developers to calculate how to comply with the new standards. These new energy requirements will apply to all new buildings (with a small number of exceptions as outlined in the aforementioned report) and alterations and extension to existing buildings, as far as reasonably applicable as per the current Building Regulations. Therefore, the improved energy requirements set out will require retrofitting of the existing building stock if it is altered or extended.

Given the technical requirements and advanced work of the Building Standards in the sphere of low carbon developments, the lack of detail of a building insulation and space heating requirements required to be submitted as part of any planning application and, the lack of current expertise across the Council Planning Service to assess the requirements of this policy then the Council now agrees that application of the first paragraph of the policy would be problematic. If the Reporter is so minded then the Council would support the deletion of the requirement to achieve a 75% reduction in carbon emissions. Nonetheless, the Council contends there is still merit in requiring a developer to consider low carbon as part of a proposal in order to satisfy the legislative requirement and NPF policy requirements and therefore defends the retention of the requirement for a "Low Carbon Development Section" in any supporting statement, albeit with the wording adjusted to reflect the removal of the 75% reduction in carbon emissions requirement.

In terms of the policy requirements for all developments to connect to a 'Heat Network Zone' (HNZ) where one exists or designed to connect in the future where one is planned. This part of the policy is consistent with Policy 19 (Heating & Cooling) in NPF4 and would satisfy the requirements of the Heat Networks (Scotland) Act 2021, which aims to accelerate the deployment of heat networks in Scotland. However, it is accepted that the Plan policy goes further than the requirements of NPF4 by requiring all Major Developments to create a new HNZ if one does not exist. The Plan outlines in paragraphs 22 and 23 that it seeks to tackle the climate and ecological emergency by providing an ambitious and appropriate framework which is future proofed. To achieve this, it is considered necessary and appropriate to set a stronger requirement than NPF4. In addition, the draft policy includes a number of exceptions, which will allow a tailored

approach to individual major application sites, should the creation of a HNZ not be the most appropriate solution for that site.

Defence Infrastructure Organisation (1270246)

See response to Broadland Properties above.

Fred Olsen Renewables Ltd (1311832)

The purpose of this policy is "...reducing emissions from our homes and other building..." (para. 42) and making "...sure developments connect to or create a heat network..." (para. 43), rather than specifying how the energy is actually generated. The Council policy support for renewable energy developments is contained with HwLDP Policies 67-69, rather than the Council's area local development plan, such as the Plan.

Hercules Unit Trust (968628)

See response to Broadland Properties above.

Highlands & Islands Enterprise (1312470)

See response to Broadland Properties above.

Homes for Scotland (966619)

See response to Broadland Properties above.


Iain Nelson (1323043)

The transition to achieving a decarbonisation of the heat in new and existing buildings will create new opportunities for a high quality workforce to provide and install the required new technologies and whilst there might be some initial issues around the market readiness for these new technologies, as noted in detail in the Broadland Properties response above, it is suggested that if the Reporter is so minded, to delete the requirement from the policy to seek 75% reduction in carbon emissions and, as such these issues would be outwith the scope of this Plan and its examination.

Jane Shadforth (1323040)

See response to Broadland Properties above.

JM and LM Forbes per Grant and Geoghegan (1271817)

See response to Broadland Properties above. With regards to the identification/mapping of individual HNZs, both at a national level  and local level, through the 'Local Heat and Energy Efficiency Strategies' (LHEES) work is ongoing to capture existing networks and potential HNZs. As this work progresses, more information on HNZs will be published.

Kirkwood Homes (1312500)

See response to Broadland Properties above.

Laura Keel (1312277)

See response to Broadland Properties above.

Lidl Great Britain Ltd (1312411)

See response to Broadland Properties above.

Lynne West (1311763)

Support noted.

Mark Gunn (1312546)

It is acknowledged that decarbonisation of heat in new homes will increase the capital costs of new homes, with paragraph 6 of the Building Standards Division Improvements to Energy Standards for New Buildings within Scottish Building Regulations 2021: Modelling Report, putting this increased capital cost at between 4% & 7%. However, improving the energy efficiency of our building stock will help to reduce the ongoing running costs of these new buildings and thus help to reduce fuel poverty in the longer-term. In addition, paragraph 22 of the Plan notes one of the two overriding aims is to tackle the climate and ecological emergency and NPF4 Policy 1 (Tackling the climate and nature crises) requires all development proposals to give significant weight to the global climate and nature crises. Whilst, as noted the Broadland Properties response above, it is suggested, that if the Reporter is minded, to delete the requirement from the policy to seek 75% reduction in carbon emissions, the need to include a 'Low Carbon Development Section' within the supporting statement will retain the ambitions of this policy with the detail being delivered via the Building Standards Regulations.

Nairn River Community Council (1312260)

See response to Broadland Properties above in terms of how the proposed policy interacts with NPF4 policies.

NatureScot (1266529), Rachel Probee (1310748)

See response to Broadland Properties above.

Rebecca Fretwell (1324100)

Noted.

Robertson Homes Ltd (1266646)

See response to Broadland Properties and JM and LM Forbes above.

SEPA (906306)

Support noted.

Springfield Properties (1147956)

See response to Broadland Properties above.

SSEN Transmission (1311702)

The purpose of this policy is "...reducing emissions from our homes and other building..." (para. 42 of the Plan) and making "...sure developments connect to or create a heat network..." (para. 43), rather than specifying how the energy is actually generated. HwLDP, which will remain part of the Council Local Development Plan structure, provides policy coverage to both renewable energy developments and electricity transmission infrastructure (Policies 67: Renewable Energy Developments and 69: Energy Transmission Infrastructure) and rdNPF4 Policy 11 (Energy) also provides comprehensive policy coverage of these topics. As such duplicate policies are considered not to be required within IMFpLDP.

Steve North (1263190)

See response to Broadland Properties above.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 6</b>	<b>GP2: Nature Protection, Preservation and Enhancement</b>	
<b>Development plan reference:</b>	Section 3 General Policies, PDF Pages 43-46	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Aird Community Trust (1311972)          Antonia Wright (1311246)          Broadland Properties (1312044)          Defence Infrastructure Organisation (MoD) (1270246)          Fred Olsen Renewables (1311832)          Homes for Scotland (966619)          Iain Nelson (1323043)          Jane Shadforth (1323040)          JM and LM Forbes per Grant and Geoghegan (1271817)          Kirkwood Homes (1312500)          Lidl per Keith Hargest Planning (1312411)          Nairn River Community Council (1312260)          NatureScot (1266529)          Rachael Probee (1310748)          RSPB Scotland (1311075)          SEPA (906306)          Springfield Properties (1147956)          SSEN Transmission (1311702)          Steve North (1263190)          Woodland Trust Scotland (1312249)</p>		
<b>Provision of the development plan to which the issue relates:</b>	General Policy 2, PDF Paragraphs 46-49, Figure 15 Mitigation Hierarchy	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Aird Community Trust (1311972)</u>          Supports the policy as it is important that biodiversity is considered in all decisions not just those that relate to an allocated site.</p> <p><u>Antonia Wright (1311246)</u>          Supports (no reasons stated).</p> <p><u>Broadland Properties (1312044)</u>          Supports principle of policy but believes current wording is muddled, uses imprecise language and conflates a number of issues. Biodiversity will be an important consideration along with a number of others when weighing up the merits of a planning application. It will be possible to deliver improvements on many sites but not all and where this is not possible then it will need to be considered in the round with other aspects of the proposal. By requiring significant biodiversity enhancement from all developments, the policy may risk preventing planning permission being granted for proposals which deliver important other benefits such as tackling climate change or economic and social improvements.</p>		

Believes the section on Local Developments is illogical. It requires proposed development to “include appropriate measures to integrate nature-based solutions and enhance biodiversity, in proportion to the nature and scale of the proposed development.” In addition to providing these enhancements it then seeks money for collective biodiversity enhancement. This appears to be akin to double charging.

Paragraph 17 of Circular 3/2012 makes clear that developer contributions are only appropriate to mitigate impacts resulting from the development. Requiring money on top of biodiversity enhancements is inconsistent with the Circular. The Council should also consider the Elsie Supreme Court judgment which found that the link between the proposed development and what an obligation is sought towards must be more than trivial. This policy would apply to developments from a single house upwards. The Council should give serious consideration as to whether this link would be more than trivial or indeed whether there would be any link at all between a development which was already enhancing biodiversity and projects to increase biodiversity across the Plan area. Asserts that the threshold for this policy applying should be increased to 12 homes. To require developers of a single house to instruct lawyers to prepare a legal agreement and the Council to do the same would be excessive and inefficient with legal fees likely significantly exceeding the sum sought. The second part of the policy “National, Major and EIA Developments” is also confused and unclear. It is not clear what the phrase “provide significant biodiversity enhancements, in addition to any proposed mitigation.” means. Significant is not defined. It is unreasonable to require this in addition to mitigation.

#### Defence Infrastructure Organisation (MoD) (1270246)

Welcomes the support the policy affords to preserving and enhancing biodiversity. However, notes that the policy states: “Alongside any direct development enhancements, all new residential developments and all commercial, business and retail developments over 500m<sup>2</sup> will be expected to pay a developer contribution sum to facilitate collective biodiversity enhancement across the wider Inner Moray Firth area”. Whilst this appears to relate only to “Local Developments”, the policy does stipulate “all new residential developments”.

#### Fred Olsen Renewables (1311832)

Supports but requests wording changes. Seeks additional wording to ensure that enhancements required to be provided are proportionate to the scale of development proposed. Furthermore, delivery of enhancements adjacent to a site may only be possible where that land is within the applicant’s control and the policy wording should be amended to reflect this.

#### Homes for Scotland (966619)

Supports principle of policy but believes current wording is muddled, uses imprecise language and conflates a number of issues. Biodiversity will be an important consideration along with a number of others when weighing up the merits of a planning application. It will be possible to deliver improvements on many sites but not all and where this is not possible then it will need to be considered in the round with other aspects of the proposal. By requiring significant biodiversity enhancement from all developments, the policy may risk preventing planning permission being granted for proposals which deliver important other benefits such as tackling climate change or economic and social improvements.

Believes the section on Local Developments is illogical. It requires proposed development to “include appropriate measures to integrate nature-based solutions and enhance biodiversity, in proportion to the nature and scale of the proposed development.” In

addition to providing these enhancements it then seeks money for collective biodiversity enhancement. This appears to be akin to double charging.

Paragraph 17 of Circular 3/2012 makes clear that developer contributions are only appropriate to mitigate impacts resulting from the development. Requiring money on top of biodiversity enhancements is inconsistent with the Circular. The Council should also consider the Elswick Supreme Court judgment which found that the link between the proposed development and what an obligation is sought towards must be more than trivial. This policy would apply to developments from a single house upwards. The Council should give serious consideration as to whether this link would be more than trivial or indeed whether there would be any link at all between a development which was already enhancing biodiversity and projects to increase biodiversity across the Plan area. Asserts that the threshold for this policy applying should be increased to 12 homes. To require developers of a single house to instruct lawyers to prepare a legal agreement and the Council to do the same would be excessive and inefficient with legal fees likely significantly exceeding the sum sought. The second part of the policy "National, Major and EIA Developments" is also confused and unclear. It is not clear what the phrase "provide significant biodiversity enhancements, in addition to any proposed mitigation." means. Significant is not defined. It is unreasonable to require this in addition to mitigation.

Iain Nelson (1323043)

Support the draft policy in principle but its success will depend on the perspective of the person/people making the final decision. The policy should require consultation with established and trusted environmental agencies to avoid bias.

Jane Shadforth (1323040)

Objects as it excludes householder developments from the requirements of the policy and the respondent contends that all developments should be required to have a net positive impact on biodiversity and the environment. Also suggests improvements to achieve a "net positive impact" should be considered by an impartial expert rather than the developer or Council.

JM and LM Forbes per Grant and Geoghegan (1271817)

Support principle of the policy but question its methodology and if the proposed developer contributions satisfy the tests outlined in Circular 3/2012.

Kirkwood Homes (1312500)

Supports principle of policy but believes current wording is muddled, uses imprecise language and conflates a number of issues. Biodiversity will be an important consideration along with a number of others when weighing up the merits of a planning application. It will be possible to deliver improvements on many sites but not all and where this is not possible then it will need to be considered in the round with other aspects of the proposal. By requiring significant biodiversity enhancement from all developments, the policy may risk preventing planning permission being granted for proposals which deliver important other benefits such as tackling climate change or economic and social improvements.

Believes the section on Local Developments is illogical. It requires proposed development to "include appropriate measures to integrate nature-based solutions and enhance biodiversity, in proportion to the nature and scale of the proposed development." In addition to providing these enhancements it then seeks money for collective biodiversity enhancement. This appears to be akin to double charging.

Paragraph 17 of Circular 3/2012 makes clear that developer contributions are only



appropriate to mitigate impacts resulting from the development. Requiring money on top of biodiversity enhancements is inconsistent with the Circular. The Council should also consider the Elsie Supreme Court judgment which found that the link between the proposed development and what an obligation is sought towards must be more than trivial. This policy would apply to developments from a single house upwards. The Council should give serious consideration as to whether this link would be more than trivial or indeed whether there would be any link at all between a development which was already enhancing biodiversity and projects to increase biodiversity across the Plan area. Asserts that the threshold for this policy applying should be increased to 12 homes. To require developers of a single house to instruct lawyers to prepare a legal agreement and the Council to do the same would be excessive and inefficient with legal fees likely significantly exceeding the sum sought. The second part of the policy “National, Major and EIA Developments” is also confused and unclear. It is not clear what the phrase “provide significant biodiversity enhancements, in addition to any proposed mitigation.” means. Significant is not defined. It is unreasonable to require this in addition to mitigation.

#### Lidl per Keith Hargest Planning Ltd (1312411)

Supports principle of policy but remarks that this is a relatively complex issue which is currently being explored in England in response to the requirements of the (English) Environment Act 2021. The key issue is that any contribution needs to reflect both the quality of the biodiversity of the existing site that is being lost or degraded and the degree to which the proposed development provides local biodiversity enhancement as part of the development itself. It is only when these are addressed can a fair contribution be identified – in other words the contribution identified cannot be related solely to the size/floorspace of the proposed development. Furthermore, it is also essential that any developer contribution is actually invested in off-site (i.e. within the IMFLDP2 area) biodiversity gains and there is no suggestion in the policy or supporting text as to how this would be achieved. A general principle that should be adopted is that any biodiversity gains should be as local as possible to the site that is degraded as a result of development.

#### Nairn River Community Council (1312260)

Seeks amendments to bring policy into line with NPF4. This Policy is too general with insufficient, enforceable objectives to protect, conserve and enhance the environment. For example:

- How would THC propose to measure what the local people define as existing characteristics of a site are and as irreplaceable habitats or species?
- How do THC assess whether a proposal will enhance biodiversity and demonstrably improve the site so that it is in a better state than without intervention?
- What consideration will be given to the impact that a development can have on biodiversity in places other than the development site?
- Will Highland Council take a full life cycle approach to measuring impact on biodiversity?
- THC state developer contributions will facilitate collective biodiversity enhancement across the “wider Inner Moray Firth”. We consider Developer Contributions raised on local sites should be used for local biodiversity enhancement locally and not across the wider Inner Moray Firth.
- What is meant by “management arrangements for long term retention and monitoring of the approved biodiversity enhancements wherever appropriate”.

#### NatureScot (1266529)



Welcomes the policy but seeks changes to improve the consistency of the application of the policy and how it can be more fully applied in the Plan text for many of the settlements and individual allocations.

Rachael Probee (1310748)

Objects to the Plan's assertion that it is supporting nature when it supports development that will destroy habitats by building unneeded houses.

RSPB Scotland (1311075)

Supports policy but seeks changes to strengthen it.

Para 46 - strongly supports the inclusion of references to legislation which place duties on planning authorities and the upfront inclusion of the need to not only prevent biodiversity loss but deliver enhancement. This is clear and sets out the obligations and aims of the policy.

Para 47– strongly supports the text in this paragraph which highlights the need for appropriate surveys and design which avoids and prevents negative impacts, before mitigation or compensation is considered.

Para 47– strongly supports the inclusion of the mitigation hierarchy in the policy and the need to for developments to deliver enhancement. The inverted pyramid is useful to show that the core approach is to avoid harm, then moving to mitigation where needed, then compensation where other options have been exhausted. However, the inclusion of “enhance” at the bottom of the pyramid is perhaps generally seem as indicating decreasing preference and as such, suggested improvements to Figure 15 in PDF which would make the requirement clearer.

Strongly support the policy which seeks to ensure delivery of biodiversity enhancement through development. This is in line with draft NPF4 and the national commitment for planning to deliver positive effects for biodiversity and the Council's duty to further the conservation of biodiversity. However, the wording in the policy should be strengthened to clarify what is expected in applications and it is necessary to specifically refer to the mitigation hierarchy in the policy text, which is helpfully set out in the receding paragraphs and figure.

Furthermore, it needs to be clear whether “direct development enhancements” is meant to refer to on-site enhancement only, or whether it could include offsite measures, which are delivered by the applicant and secured by a legal agreement. It would be useful to clarify this in the text. The objector is also supportive of the inclusion of a developer contribution for biodiversity enhancement across the wider Inner Moray Firth area. The policy states “The collective biodiversity enhancement developer contribution value is set out above.” This does not seem to be included therefore it is not possible to comment on this aspect. Not sure how this will be managed or where funds will be directed but believes that nature networks should play a key role in identifying opportunities for biodiversity enhancement and directing spending in a strategic way.

It is unclear why national, major and EIA development do not have to pay the developer contribution and it is suggested additional wording to explain why this is or if there is an option to contribute financially to a biodiversity enhancement fund if adequate enhancement cannot be delivered on site.

Contends that the words, “development for which Appropriate Assessment is required”

should be omitted. The inclusion of this wording is likely to be confusing and risks conflating issues. Development for which Appropriate Assessment is required is not a development category but a requirement of the Habitat Regulations (The Conservation (Natural Habitat etc) Regulations 1994 and Conservation of Habitat and Species regulations 2017) under which a very specific set of legal requirements must be followed if there are likely significant effects on a European Site. The need for an Appropriate Assessment by the competent authority, including the planning authority, does not relate to the size or complexity of a proposed development or whether it would have “significant effects on the environment” as defined by the EIA Regulations. An Appropriate Assessment may need to be undertaken for a small development or those benefiting from prior notification permitted development rights. Concerned there is a risk that if issues of legal requirements under the Habitat Regulations and the need to deliver positive effects for biodiversity are not separated, existing environmental protections could be weakened, with offsetting inappropriately used in relation to protected sites. This wording is used in draft NPF4 and have made the same comment in relation to draft NPF4.

In terms of the policy overall, supports nature networks and have advocated for a national nature network through NPF4. However, it is not clear in this plan how the nature network referred to in Policy 2 will be decided on or mapped. It is therefore not clear how developers will know if they have complied with the policy in terms of strengthening such networks. If this is to be set out in guidance, it would be useful to refer to that here.

#### SEPA (906306)

Supports policy but recommends that further consideration is given to how this is reflected within individual developer requirements. Some, specifically in the Inverness area (example INE22), have clearly considered the implications of Policy 2 when outlining the expectation on the developer. However, in other areas the developer requirements relating to enhancement are weaker and would benefit from improvement so that it is clear to developers what is expected of them to meet the requirements of the policy.

#### Springfield Properties (1147956)

Supports principle of policy but believes current wording is muddled, uses imprecise language and conflates a number of issues. Biodiversity will be an important consideration along with a number of others when weighing up the merits of a planning application. It will be possible to deliver improvements on many sites but not all and where this is not possible then it will need to be considered in the round with other aspects of the proposal. By requiring significant biodiversity enhancement from all developments, the policy may risk preventing planning permission being granted for proposals which deliver important other benefits such as tackling climate change or economic and social improvements.

Believes the section on Local Developments is illogical. It requires proposed development to “include appropriate measures to integrate nature-based solutions and enhance biodiversity, in proportion to the nature and scale of the proposed development.” In addition to providing these enhancements it then seeks money for collective biodiversity enhancement. This appears to be akin to double charging.

Paragraph 17 of Circular 3/2012 makes clear that developer contributions are only appropriate to mitigate impacts resulting from the development. Requiring money on top of biodiversity enhancements is inconsistent with the Circular. The Council should also consider the Elsie Supreme Court judgment which found that the link between the proposed development and what an obligation is sought towards must be more than trivial. This policy would apply to developments from a single house upwards. The Council should give serious consideration as to whether this link would be more than trivial or

indeed whether there would be any link at all between a development which was already enhancing biodiversity and projects to increase biodiversity across the Plan area. Asserts that the threshold for this policy applying should be increased to 12 homes. To require developers of a single house to instruct lawyers to prepare a legal agreement and the Council to do the same would be excessive and inefficient with legal fees likely significantly exceeding the sum sought. The second part of the policy “National, Major and EIA Developments” is also confused and unclear. It is not clear what the phrase “provide significant biodiversity enhancements, in addition to any proposed mitigation.” means. Significant is not defined. It is unreasonable to require this in addition to mitigation.

SSEN Transmission (1311702)

Supports and reports that SSEN one of first developers to consult with stakeholders and implement a sector leading Biodiversity Net Gain (BNG) strategy and value the benefits that can be delivered through biodiversity protection, conservation, and enhancement of natural spaces. SSEN Transmission is working towards a 2025 Biodiversity Net Gain target, we are now implementing Biodiversity No Net Loss as a minimum requirement on newly consented projects. Successful BNG projects include the creation of a wildflower meadow in Caithness to grow the population of Great Yellow Bumblebees and progressing an agreement with Argyll and the Isles Countryside Trust to create a community woodland. Going beyond the commitment of introducing BNG at all new projects, SSEN have also been using our BNG approach to retrospectively design in biodiversity gains on projects already in construction where potential gains are identified and delivered. SSEN carefully situate and design their proposals to avoid any environmental impacts where possible, and to mitigate any environmental impacts as necessary. Work closely and collaboratively with statutory consultees such as National Park Authorities, SEPA and NatureScot, to address and mitigate any potential environmental development barriers so that the delivery of infrastructure continues to support Scotland’s economic and climate change targets, whilst also leaving a positive environmental legacy locally. It’s important that Policy 2 strikes the right balance in the development process to protect the environment whilst also supporting and enabling critical infrastructure developments such as electricity infrastructure which provides significant public benefits in helping to deliver net zero and ensuring robust energy security. SSEN supports flexibility in decision making for critical infrastructure development subject to suitable environmental mitigation and enhancement.

Steve North (1263190)

Strongly supports the increased focus on all development making a positive contribution to biodiversity.

Woodland Trust Scotland (1312249)

Supports the policy but seeks that the mitigation hierarchy wording is strengthened, the reversing biodiversity section strengthened, a review of the removal of any high-quality biodiversity-rich habitat from the developer contribution calculation and ensuring an assessment of potential negative effect, in-line with the mitigated to provide significant biodiversity enhancements, are delivered.

**Modifications sought by those submitting representations:**

Aird Community Trust (1311972)

None.

Antonia Wright (1311246)

None.

Broadland Properties (1312044)

Retain the first paragraph and delete the remainder.

Defence Infrastructure Organisation (MoD) (1270246)

Addition of clarification that the policy doesn't relate to change of use applications.

Fred Olsen Renewables (1311832)

Addition of wording to ensure that enhancements required to be provided are proportionate to the scale of development proposed and reasonable in that the delivery of enhancements adjacent a site may only be possible where that land is within the applicant's control.

Homes for Scotland (966619)

Retain the first paragraph and delete the remainder.

Iain Nelson (1323043)

Plan clarification that the policy's application will require consultation with established and trusted environmental agencies.

Jane Shadforth (1323040)

Include householder developments within the scope of the policy and require the review of "net positive impact" by an impartial expert rather than the developer or Council.

JM and LM Forbes per Grant and Geoghegan (1271817)

None.

Kirkwood Homes (1312500)

Retain the first paragraph and delete the remainder.

Lidl per Keith Hargest Planning (1312411)

Amendment to policy to clarify that, in the future, contributions will be sought to ensure biodiversity net gain but that this will be the subject of future supplementary guidance following extensive consultation with relevant organisations.

Nairn River Community Council (1312260)

None.

NatureScot (1266529)

The following changes:

1. Recommend that "species" is included along with habitats in the first sentence of paragraph 46 and remove the word "diverse" from the first sentence, so that it reads "*The Inner Moray Firth is home to some of the most biodiverse habitats and species across Scotland...*".
2. Habitat surveys form part of ecological surveys, and "prevent" and "avoid" have similar meanings. It is therefore, suggested that the third sentence in paragraph 47 is amended from "*The use of appropriate ecological and habitat surveys*" and "*prevent and avoid negative impacts*" to say "*The use of suitable ecological surveys will be required to inform site layouts and designs to avoid and reduce negative impacts to biodiversity, and inform selection of the most appropriate measures to compensate any biodiversity loss and deliver enhancement.*"

3. It is noted that “enhance” is placed at the bottom of Figure 15 (Mitigation Hierarchy) which suggests that enhancement measures are a last resort after compensation. Opportunities for enhancement should always be sought to help achieve “net gain”. It is therefore, advise that Figure 15 is amended to reflect the Scottish Government’s proposed NPF4 definition of the mitigation hierarchy (Annex C - Glossary of Definitions) which is 1. avoid; 2. minimise, 3. restore, and 4. offset. It is also suggested to make reference to enhancement in the second sentence of paragraph 47. For example, it could state *“With schemes designed to achieve net gain through seeking opportunities for enhancement at every level of the hierarchy.”*

4. The first sentence states *“All development sites have some value for biodiversity, but a number of sites have statutory protection under International, National (UK and Scotland), Regional and local legislation”*. The respondent states that the policy should only reference legislation and obligations at either International, UK or Scottish level, and not local level, plus not all protected sites are statutory. For example, Local Nature Conservation Sites are non-statutory and protected through local planning policy. Recommend amending this sentence to say *“All development sites may have some value for biodiversity, and some may have a protected site within and/or adjacent to them. These may be protected at International, UK, Scottish or local level, as statutory or non-statutory protected sites.”*

5. It is also question the use of the word “preservation” in the title of this section and of the Policy 2 “Protection, Preservation and Enhancement”. To be in line with the Scottish Government’s proposed National Planning Framework 4, to facilitate biodiversity protection, enhancement, and restoration. It is recommended replacing the word “preservation” with “restoration” so that the Policy 2 states “Nature Protection, Restoration and Enhancement.”

6. To make the policy clearer and stronger in terms of addressing biodiversity loss and meeting the requirements of the biodiversity duty, it is recommended removing from the first sentence in the first paragraph *“must contribute to the enhancement”*, and replacing it with *“must enhance”* so that it states *“All developments must enhance biodiversity, including restoring degraded habitats and building and strengthening nature networks and the connections between them.”* To be consistent with the rest of this section within the policy, the objector advises that the word “should” is replaced with “will” in the third sentence so that it states *“Design and layouts will consider reversing biodiversity loss...”*.

7. The first sentence for Local Developments states *“local developments will only be supported if they include appropriate measures to integrate nature-based solutions and enhance biodiversity, in proportion to the nature and scale of the proposed development.”* NatureScot are unsure of what *“appropriate measures”* could be and recommend that this is made clearer within the Plan. The objector is aware that The Highland Council were preparing guidance on Standard Site Developer Requirements which could help to provide some clarity here, and we suggest making reference to the guidance within your policy 2 which should be relevant for local developments as well as national, major and EIA developments.

8. It is noted in the third sentence for Local Developments that “The collective biodiversity enhancement developer contribution value is set out above and will be calculated on the application total site area, minus any high-quality biodiversity-rich habitat, e.g. communal woodland, peatland, wetland and greenspace which safeguards/enhances biodiversity on the site.” NatureScot is unsure what the “value is set out above” actually is, or how the whole calculation is worked out, including how “any high-quality biodiversity-rich habitat” is deducted, and we welcome clarification on this within Policy 2 so that it is easily understood.

9. All reference to “should” be replaced with “will” and to remove “wherever feasible”.

Rachael Probee (1310748)

Plan changes to ensure an embargo on any housing development that results in the loss of any habitat or species (assumed).

RSPB Scotland (1311075)

The following changes:

1. Seek improvements to figure 15 (Mitigation Hierarchy) so that is clear that enhancement applies to all development.
2. Suggest updating the wording in first paragraph of the policy to: *“All developments must contribute to the enhancement of biodiversity, including restoring degraded habitats and adding to and strengthening nature networks. Any potential adverse impacts of development proposals on biodiversity, nature networks and the natural environment must be minimised through careful planning and design and following the mitigation hierarchy. Design and layouts must show how they have considered enhancing biodiversity, safeguarding the services that the natural environment provides and building the resilience of nature by enhancing nature networks and maximising the potential for restoration.”*
3. In the “Local Development” section suggest changing “Alongside any direct development enhancements, all new residential developments and..” to: “In addition to any direct development enhancements, all new residential developments and...”.
4. Clarification in the policy as to whether “direct development enhancements” refers to only onsite measures or can include offsite measures (if appropriately secured in the long term).
5. In the “National Major and EIA Development” section clarify why national and major developments are subject to developer contributions for biodiversity enhancement, and omit “development for which Appropriate Assessment is required”
6. In terms of the last bullet point within the policy, suggest changing to: “provide significant biodiversity enhancements, in addition to any proposed mitigation and compensation”.
7. With regard to the last sentence, suggest rewording too either “Any submission must include management arrangements for long-term retention and monitoring of the approved biodiversity enhancements, as appropriate” or “Any submission which does not include management arrangements for long-term retention and monitoring of the approved biodiversity enhancements, as appropriate, will not be supported”
8. Include a definition of “Nature Network” in the glossary

SEPA (906306)

Plan amendments to ensure a consistent application of this policy across the placemaking priorities and developer requirements within the document.

Springfield Properties (1147956)

Retain the first paragraph and delete the remainder.

SSEN Transmission (1311702)

Addition of more Plan flexibility in decision making for critical infrastructure development subject to suitable environmental mitigation and enhancement.

Steve North (1263190)

None.

Woodland Trust Scotland (1312249)

The following changes:

1. Figure 15 (mitigation hierarchy) revise wording to say “...Any potential adverse impacts of development proposals on biodiversity, nature networks and the natural environment must be first avoided and if not possible minimised through careful planning and design...”
2. Replace “Design and layouts should consider reversing biodiversity loss, safeguarding the services that the natural environment provides and building the resilience of nature by enhancing nature networks and maximising the potential for restoration”. with “Design and layouts must consider reversing biodiversity loss, safeguarding the services that the natural environment provides and building the resilience of nature by enhancing nature networks and maximising the potential for restoration” or “Design and layouts will consider reversing biodiversity loss, safeguarding the services that the natural environment provides and building the resilience of nature by enhancing nature networks and maximising the potential for restoration”.
3. Revise “The collective biodiversity enhancement developer contribution value is set out above and will be calculated on the application total site area, minus any high-quality biodiversity-rich habitat, e.g. communal woodland, peatland, wetland and greenspace which safeguards/enhances biodiversity on the site.” To ensure calculations are made including high-quality biodiversity-rich habitats. These habitats are potentially at risk of degradation as a result of the new development on site and as such ensuring habitats elsewhere are restored is essential. If a habitat is high quality and high biodiversity value losing it even if that’s through indirect impacts of development will have a high impact on nature.

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

##### Aird Community Trust (1311972)

Support noted.

##### Antonia Wright (1311246)

Support noted.

##### Broadland Properties (1312044)

It is widely accepted that any form of built development will impact negatively on biodiversity of the site and often wider area, be it by sealing undeveloped surfaces, removal of landscaping/habitats/forging grounds, use of finite materials or by creating noise and disturbance. Given this, along with the overriding ambition of both NPF4 (Policy 1: Tackling the climate and nature crises) to give significant weight to the global climate and nature crises and IMFP LDP (para. 22) to address the climate & ecological emergency, it is considered appropriate to safeguard existing biodiversity to prevent further loss and maximise potential for its restoration.

In the past, considerable focus in achieving this has been directed at major and national forms of developments. Whilst this work is ongoing and being strengthened, to move forward, this Plan will have a wider scope hence the inclusion of the requirement for Local Developments. Nevertheless, it is accepted that this approach is required to conform with planning legislation and appropriate case law.

Dealing first with the case law aspect, the most recent and relevant judgement is the Aberdeen City & Shire Strategic Development Planning Authority v Elsick Development Company Limited 2017 judgement (*the Elsick Judgement*) [\*]. This judgement confirms that any planning obligation must pass the same three principal tests as a planning

condition (paras. 28 - 32) namely, an obligation must be imposed for a planning purpose, it must fairly and reasonably relate to the permitted development, and it must not be unreasonable. The judgement goes on to confirm that any financial obligation must be connected to the development and must not make the payment a pre-condition of developing the site and can only be used to overcome legitimate planning objections (paras. 43-45).

In considering the issues around what the Elrick Judgment terms as “trivial”, para. 48 states that for a planning obligation to be a “material consideration”, “...the obligation must have some connection with the proposed development which is not de minimis...”. Clearly the issues around biodiversity loss on any application site are a material consideration and one which is becoming increasingly important with the enactment of UK Climate Change Act and NPF4 (Policy 1: Tackling the climate and nature crises) which requires the planning system to give significant weight to the global climate and nature crises. As such, the policy approach is considered to satisfy this first requirement and given the purpose of planning is defined by section 1 of the 2019 Act, is to manage the development and use of land in the long-term public interest, a policy which seeks to achieve collective biodiversity enhancement on an application site would not be considered “trivial”.

Moving on to considering the implications of planning legislation on the draft policy, the Planning etc. (Scotland) Act 2006 amended the provisions in the Town and Country Planning (Scotland) Act 1997 and sets out the framework for planning obligations with Circular 3/2012 outlining the applicable policy tests (para. 14):

1. necessary to make the proposed development acceptable in planning terms
2. serve a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
3. relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area
4. fairly and reasonably relate in scale and kind to the proposed development
5. be reasonable in all other respects

Taking each of these tests in turn, the Council notes the following:

#### **Test 1**

The impact on biodiversity is clearly one of the issues which needs to be considered as part of any development process and based on the requirement of Policy 1 of NPF4, one which is required to be given “significant weight”. Therefore, it is asserted the principle of the draft policy meets test 1.

#### **Test 2 & 3**

As per test 1, the enhancement of biodiversity clearly serves a planning purpose and would directly relate to the development, so again the draft policy is considered to satisfy these tests.

#### **Test 4**

As noted above, the focus of achieving biodiversity enhancement across Highland has been major and national developments but given the overriding climate and ecological crisis affecting Scotland (and the world), it is considered necessary to extend the requirements to seek biodiversity enhancements to more forms of development. Therefore, the draft policy ambition to seek enhancement across all forms of development down to single house applications, except householder applications, is considered to be reasonable on the proviso that the policy requirements are set at an appropriate scale.



## Test 5

In considering what is reasonable, it is accepted that this has to be carefully balanced to ensure the requirements respect the scale of development in order to avoid the policy making the development unviable. Furthermore, it is accepted that the wording of the draft policy for local developments requires an applicant to enter into a planning obligation to deliver collective off-site biodiversity enhancements and undertaking enhancements on site the site is likely to be verging on what could be deemed unreasonable.

Therefore, to ensure the policy meets the above tests and the Elsieck Judgement, if the Reporter is so minded, the Council suggests that the wording of the draft policy is updated and suggests that the text below would satisfy both aspects.

*“With the exclusion of householder alterations and extensions, all new local developments will be expected to deliver a demonstrable net-biodiversity enhancement above an agreed baseline. These enhancements can be provided on-site, or on other land within the applicant ownership or control, subject to the Planning Authority agreement and secured through planning conditions. Alternatively, a biodiversity enhancement developer contribution can be paid to facilitate collective biodiversity enhancements within or within the catchment of the closest Main Settlement of the proposed development.*

*For applications of less than 4 new build houses, a simplified biodiversity enhancement developer contribution figure can be paid per unit, as set out in the table below. Above this threshold, and for all other forms of developments the biodiversity enhancement developer contribution figure will be calculated on the application total site area, minus any high-quality biodiversity-rich habitat and greenspace which safeguards biodiversity on the site.”*

In terms of the National, Major and EIA Developments section of the policy, subsequent to the suggested policy approach outlined in the IMFLDP MIR, the section was largely rewritten following the publication of draft NPF4 to complement and respect the suggested Policy 3 (Nature crisis) approach [1]. It is noted that NPF4 Policy 3 (Biodiversity) maintains virtually the same policy wording (subsection b.) with the addition of a new bullet point requiring local community benefits of the biodiversity and/or nature networks to be considered.

Consequently, it is suggested that this section of the policy is robust and is clear in its requirements. The Council would also accept, if the Reporter is so minded, for the addition of the requirement to consider local community benefits of the biodiversity and/or nature networks as now identified in NPF4, to be added to the Plan Policy 2.

### Defence Infrastructure Organisation (MoD) (1270246)

The objector notes that within the section titled “Local Developments” that the policy test stipulates “all new residential developments” and as such questions and seeks exemptions for change of use applications where no physical changes to the structure are made as they state this will not result in habitat losses. The policy’s use of “Local Development” and “National, Major and EIA development” would accord with Part 3 Section 5 of the 2006 Act which inserted a new section 26A into the Town and Country Planning (Scotland) Act 1997 which defines the three categories in the hierarchy of development. Therefore, it is the intention to include all forms of development which fall within the “local development” hierarchy definition, with only householder applications being excluded. As such, “change of use applications” would be included and expected to

meet the requirements of the policy.

Fred Olsen Renewables (1311832)

In terms of the National, Major and EIA Developments section of the policy, subsequent to the suggested policy approach outlined in the IMFLDP MIR, the section was largely rewritten following the publication of draft NPF4 to complement and respect the suggested Policy 3 (Nature crisis) approach. [\*]. It is noted that NPF4 Policy 3 (Biodiversity) maintains virtually the same policy wording (subsection b.) with the addition of a new bullet point requiring local community benefits of the biodiversity and/or nature networks to be considered. Consequently, it is suggested that this section of the policy is robust and is clear in its requirements. However, the Council would support, if the Reporter is so minded, for additional wording to be added to the policy to ensure that enhancements required to be provided are proportionate to the scale of development proposed and reasonable, in that the delivery of enhancements adjacent to a site may only be possible where that land is within the applicant's control.

Homes for Scotland (966619)

See response to Broadland Properties above.

Iain Nelson (1323043)

The process of appointing consultants and reviewing their reports/data is a long established part of the development management decision making process. Furthermore, it would be expected that any reports submitted are prepared to a set of agreed criteria, which allows comparison and review to be undertaken. For these reasons, all reports should be robust and exclude bias.

Jane Shadforth (1323040)

As outlined in the Broadland Properties (1312044) response above, the policy is required to conform to planning legislation and appropriate case law, which requires the policy to be reasonable to the scale of the proposed development (Test 4 of Circular 3/2012). The exclusion of householder applications from the requirements of the policy for "Local Developments" is considered to be reasonable. However, the Council will still promote and seek to achieve biodiversity enhancements across householder applications through agreement. In terms of seeking the appointment of an impartial expert to review any reports/data outlining the improvements to achieve the "net positive impact" improvements, see response to Iain Nelson above.

JM and LM Forbes per Grant and Geoghegan (1271817)

See response to Broadland Properties above.

Kirkwood Homes (1312500)

See response to Broadland Properties above.

Lidl per Keith Hargest Planning (1312411)

It is accepted that biodiversity enhancement is an emerging sector and that understanding, and requirements will continue to evolve. However, it is contended that the proposed policy approach, as noted above, conforms to the Council Climate & Emergency declaration, the outcomes of the Plan, emerging legislation and NPF4, and for this reason the Council considers (subject to the recommended updates noted elsewhere in this paper) the draft policy to be robust and should be retained.

Nairn River Community Council (1312260)

The Council contends that the draft policy outlines a robust approach and will act as one

strand to address the climate and ecological emergency. It is however, accepted that other policies, plans and guidance will also have an important part to play in safeguarding and enhancing biodiversity. Furthermore, the issues around biodiversity enhancement is an emerging aspect and one that the Council will work with the development industry, stakeholders and the community to deliver. This draft policy has been designed to complement the other policies with IMFpLDP, HwLDP and Supplementary Guidance hung on it, and NPF4, rather than being a standalone policy. Therefore, it is accepted that other policies both Council and national are likely to contain greater detail and requirements, but it is asserted that as planning applications are determined in accordance with all relevant legislation, Local Development Plans and material considerations, the detail in these other policies are still relevant and will add to the ambition of this policy rather than detract from it.

#### NatureScot (1266529)

Support noted and welcomed. Should the Reporter be so minded, the Council is content to accept the following suggested amendments:

1 Update the first sentence of paragraph 46 so that it reads "*The Inner Moray Firth is home to some of the most biodiverse habitats and species across Scotland...*".

2 Update the third sentence in paragraph 47 to say "*The use of suitable ecological surveys will be required to inform site layouts and designs to avoid and reduce negative impacts to biodiversity, and inform selection of the most appropriate measures to compensate any biodiversity loss and deliver enhancement.*"

3 Update Figure 15 (Mitigation Hierarchy) to reflect the Scottish Government's proposed NPF4 definition of the mitigation hierarchy (Annex C - Glossary of Definitions) which is 1. avoid; 2. minimise, 3. restore, and 4. Offset and update second sentence of paragraph 47 to state "*With schemes designed to achieve net gain through seeking opportunities for enhancement at every level of the hierarchy.*"

4 Update the first sentence of Para. 48 to say "*All development sites may have some value for biodiversity, and some may have a protected site within and/or adjacent to them. These may be protected at International, UK, Scottish or local level, as statutory or non-statutory protected sites.*"

5 Update the title of Policy 2 to "Nature Protection, Restoration and Enhancement."

6 Update the first sentence of the policy to read "*All developments must enhance biodiversity, including restoring degraded habitats and building and strengthening nature networks and the connections between them.*" and replace the word "should" with "will" in the third sentence so that it states "*Design and layouts will consider reversing biodiversity loss...*".

7 All reference to "should" replaced with "will" and remove "wherever feasible".

With regards to point no. 7 and 8, as noted above, this part of the draft policy complements NPF4 wording which refers to "*appropriate measures*" and it is proposed to expand on what will be deemed appropriate, financial contribution value and how to calculate the contribution within the introduction text of the proposed policy and guidance document.

#### Rachael Probee (1310748)

As outlined in Issue 3: Housing Requirements, the purpose of a local development plan is to identify and help deliver a sufficient and effective housing land supply for both the affordable and market sectors. The Plan's Spatial Strategy has taken a much more focused approach to direct development to the most economically viable and environmentally sustainable places (para. 26). However, doing so still requires the Council to allocate a number of greenfield sites to achieve its purpose. Policies such as Policies 2,

3, 4, 5, 8, 9 and 14 and individual allocation developer requirements, attempt to mitigate any adverse impacts that the development of these sites will have.

#### RSPB Scotland (1311075)

Support noted and welcomed. Should the Reporter be so minded, the Council is content to accept the following suggested amendments:

1 Improvements to figure 15 (Mitigation Hierarchy) so that is clear that enhancement applies to all development.

2 Updating the wording in first paragraph of the policy to:

*“All developments must contribute to the enhancement of biodiversity, including restoring degraded habitats and adding to and strengthening nature networks. Any potential adverse impacts of development proposals on biodiversity, nature networks and the natural environment must be minimised through careful planning and design and following the mitigation hierarchy. Design and layouts must show how they have considered enhancing biodiversity, safeguarding the services that the natural environment provides and building the resilience of nature by enhancing nature networks and maximising the potential for restoration.”*

3 In the “Local Development” section updating the wording “Alongside any direct development enhancements, all new residential developments and..” to: “In addition to any direct development enhancements, all new residential developments and...”.

4 In terms of the last bullet point within the policy, change wording to: “provide significant biodiversity enhancements, in addition to any proposed mitigation and compensation”.

5 With regard to the last sentence, rewording too either “Any submission must include management arrangements for long-term retention and monitoring of the approved biodiversity enhancements, as appropriate” or “Any submission which does not include management arrangements for long-term retention and monitoring of the approved biodiversity enhancements, as appropriate, will not be supported”

6 Include a definition of “Nature Network” in the glossary

With regards to removing the reference to “Appropriate Assessment” from the “National Major and EIA Development” section, as noted in the response to Fred Olsen Renewables above, the section on National, Major and EIA Developments was largely rewritten following the publication of draft NPF4 to complement and respect the suggested Policy 3 (Nature crisis) approach [X] and this policy included the reference to “Appropriate assessment”. However, it is now noted that NPF4 Policy 3 (Biodiversity) – which replaces draft NPF4 Policy 3 – has omitted the reference to “appropriate assessment” and therefore, should the Reporter be so minded, the Council would also support its removal.

Finally, as noted by the respondent the draft policy does not necessitate a developer contribution for biodiversity enhancement for “National Major and EIA Developments”. Instead given the breath of scope of these proposals, the draft policy allows a more tailored and bespoke option for achieving biodiversity enhancement. This also accords with the approach NPF4 has taken in Policy 3 (Biodiversity). This bespoke option does not preclude the developer providing a developer contribution to achieve biodiversity enhancement if they wished to address the issue by this method.

#### SEPA (906306)

Support noted and welcomed. In terms of achieving strong support for the policy across individual site allocations, as this policy is one of the 15 “general policies” with which all relevant developments must conform, it will be potentially applicable across all allocations and whilst some minor “tweaking” is being proposed to certain allocations, the developer requirements for each allocation are not proposed to be substantially amended.

Springfield Properties (1147956)

See response to Broadland Properties above.

SSEN Transmission (1311702)

As outlined in the response to Fred Olsen Renewables above, the section on National, Major and EIA Developments was largely rewritten following the publication of draft NPF4 to complement and respect the suggested Policy 3 (Nature crisis) approach. [\*]. It is noted that NPF4 Policy 3 (Biodiversity) maintains virtually the same policy wording (subsection b.) with the addition of a new bullet point requiring local community benefits of the biodiversity and/or nature networks to be considered. However, the Council is keen to ensure that the policy is both workable and allows flexibility in its approach, therefore, if the Reporter is so minded, then the Council would support the addition of wording to ensure that some flexibility in the delivery of biodiversity enhancements is possible.

Steve North (1263190)

Support noted.

Woodland Trust Scotland (1312249)

Support for policy noted and welcomed. Should the Reporter be so minded, the Council is content to accept the following suggested amendments:

1. As per the response to NatureScot above, the mitigation hierarchy diagram (Figure 15) is proposed to be updated to reflect the Scottish Government's proposed NPF4 definition of the mitigation hierarchy (Annex C - Glossary of Definitions).
2. Replace "Design and layouts should consider reversing biodiversity loss, safeguarding the services that the natural environment provides and building the resilience of nature by enhancing nature networks and maximising the potential for restoration". with "Design and layouts must consider reversing biodiversity loss, safeguarding the services that the natural environment provides and building the resilience of nature by enhancing nature networks and maximising the potential for restoration" or "Design and layouts will consider reversing biodiversity loss, safeguarding the services that the natural environment provides and building the resilience of nature by enhancing nature networks and maximising the potential for restoration".

With regard to point no. 3. as set out in the response to Broadland Properties above, in order to comply with the planning legislation and case law revision other changes are proposed to the developer contribution aspect, including how a contribution, if required is calculated.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 7</b>	<b>GP3: Water and Wastewater Infrastructure</b>	
<b>Development plan reference:</b>	Section 3 General Policies, PDF Pages 46-48	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Antonia Wright (1311246)  Jane Shadforth (1323040)  Nairn River Community Council (1312260)  Rachael Probee (1310748)  RSPB Scotland (1311075)  Scottish Environment Protection Agency (906306)  Steve North (1263190)</p>		
<b>Provision of the development plan to which the issue relates:</b>	General Policy 3, PDF Paragraph 50	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Antonia Wright (1311246)</u>  Support (no reasons stated).</p> <p><u>Jane Shadforth (1323040)</u>  Believes these services need to be improved to support public needs whilst having a positive impact on water quality in lochs, seas and rivers.</p> <p><u>Nairn River Community Council (1312260)</u>  Outlines a wide range of concerns in relation to approaches to waste water treatment. In particular criticises reference to HwLDP Policy 65 (Waste Water Treatment) as considers it is dated and should be reviewed to reflect the current climate emergency, Scottish Government's aspirations from COP 26, and the current SEPA Flood Risk and Land Use Vulnerability Guidance. Considers policy is unenforceable. Explains that the A96 Growth Corridor Development Framework set out clearly the need for waste water upgrades, including a new Culloden Trunk Main but no improvements have taken place despite significant growth. Acknowledges that the Inner Moray Firth Delivery Plan 2021 states that Nairn requires upgrades and improvements to water and waste water infrastructure to enable further development but criticises omission any of meaningful details leading to delivery. Concerned due to perceived lack of consultation with Scottish Water and the transparency and responsibility for waste water upgrade matters in Nairn. Suggests that the Council should have an increased understanding given their responsibilities as Planning Authority. Asserts that water and waste water infrastructure audits should underpin the content of Development Plans and Action Programmes. <i>Considers policy requires to be rewritten to reflect the enforcement aims of the Council because Nairn continues to suffer from untreated sewage overflows into the River Nairn, Moray Firth and its beaches. Also because any additional housing and industrial port development must balance the need to protect the environment, wildlife, marine ecosystems and encourage tourism.</i></p>		

*Requests clarity on the ways the policy complies with draft NPF4 Policy 8 Infrastructure First, Policy 9 Quality Homes, Policy 13 Flooding and Policy 35 Coasts. Provides extract of the Council's response to Draft NFP4 relating to Policy 13 flooding which states "the Council is concerned the change in definition [future functional floodplain] will result in a number of our long-established coastal and river communities being identified at further risk of flooding, which is likely to result in a number of urban sites currently allocated within the Council's LDPs being reassessed in respect of flood risk". Considers these comments imply a reluctance to undertake these reassessments despite latest flood risk data from SEPA identifying further risk of flooding thus making reassessment essential.*

Rachael Probee (1310748)

Concerned that practice of inadequate infrastructure planning will be replicated in relation to environmental protection. This will result in adverse impacts to water treatment systems with subsequent severe impacts to wildlife.

RSPB Scotland (1311075)

Supports the policy which includes the need for compliance with the Habitats Regulations and not adversely effect European sites but requests a number of changes are made. Requests that the policy makes clear that a Habitat Regulation Appraisal will also be required at the application stage and sufficient information must be submitted by the applicant to inform this. Suggests the following changes to last sentence of first paragraph for clarity and accuracy: "Such improvements must ensure that there will be no adverse effect on the integrity of Moray Firth SAC, either alone or in combination with other plans and projects, including in terms of the level of waste water treatment and likely effects on bottlenose dolphin as a qualifying interest of the Moray Firth SAC." The reason for these changes are to better reflect the requirements of the Habitat Regulations and the fact that it is the integrity of the site that is required to be considered in any Appropriate Assessment, although this must consider effects on qualifying species and the conservation objectives of the site; subtidal sandbanks are also a qualifying feature of Moray Firth SAC and other issues apart from the level of wastewater treatment will need to be considered in an Appropriate Assessment, therefore the word 'including' should be used. Notes that the last sentence of the second paragraph seems to be incomplete, suggests addition of wording "will be required to be submitted" to end the sentence.

Scottish Environment Protection Agency (906306)

Recommends that the title of the policy makes it clear whether it relates to all development in the Plan area (as inferred by its current title) or only to development within the 'Nairn to Inverness corridor'. If Policy 3 only relates to development within the 'Nairn to Inverness corridor' **recommends** that the title of the policy is revised to reflect this and a Map is added showing the extent of the corridor (similar to Map 5 in the existing plan). However recommends that it would be more useful for the policy to cover all development within the Plan area and ensure that the requirements of Policy 65 of the HwLDP are embedded within it, but then concentrated on those areas where additional protection is required for European sites. Therefore, **recommends that** the start of the policy is revised to "In line with Policy 65 of the HwLDP, all allocated developments in *Main Settlements, in other areas where there is existing infrastructure and elsewhere where identified as a developer requirement* are required to connect to the public sewer (as defined in the Sewerage (Scotland) Act 1986). *In some locations* improvements to the strategic wastewater infrastructure in the area will be required to accommodate the level of development supported in this Plan."

Recommends that the sentence "Construction Environmental Management Plans and



Operational Environmental Management Plan for controlling water quality and sedimentation and water flows, plus mitigating against disturbance when abstracting water and mitigating impacts of reduced or increased water levels” is revised because it is not easy to understand. Recommends that the first sentence of the last paragraph is amended to “All *unallocated* development in the water catchment...” as the start of the policy makes it clear that the only option for allocated developments is public sewer connection.

Steve North (1263190)

Supports as policy reflects the statutory requirements to safeguard these sites.

#### **Modifications sought by those submitting representations:**

Antonia Wright (1311246)

None.

Jane Shadforth (1323040)

Unclear.

Nairn River Community Council (1312260)

Rewrite policy to require fit for purpose wastewater infrastructure that provides greater environmental protection (assumed).

Rachael Probee (1310748)

Unclear.

RSPB Scotland (1311075)

Addition of wording: “Sufficient information must be submitted with any application to allow a Habitats Regulations Appraisal to be carried out prior to determination.”

Amendment of last sentence of first paragraph to read: “Such improvements must ensure that there will be no adverse effect on the integrity of Moray Firth SAC, either alone or in combination with other plans and projects, including in terms of the level of waste water treatment and likely effects on bottlenose dolphin as a qualifying interest of the Moray Firth SAC.”

Amendment of last sentence of the second paragraph to read: “Construction Environmental Management Plans and Operational Environmental Management Plan for controlling water quality and sedimentation and water flows and mitigating against disturbance when abstracting water and mitigating impacts of reduced or increased water levels will be required to be submitted.”

Scottish Environment Protection Agency (906306)

Clarification of title of the policy to establish whether it relates to (1) all development in the plan area (as inferred by its current title) or (2) only to development within the Nairn to Inverness corridor. If Policy 3 only relates to development within the Nairn to Inverness corridor then (1) the title of the policy is revised to reflect this and (2) a Map is added showing the extent of the corridor. Amendments of start of the policy be revised to “In line with Policy 65 of the Highland-wide Local Development Plan, all allocated developments in Main Settlements, in other areas where there is existing infrastructure and elsewhere where identified as a developer requirement are required to connect to the public sewer (as defined in the Sewerage (Scotland) Act 1986). In some locations, improvements to the strategic wastewater infrastructure in the area will be required to accommodate the level of development supported in this Plan.”

Revision of the sentence “Construction Environmental Management Plans and Operational Environmental Management Plan for controlling water quality and sedimentation and water flows, plus mitigating against disturbance when abstracting water and mitigating impacts of reduced or increased water levels”. First sentence of the last paragraph is amended to



“All unallocated development in the water catchment...”

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

Antonia Wright (1311246)

Support noted.

Jane Shadforth (1323040)

Support noted.

Nairn River Community Council (1312260)

The requirement for this policy within an area Local Development Plan, for the aIMFLDP and the IMFpLDP2, arose as an outcome of the Habitats Regulation Appraisal and Appropriate Assessments for this plan area, to ensure no adverse effects on the integrity of European sites as a result of any required upgrades to wastewater treatment works, increased water abstraction or new development within the water catchment of Loch Flemington. Many of the issues raised by this respondent relate to wider wastewater infrastructure investment concerns rather than impacts and mitigation on European sites potentially affected by increased water and wastewater infrastructure and are therefore outwith the scope of this issue. General responses to issues raised are provided below, more detailed responses to localised issues can be found within the relevant settlement issue paper, in particular Issue 43 Nairn.

The HwLDP was adopted in 2012 and therefore a number of its general policies, including HwLDP Policy 65 Waste Water Treatment, are now dated. Despite this, the principle of new development connecting to the public sewer remains. This policy is likely to be renewed through preparation of a new legislation based local development plan for Highland. Formal work on this “new style” LDP will start in early 2023. A more up to date policy framework is also provided within NPF4. The A96 Growth Corridor Development Framework was published in 2007. This non-statutory guidance has long been superseded by the HwLDP and the aIMFLDP. Related Delivery Programmes (Action Programmes) which detail infrastructure requirements have also been published annually. It is therefore considered that any required wastewater upgrades set out in this document have been superseded by more recent policy and guidance.

The Council has consulted and engaged with Scottish Water throughout the preparation of the plan. There are no insurmountable water and sewerage capacity issues affecting the sites allocated for development within the Plan. Many of Nairn’s issues relate to the older part of the town where combined rather than separate surface and foul water mains exist and these overflow during storm events. This is an existing deficiency not an issue connected with new development. Scottish Water’s capital investment programme is outwith the Council’s and Plan’s control in relation to the resolution of existing network issues.

As explained above, the intention of the policy was/is to ensure no adverse effects on the integrity of European sites as a result of any required upgrades to wastewater treatment works, increased water abstraction or new development within the water catchment of Loch Flemington. Responses to comments specifically relevant to Nairn can be found within Issue 43, and specifically relevant to port development within Issue 51 Economic Development Areas.

The Council’s general flooding policy is contained within the HwLDP which is not being reviewed by the IMFLDP2. NPF4 should provide adequate up to date policy coverage for

the matters raised by the respondent. Any necessary variation or additional detail for the Highland area will be considered when the Council prepares a new legislation based local development plan for Highland. Formal work on this “new style” LDP will start in early 2023.

Rachael Probee (1310748)

As explained in paragraph 50 (PDF version) of the Plan, the provision of water supply and waste water infrastructure to support the level of development promoted in the Plan has potential for adverse impacts on a number of European Sites. Policy 3 outlines measures required to ensure no adverse impacts on the integrity of these European sites and therefore protect the wildlife associated with these sites. This Policy was informed by the Plan’s Habitats Regulation Appraisal and Appropriate Assessment, all of which were prepared in consultation with NatureScot. It is therefore not considered that it will result in adverse impacts to water treatment systems with subsequent severe impacts to wildlife. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

RSPB Scotland (1311075)

Support noted. The Plan’s Habitats Regulation Appraisal makes clear (paragraph 1.4) that any subsequent planning applications will require further assessment to ensure that the integrity of the European sites will not be adversely affected. The HwLDP (paragraph 21.1.7) also explains (in reference to Natural, Built and Cultural Heritage) that individual appropriate assessments may be required to be completed for proposed development prior to determining planning applications. It is therefore considered unnecessary to include this information in the Plan, particularly within policy wording.

The wording of this policy was informed by the Plan’s Habitats Regulation Appraisal and Appropriate Assessment, all of which were prepared in consultation with NatureScot. Given NatureScot did not request additional detail to be provided within this policy in their comments on the Plan or the HRA and AA it is not considered necessary to make any amendment to this part of the policy.

The Council agrees that the last sentence of the second paragraph is incomplete. The correction of this error is considered a non-material modification. The last sentence of the second paragraph will be corrected in the Plan to read: “Developers are required to submit Construction Environmental Management Plans and Operational Environmental Management Plans for controlling water quality and sedimentation and water flows, plus mitigating against disturbance when abstracting water and mitigating impacts of reduced or increased water levels.”

Scottish Environment Protection Agency (906306)

The first two paragraphs of this policy essentially replicate aIMFLDP Policy 4 ‘Water and Waste Water Infrastructure in the Inverness to Nairn Growth Area’. The title of Policy 3 in the IMFpLDP2 reads ‘Water and Waste Water Infrastructure Impacts’. The reasons for not including ‘Inverness to Nairn Growth Area’ within the title were to reflect that the spatial strategy of the Plan no longer promotes a specific Inverness to Nairn Growth Corridor and an area is not defined within any maps in the Plan. Rather, it advocates a settlement hierarchy based upon optimising environmental sustainability and economic viability in growth location selection.

The first paragraph of Policy 3 is intended to be specific to development allocations in the Nairn and Inverness area because it is within this area that improvements to strategic wastewater infrastructure will be required, to accommodate the level of development

supported by the Plan and mitigation is required to ensure no adverse effects on the Moray Firth SAC. However, to better reflect the Plan's spatial strategy, and to be consistent with the terminology suggested for an amendment to the second paragraph of this policy, if the Reporter is so minded, then the Council would support an amendment to the first sentence of the first paragraph to read, "In line with Policy 65 of the Highland-wide Local Development Plan, all allocated development in the Nairn and Inverness area are required to connect to the public sewer (as defined in the Sewerage (Scotland) Act 1968)."

The second paragraph of Policy 3 relates to any impacts associated with increased water abstraction to accommodate the level of development supported by the Plan. This part of the Policy is specifically relevant to the Inverness and Nairn area and there may be merit in making this clearer in the Policy wording. It is specifically relevant to the Inverness and Nairn area as water supply for these areas is currently abstracted from Loch Ashie, and as explained in the Plan's Habitats Regulation Appraisal, and, if supplementary water supply is required then Loch Ness may be used which could have impacts on habitats or species of the River Moriston SAC and Urquhart Bay Woods SAC. If the Reporter is so minded, then the Council would support an amendment to the first sentence of the second paragraph to read: "In considering the need to increase the level of abstraction from existing sources, or the need for other sources of abstraction to accommodate the level of development supported by this Plan in the Inverness and Nairn areas, there must be no adverse effect on the integrity of the River Morison SAC, Urquhart Bay Woods SAC and/or Loch Ashie SPA as a result of reduced water levels/flows on the relative qualifying features either alone or in-combination with other plans and projects."

The third paragraph is relevant only to development within the water catchment of Loch Flemington SPA, and not the wider Inverness and Nairn areas.

Taking into account the explanation above of each paragraph of this policy and the suggested minor wording changes, it is considered that the title of this policy as presented in the IMFpLDP2 remains appropriate and that a map is not required to show the extent of the area.

It is not considered appropriate for this policy to cover all development within the Plan and ensure that the requirements of Policy 65 of the HwLDP are embedded within in. This is because the need for the policy, for the aIMFLDP and the IMFpLDP2, arose as an outcome of the Habitats Regulation Appraisal and Appropriate Assessments to ensure no adverse effects on the integrity of European sites as a result of any required upgrades to wastewater treatment works, increased water abstraction or new development within the water catchment of Loch Flemington. Duplication of the requirements of HwLDP Policy 65 is not required within this Policy (other than where it is required for HRA purposes).

The Council agrees that the last sentence of the second paragraph is difficult to understand. The correction of this sentence is considered a non-material modification. It explains that the last sentence of the second paragraph will be corrected in the finalised Plan to read: "Developers are required to submit Construction Environmental Management Plans and Operational Environmental Management Plans for controlling water quality and sedimentation and water flows, plus mitigating against disturbance when abstracting water and mitigating impacts of reduced or increased water levels."

The respondent's suggestion that the first sentence of the last paragraph is amended to read "All *unallocated* development in the water catchment..." is considered unnecessary. This is because all allocated developments within the estimated water catchment include a developer requirement for a public sewer connection, therefore already making it clear that

the only option for allocated developments is a public sewer connection.

Steve North (1263190)

Support noted.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 8</b>	<b>GP4: Greenspace</b>	
<b>Development plan reference:</b>	Section 3 General Policies, PDF Pages 48-49	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Aird Community Trust (1311972)          Antonia Wright (1311246)          Donald Begg (1312031)          Stephen West (1311777)          Ian Leaver (1310928)          Kirkwood Homes per EMAC Planning (1312500)          Lynne West (1311763)          Mark Robertson (1247997)          Nairn River Community Council (1312260)          NatureScot (1266529)          P &amp; D Batten &amp; Lloyd (1271355)          Rachael Probee (1310748)          RSPB Scotland (1311075)          Scottish Government (963027)          SEPA (906306)          Sport Scotland (1323065)          Steve North (1263190)          Shandwick Estate per Strutt &amp; Parker (1271903)          Stuart MacKinnon (1267732)          Woodland Trust Scotland (1312249)</p>		
<b>Provision of the development plan to which the issue relates:</b>	General Policy 4, PDF Paragraph 51	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Aird Community Trust (1311972)</u>          Believes greenspace is important for a range of health and environmental reasons. New development should consider how accessible greenspace can be included. Even in relatively small villages it's important that accessible greenspace is available both for children and households without private transport. Good active travel links should also be provided to ensure that any greenspace is accessible.</p> <p><u>Antonia Wright (1311246)</u>          Supports (no reasons stated).</p> <p><u>Donald Begg (1312031)</u>          Supports the policy as greenspace is vital to the environment and quality of life to residents.</p> <p><u>Stephen West (1311777)</u></p>		

Glenmoriston Improvement Group proposes that the Recreation Field in Invermoriston is identified as 'greenspace' to safeguard it from development. This land, whilst in private ownership, has been leased to the Highland Council since the late 1970s for sport and recreation. Should it be developed, it could not be replaced with any other comparable space in terms of its level ground, accessibility by local homes and roads or size. Currently, it is used for community recreation events, football and shinty practice and is the only safe landing for the emergency helicopter when injuries or serious illness require it.

Ian Leaver (1310928)

Greenspace should be safeguarded in all locations, this includes land safeguarded for recreational and sports use at the playing field at Invermoriston.

Kirkwood Homes per EMAC Planning (1312500)

The Council's Greenspace Audit 2010 did not show Fairways Golf Club as greenspace, instead it is identified as an outdoor sports facility. Alleges that the Council's recent review of greenspace was deficient insofar as a proper analysis of the areas in question was not carried out. There has been no thorough basis of analysis of greenspace areas by the Council and therefore by default, through the Examination, this proper analysis now requires to be carried out by the Reporters.

Lynne West (1311763)

Greenspace is essential for a community's health and well-being. The proposed plan does not include a map for Invermoriston as it is not regarded as a main settlement. However, the recreation field in Invermoriston should be included as Greenspace and protected from development, as it is used for informal play and a formal playground since 1978. It is also the emergency landing space for the Ambulance helicopter. There is no other space in Invermoriston suitable for a recreation space of this size, well located by a main road, neighbouring a residential estate and land which is level.

Mark Robertson (1247997)

Supports the Greenspace Policy, and the inclusion of the Fairways golf course in the South of Inverness, as an area of greenspace.

Nairn River Community Council (1312260)

Greenspace forms an important part of the wider green network and contributes to the character and setting of a place and provide amenity, biodiversity and/or recreation benefits as well as climate change mitigation and adaptation opportunities. Communities should be given the opportunity to decide where they consider their greenspace to be and how it contributes to the character and setting of their place.

NatureScot (1266529)

Welcomes the new policy for protecting greenspaces, and that a Greenspace Audit has been conducted to inform the policy. Understands, however, that the audit for biodiversity is incomplete, and that steps are currently underway to improve this including opportunities for enhancement which will make the Greenspace Audit mapping tool fully meaningful. It is also unclear what the scoring of + or ++ for biodiversity actually means. Other than trees and woodland, there are other natural heritage features that can be included under biodiversity, and recommends that this is explored further and included within the audit for biodiversity, and to provide detail on what the scoring represents. It is also suggested using the Greenspace Audit and Online Mapping tool for providing detail of the existing quality of a green space including biodiversity, and using it to provide enhancement opportunities in areas, for example, with low biodiversity quality, so that it

can be used to help achieve biodiversity net gain.

Welcomes that this policy safeguards the greenspaces from development as identified in the maps within the Plan. Recommends, however, that this policy works alongside the Greenspace Audit to enhance green spaces including increasing biodiversity to provide multi-functioning green spaces. This approach would also help to link into Policy 5 Green Networks, where green networks are the connections between green spaces, and where the aim of Policy 5 is to safeguard and enhance green networks.

P & D Batten & Lloyd (1271355)

Have reservations about the limitations of the greenspace audit methodology. The headings under which candidate greenspaces have been evaluated seem reasonable, but some of the auditor's comments suggest that a simplistic analysis may have overlooked the interests of owners of greenspace land and of those responsible for its maintenance (who may not be the owners). Offer comments related to a specific retained greenspace (namely Cherry Wynd, Culbokie (NH606595 on Settlement Map 9)) in which the respondent is a stakeholder, but are intended to illustrate the wider scope for different stakeholder interests to apply to greenspaces elsewhere in the IMFLDP2 area and/or other parts of Highland. The retained greenspace is owned by a company (the developer) now in administration, but maintained (under burdens in the title deeds) at the joint expense of homeowners (including the author) in the adjoining residential development. The maintenance burdens (which cover several land packages in Cherry Wynd and Rowan Drive, of which the greenspace is the largest) were established by the developer to comply with conditions of the planning consent for the development dating from 2003. From discussions with property factors, it is understood that this model of separating maintenance responsibility for residential green spaces from its ownership is unusual. The respondent also understands that the homeowners' maintenance responsibility would lapse in respect of any land benefited by the maintenance burdens (and infrastructure on that land) taken over for maintenance by the Council or "[an]other appropriate body".

The IMFLDP2 greenspace audit notes, under the "sport and recreation" heading for this site, that the "... small play park on this space ... could be increased in size ...". It is understood, from correspondence in November 2015, that the developer's proposals for the play area were approved by the Council in 2006. Informal correspondence with the IMFLDP2 team suggests the possibility that the Council might in future seek to "improve" a greenspace if funding were available from another nearby development. If it were proposed to "improve" the play equipment at Cherry Wynd in such a scenario (which admittedly seems unlikely in Culbokie for the lifetime of IMFLDP2), the question of who should pay for maintenance of the "improvement" would have to be addressed. If neither the Council nor an alternative body were willing to take over maintenance responsibility for the whole greenspace and preferably other burden-benefited land, either the existing maintenance burdens would have to be changed (at whose cost?) or the currently burdened homeowners (and their successors) could be saddled with increased maintenance costs to which at least some of them might very reasonably object.

Rachael Probee (1310748)

Objects to this policy as there are plans to build on sport sites or exercise areas/green space, which will affect the health and wellbeing of the area. The proposed mitigation/exceptions are not strong enough.

RSPB Scotland (1311075)

Generally, supports this policy.

### Scottish Government (963027)

Scottish Planning Policy (SPP) states (at paragraph 225) that local development plans should seek to enhance existing and promote the creation of new green infrastructure, which may include retrofitting. SPP also states (at paragraph 229) that LDPs should encourage the temporary use of unused or underused land as green infrastructure while making clear that this will not prevent any future development potential which has been identified from being realised. This type of greening may provide the advance structure planting to create the landscape framework for any future development. SPP paragraph 232 states that in the design of green infrastructure, consideration should be given to the qualities of successful places. Green infrastructure should be treated as an integral element in how the proposal responds to local circumstances, including being well-integrated into the overall design layout and multi-functional. Arrangements for the long-term management and maintenance of green infrastructure, and associated water features, including common facilities, should be incorporated into any planning permission.

Recognises that individual Placemaking Priorities and developer requirements include various references to the creation or enhancement of green infrastructure. However, we consider that the Plan should include one or more policy/policies (covering the entire Inner Moray Firth plan area) which promote the enhancement and creation of new green infrastructure with its design giving consideration to the qualities of successful places, and encouraging the temporary greening of unused/underused land, addressing paragraphs 225, 229 and 232 of SPP. SPP at paragraph 231 states that development proposals that would result in or exacerbate a deficit of green infrastructure should include provision to remedy that deficit with accessible infrastructure of an appropriate type, quantity and quality. The Proposed Plan does not include a policy that specifically covers this requirement. It is not clear whether 'greenspace', and the associated audit, referred to in Policy 4 cover all types of open space as defined in the SPP glossary and detailed in PAN 65. SPP (at paragraph 224) requires local development plans to identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs. The glossary of SPP defines Open space as "Space within and on the edge of settlements comprising green infrastructure and/or civic areas such as squares, market places or other paved or hard landscaped areas with a civic function. Detailed typologies of open space are included in PAN65."

SPP paragraph 226 states that outdoor sports facilities should be safeguarded from development except where:

- the proposed development is ancillary to the principal use of the site as an outdoor sports facility;
- the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;
- the outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or
- the relevant strategy (see paragraph 224) and consultation with sportscotland show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of

Outdoor Sports Facilities are defined in the Glossary of SPP Glossary as:



“Uses where sportscotland is a statutory consultee under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, which establishes 'outdoor sports facilities' as land used as: (a) an outdoor playing field extending to not less than 0.2ha used for any sport played on a pitch; (b) an outdoor athletics track; (c) a golf course; (d) an outdoor tennis court, other than those within a private dwelling, hotel or other tourist accommodation; and (e) an outdoor bowling green.”

Policy 4 refers to 'sport sites' but this is not defined in the proposed plan. It is not clear whether all Outdoor Sports Facilities (as defined by SPP, as above) are identified as 'Greenspace' in the maps of, and safeguarded by, the proposed plan. In addition, the exceptions set out in Policy 4 are not entirely consistent with those set out in paragraph 226 of SPP. Therefore considers that Policy 4 should be reworded so that it is fully consistent with the terms of SPP paragraph 226.

SEPA (906306)

Supports (no reasons stated).

Sport Scotland (1323065)

Believes that there are some outdoor sports facilities which have not been included. These are greenspaces and it's not clear why they haven't been included. We suggest that they should be. If they are not, we have suggested an amendment to policy 4. Policy 4 takes a different approach to 'sports sites' as compared to greenspaces. It's not clear whether this applies only if they are identified in the Greenspace Audit. No definition of 'sports sites' is given in the glossary (it's assumed to refer to 'outdoor sports facilities' as defined in Development Management Regulations), a definition would be helpful for clarity. Comments that respondent has tried to identify any outdoor sports facility that will be affected by development but if missed any of these should be considered in the context of national policy.

Steve North (1263190)

Supports (no reasons stated).

Shandwick Estate per Strutt & Parker (1271903)

Policy 4 (Greenspace) of the IMFpLDP includes similarities to HwLDP Policy 75 (Open Space) in seeking to safeguard designated greenspace sites from development. The policy identifies greenspaces as “the discrete and easily identifiable green and blue (waterside or waterbody) spaces that form an important part of the wider green network, and contribute to the character and setting of a place and provide amenity, biodiversity and/or recreation benefits as well as climate change mitigation and adaptation opportunities. Greenspaces may overlap with areas designated for other purposes such as Conservation Areas or environmentally protected places such as Local Nature Reserves and Sites of Special Scientific Interest.” However, it does not include sufficient provision to enable a full and proper assessment of the value or amenity of the greenspace in terms of the expectations of Open Space as set out in SPP. In comparing the provisions of HwLDP Policy 75 against Policy 4 of the IMFpLDP, it is suggested that the designation of the site as greenspace in the IMFpLDP does not carry the same weight as the designation of open space in the IMFpLDP. As a result, it is suggested that the requirement to safeguard existing areas of high quality, accessible and fit for purpose open space defined in Policy 75 do not apply in the same way to greenspace. From a review of the current Highland Greenspace Audit, it does not appear that the audit includes any land in the Seaboard Villages as formal or valuable open space; the Audit

identifies several settlements across the Highland Area where valuable open space has been assessed however these settlements do not include the Seaboard Villages. By default, it is assumed that the land in the Seaboard Villages was not considered to be valuable open space.

Stuart MacKinnon (1267732)

Supports the policy which states all greenspace identified is protected from development. There is an area of greenspace which was the old Fairways golf course which is under threat from Kirkwood Homes. Developer continues to pursue development of this site despite wide condemnation. By putting in place this policy it is hoped that Kirkwood will stop with their development plans.

Woodland Trust Scotland (1312249)

The Woodland Trust supports this policy but would ask that this policy be pushed further by stating that Greenspace should not only be protected from development but developers should also look for opportunities to enhance and expand existing greenspace including woodlands, community orchards etc.

**Modifications sought by those submitting representations:**

Aird Community Trust (1311972)

Identify greenspace within all settlements and ensure it is accessible via public transport and active travel.

Antonia Wright (1311246)

None.

Donald Begg (1312031)

None.

Stephen West (1311777)

Greenspace safeguarded in all locations including a reference to the playing field area at Invermoriston.

Ian Leaver (1310928)

Greenspace safeguarded in all locations including a reference to the playing field area at Invermoriston.

Kirkwood Homes per EMAC Planning (1312500)

A thorough review of the basis of greenspace analysis and removal of greenspace notation from Fairways, Inverness.

Lynne West (1311763)

Greenspace safeguarded in all locations including a reference to the playing field area at Invermoriston.

Mark Robertson (1247997)

Retention of greenspace notation on land at Fairways.

Nairn River Community Council (1312260)

Plan commitment to involve local communities in the process of identifying greenspace.

NatureScot (1266529)

Expansion of the definition of greenspaces to include land with opportunities for biodiversity enhancement and greater cross reference to proposed Policy 5 (Green Networks).

P & D Batten & Lloyd (1271355)

Amendment to the Greenspace Audit notes for the Cherry Wynd site to explain that, unless the Council adopts the greenspace and perhaps other nearby land for maintenance, expansion of the play park is impractical because of the existing maintenance burdens.

Rachael Probee (1310748)

Deletion of any development potential on greenspaces and sports areas (assumed).

RSPB Scotland (1311075)

None.

Scottish Government (963027)

Addition of policy wording (within Proposed Policy 4 Greenspace or in one or more additional policies) promoting the enhancement and creation of new green infrastructure with its design giving consideration to the qualities of successful places and encouraging the temporary greening of unused/underused land, addressing the requirements of SPP paragraphs 225, 229 and 232.

Addition of policy wording (within existing or in one or more additional policies) requiring development proposals that would result in or exacerbate a deficit of green infrastructure to include provision to remedy that deficit with accessible infrastructure of an appropriate type, quantity and quality, to reflect SPP paragraph 231.

Plan amendments to ensure that the Plan protects all types of 'open space' as defined in the SPP glossary and detailed in PAN 65, if they are valued and functional or capable of being brought into use to meet local needs.

Amendment of Policy 4 so that it ensures that all outdoor sports facilities (as defined in the Glossary of SPP) are safeguarded from development except where any of the four exceptions set out in paragraph 226 of SPP are applicable. This may include replacing the term 'sport sites' with 'outdoor sports facilities' and adding the SPP glossary definition of this.

SEPA (906306)

None.

Sport Scotland (1323065)

Policy amended to follow the wording in SPP (which is largely replicated in the draft NPF4) to protect these spaces, regardless of whether they have been identified in the audit.

Steve North (1263190)

None.

Shandwick Estate per Strutt & Parker (1271903)

Undertaking of a Greenspace Audit of land within Seaboard Villages and consideration of identifying areas of greenspace (assumed).

Stuart MacKinnon (1267732)

Retention of greenspace notation on land at Fairways, Inverness.

Woodland Trust Scotland (1312249)

Widening of policy remit to require developers to look for opportunities to enhance and expand existing greenspace including woodlands, community orchards etc.

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

Aird Community Trust (1311972)

The IMFpLDP Spatial Strategy, as outlined at para. 26, has developed a sustainable Settlement Hierarchy which directs growth to the most economically viable and environmentally sustainable places, with the Hierarchy identifying these areas as the noted 'Main Settlements' (Table 2 Pg. 32 IMFpLDP). Given this commitment to directing most developments to these 'Main Settlements', as confirmed at para. 51, the identification and mapping of Greenspaces is limited to these settlements. With the Tier 1 Main Settlements – Table 2 (Settlement Hierarchy) (Alness, Beauly, Dingwall, Invergordon, Inverness, Nairn, Muir of Ord, Tain & Tornagrain) being assessed via the Greenspace Audit process. Beyond these communities, the Council has not formally identified Settlement Developments Areas (SDAs) around these 'Growing Communities', nor has it allocated specific development sites. Instead, as confirmed in para. 273, only limited 'infill' growth will be supported, subject to compliance with Policy 12 (Growing Settlements), which specifically seeks to '...avoid a net loss of amenity or recreational grounds...' and that the development does '...not result in adverse impact...on any open space...'. Furthermore, each 'Growing Settlement' includes tailored 'Placemaking Priorities' which '...sets out key assets/opportunities...' (para.273.) for that community, a number of which seeks the protection and/or enhancement of 'greenspaces'. Therefore, it is argued that adequate protection is afforded to greenspaces without specifically mapping these areas in the growing settlements.

Antonia Wright (1311246)

Support noted.

Donald Begg (1312031)

Support noted.

Stephen West (1311777)

See response to Aird Community Trust above and for the avoidance of doubt Invermoriston is not identified as a 'Growing Settlement' within the IMFpLDP Settlement Hierarchy.

Ian Leaver (1310928)

See response to Glenmoriston Community Group above.

Kirkwood Homes per EMAC Planning (1312500)

Fairways Golf Course has been identified as a protected greenspace within the Plan because: parts of it still function as a publicly accessible golf course and driving range and it is therefore a formal recreational asset; core paths [\*] run through it and therefore the general public derive a direct amenity value from the space; most of its area is covered by a tree preservation order [\*] and this planting provides a direct amenity value to the general public that enjoy informal recreation in this area; and, it is large enough, central enough to the South Inverness neighbourhoods, and of high enough quality of outlook and amenity, to attract a high number of public users from across the urban district. As such, it is disputed that a 'deficient' assessment of the area was carried out as part of the 2021 Greenspace Audit. It is accepted that a small factual correction to the Fairways

greenspace area boundary is required to remove land already developed as housing at Upper Slackbuie [\*]. Moreover, a further Greenspace Audit conducted during the summer of 2022 also recognises the importance of the Fairway golf course as a greenspace and again concludes it should be protected greenspace. For comments on site specific aspects for the Fairways golf course site, please refer to Issue 35 South Inverness.

#### Lynne West (1311763)

See response to Aird Community Trust above and for the avoidance of doubt Invermoriston is not identified as a 'Growing Settlement' within the IMFpLDP Settlement Hierarchy.

#### Mark Robertson (1247997)

Policy support noted and as confirmed in response to Kirkwood Homes above, it is proposed to retain the former Fairways Golf Club as a protected greenspace, albeit with a factual amendment to the boundary to exclude existing built development.

#### Nairn River Community Council (1312260)

The preparation of IMFpLDP has included extensive statutory engagement, which included the ability for individual communities to identify and comment upon areas of proposed greenspaces (including the publication of the draft Greenspace Audit at the Proposed Plan stage). All comments received as part of this engagement have been considered.

#### NatureScot (1266529)

Support for the policy is noted and welcomed. In terms of identifying biodiversity improvement, whilst this is fundamentally important to address the climate and ecological emergency (the overarching aim of IMFpLDP stated at para. 22), it goes beyond the scope and purpose of the Greenspace Audit, which was to review and assess the greenspace as existing, rather than to identify potential future enhancements. A separate workstream within the Council is already looking at potential biodiversity enhancements across open spaces within the Council control/ownership. Moreover, the draft policy has been designed to complement the other policies within IMFpLDP, and therefore, it is asserted that other policies seek to provide opportunities to enhance and expand existing greenspace, namely Policy 2 (Nature Protection, Preservation & Enhancement). The 2021 Greenspace Audit was undertaken during the COVID pandemic and, as such, had a limited scope. Therefore, a more comprehensive Greenspace Audit was undertaken during the summer of 2022, which reviewed the previous sites to ensure accuracy and robustness of approach. This new Audit is included in the Council background documents [\*] and the online mapping is available.

#### P & D Batten & Lloyd (1271355)

As noted in the response to Nairn River Community Council above, the 2021 draft Greenspace Audit was published as part of the proposed plan engagement. This Audit was undertaken during the COVID pandemic and, as such had a limited scope. Therefore, a more comprehensive Audit was undertaken during the summer of 2022, which reviewed the previous sites to ensure accuracy and robustness of approach. In relation to the respondents' comments on the identified greenspace at Cherry Wynd, Culbokie (NH606595 on Settlement Map 9), the site specific aspects are considered in Issue 27 Culbokie. However, the wider issues of landownership and long-term maintenance of existing green and open spaces, are outwith the scope of the proposed policy on Greenspace which seeks to identify and safeguard them from development.

However, Policy 20 (Blue & Green Infrastructure) of NPF4 at section e) requires

'...Development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these...'. Therefore, the long-term maintenance and funding of future greenspaces (and other areas of open space) will be identified and addressed through the development management process for individual proposals.

Rachael Probee (1310748)

The Plan maintains a plan-led approach to development across the Inner Moray Firth area and has allocated land for a range of uses, whilst safeguarding a number of sites to protect amenity, resources, and the historic and natural environment, including protecting greenspaces and sports areas.

RSPB Scotland (1311075)

Support noted.

Scottish Government (963027)

Policy 4, identifies areas of greenspace which are '...discrete and easily identifiable green and blue (waterside or waterbody) spaces that form an important part of the wider green network, and contribute to the character and setting of a place and provide amenity, biodiversity and/or recreation benefits as well as climate change mitigation and adaptation opportunities...' (para.51), rather than identifying all areas of open space within the Main Settlements, (which would include outdoor sports facilities). Whilst these uses are fundamentally important to the urban setting, many are man-made features which are devoid of biodiversity and have restricted access and as such, are not '...discrete and easily identifiable green and blue...' spaces. Nevertheless, these important areas still receive adequate and robust protection through HwLDP & the Supplementary Guidance hung on it, and NPF4, namely HwLDP Policy 75 (Open Space), the Highland Council Open Space in New Residential development Supplementary Guidance [\*] and NPF4 Policy 21 (Play, recreation and sport). Should the Reporter be so minded, the Council would support the inclusion of definitions within the appendix of the Plan identifying which sites the Greenspace policy includes and excludes to ensure its compatibility with NPF4.

SEPA (906306)

Support noted.

Sport Scotland (1323065)

See response to Scottish Government above.

Steve North (1263190)

Support noted.

Shandwick Estate per Strutt & Parker (1271903)

Policy 4 has been designed to be read alongside other policies within the Plan, HwLDP & Supplementary Guidance hung on it, and NPF4. Therefore, it is accepted that other policies both Council and national are likely to contain greater detail and requirements (including HwLDP Policy 75 (Open Space)), but it is asserted that as planning applications are determined in accordance with all relevant legislation, Local Development Plans and material considerations, the detail in these other policies are still relevant and will add to the ambition of this policy rather than detract from it.

Moreover, as outlined in the response to Aird Community Trust above, whilst the Greenspace Audit 2021, was limited to 'Tier 1 Main Settlements', greenspaces were still

identified and mapped on a 'desk-based' assessment approach for all other Main Settlement Tiers, including 'Seaboard Villages'. The areas of greenspace within the Seaboard Villages were included on both the static PDF printed map and interactive online maps of the settlement as part of the Plan engagement process. For comments on site specific aspects for Seaboard Villages, please refer to Issue 45.

Stuart MacKinnon (1267732)

Policy support noted and as confirmed in response to Kirkwood Homes above, it is proposed to retain the greenspace notation at Fairways albeit with a factual amendment to the boundary to exclude existing built development.

Woodland Trust Scotland (1312249)

Policy 4 has been designed to be read alongside other policies within the Plan, and therefore, it is asserted that other policies seek to provide opportunities to enhance and expand existing greenspace, namely Policy 2 (Nature Protection, Preservation & Enhancement).

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 9</b>	<b>GP5: Green Networks</b>	
<b>Development plan reference:</b>	Section 3 General Policies, PDF Pages 49-50	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Aird Community Trust (1311972)          Antonia Wright (1311246)          Glen Urquhart Community Council (1323049)          Laura Keel (1312277)          Nairn River Community Council (1312260)          NatureScot (1266529)          Rachel Probee (1310748)          RSPB Scotland (1311075)          SEPA (906306)          Steve North (1263190)          Woodland Trust Scotland (1312249)</p>		
<b>Provision of the development plan to which the issue relates:</b>	General Policy 5, PDF Paragraphs 52-53	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Aird Community Trust (1311972)</u>          Supports policy but believes it should also be applicable to smaller (non-mapped) settlements.</p> <p><u>Antonia Wright (1311246)</u>          Supports (no reasons stated).</p> <p><u>Glen Urquhart Community Council (1323049)</u>          Supports policy but suggests that communities should have a say in the identification of protected Greenspaces and Green Networks and these should link with local Placemaking Priorities and any Local Place Plan or other similar community plan.</p> <p><u>Laura Keel (1312277)</u>          Seeks expansion of scope of policy to include: resources to promote green spaces and community gardens; access to free compost from the green and brown waste collection; and, support/provision of community planting areas/raised beds.</p> <p><u>Nairn River Community Council (1312260)</u>          Raises concerns over the distinction between Green Networks and Greenspace and how it may be interpreted across green spaces within Nairn. Notes that there is no credible interlinkage with biodiversity, other environmental policies, active travel and access policies. Seeks confirmation that the policy conforms with draft NPF4 Policies 3 (Nature Crisis) and 12 (parts a-k) (Blue and Green infrastructure, Play and Sport).</p>		



NatureScot (1266529)

Welcomes policy but notes that in terms of enhancing green networks, the policy states that this is done “where possible”. Given that green networks can be multi-functional, including helping to address biodiversity loss and climate change which is threaded through the Plan, recommends removing “where possible” from paragraph 53. In addition, paragraph 52 suggests that green spaces are more formal than green networks, however, green spaces can also be informal. Therefore recommends that this first sentence is incorrect, and suggests it is removed given that it doesn’t add value. Seeks strengthening of policy to protect existing green networks, ensure opportunities for their enhancement, and to identify new green networks.

Rachel Probee (1310748)

Believes developers shouldn’t be offered the option of mitigation. Protected features should be avoided and protected.

RSPB Scotland (1311075)

Supports but believes it should define what is desirable, the intended outcomes, and how a potential negative effect on connectivity will be assessed. The preamble gives a very positive statement that “We believe Green Networks should be identified, safeguarded and where possible enhanced” but this is not reflected in the policy itself.

SEPA (906306)

Supports (no reasons stated).

Steve North (1263190)

Supports (no reasons stated).

Woodland Trust Scotland (1312249)

Supports (no reasons stated).

**Modifications sought by those submitting representations:**

Aird Community Trust (1311972)

Extension of scope of policy to cover smaller settlements.

Antonia Wright (1311246), Rachel Probee (1310748), SEPA (906306), Steve North (1263190) & Woodland Trust Scotland (1312249)

None.

Glen Urquhart Community Council (1323049)

Community input in the identification of green spaces/networks and Plan cross references between mapped green spaces/networks, local Placemaking Priorities, and local community plans.

Laura Keel (1312277)

Extension of scope of policy to cover: resources to promote green spaces and community gardens; access to free compost from the green and brown waste collection; and, support/provision of community planting areas/raised beds.

Nairn River Community Council (1312260)

Seeks greater clarity and cross referencing between this and other related Plan policies

(assumed).

NatureScot (1266529)

Removal of “where possible” from para. 53. Strengthening of policy itself to ensure that existing green networks are given protection, that development proposals seek opportunities to enhance existing green networks, and to identify new green networks.

RSPB Scotland (1311075)

Amendment of policy wording to: “Development proposals within or close to an identified Green Network will be assessed as to the extent to which they: affect the physical, visual and habitat connectivity (either adversely or positively) of that Network; and, offer any mitigation and compensation. Proposals which adversely affect green networks and do not offer sufficient mitigation and compensation to ensure no-net loss to the network will not be supported.”

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

Aird Community Trust (1311972)

The Plan’s Spatial Strategy, as outlined at para. 26, has developed a Settlement Hierarchy which directs growth to the most economically viable and environmentally sustainable places. With the Hierarchy identifying these areas as the noted ‘Main Settlements’ (Table 2). Given this commitment to directing most developments to these ‘Main Settlements’, as confirmed at para. 53, the identification and mapping of Green Networks is limited to these settlements – i.e. those settlements where the potential conflict between Green Networks and development aspirations most needs managed by the specific, mapped identification of those Networks. Policy 12 Growing Settlements includes a final criterion that references locally important natural heritage features which would allow policy consideration of non mapped Green Networks within these settlements. Elsewhere, other NPF4 and HwLDP policies offer sufficient policy coverage of this issue.

Antonia Wright (1311246)

Support noted.

Glen Urquhart Community Council (1323049)

The preparation of the Plan included the opportunity for individual communities to identify and comment upon areas of proposed greenspaces and green networks. Indeed many have done so. Within Drumnadrochit, the Glenurquhart Rural Community Association did so. Para. 53 provides adequate cross referencing. It confirms that “...Green Networks are identified in the Main Settlements maps and are referred to through Placemaking Priorities for settlements and in site developer requirements...”

Laura Keel (1312277)

See Issue 8 GP4: Safeguarding Greenspace regarding the Council’s general approach to the definition, identification and protection of greenspaces within all of the main settlements of the Plan area. The Council accepts that green (and blue and surfaced civic) spaces can have many publicly desirable functions/values. They can have public value that’s worthy of planning policy protection because they provide a public amenity value, habitat and biodiversity value, recreational value, landscape and visual value, and/or floodplain set-a-side value. NPF’s policies and its related Glossary definition of these spaces doesn’t, in the Council’s view, offer sufficient clarity on which spaces should be protected and why. The Council has afforded a higher degree of protection to the Plan’s mapped Greenspaces than its mapped Green Networks because we’ve concentrated on

those areas of highest public value and most at risk of loss of quantity or quality from competing development pressure. This is partly because we don't want a vaguer or all-inclusive definition of these spaces to dilute their importance. Such a definition increases the chances of a policy being quickly undermined by planning application decisions which establish a precedent that the spaces have been improperly or insufficiently justified. So, spaces need to be accessible to most of the general public and offer an obvious amenity and/or recreational value to the general public to merit protection under the Plan's Greenspace Policy. Other spaces, such as steep wooded burnsides, have been identified as Green Networks because they are important to habitat connectivity, species movement, flood storage and biodiversity but are generally undevelopable so won't attract development proposals and only provide indirect amenity value.

Allotments or community growing space proposals within the Plan's protected green spaces would be likely to be supported because there would be no irreversible loss of that space (so long as there are no permanent foundation structures erected). Green Networks, for example steep wooded burnsides, are unlikely to be appropriate places for allotments or community growing space proposals. If the Reporter is so minded then the Council would support adding allotments / community growing space proposals as a "development" exception to Policy 4 Safeguarding Greenspace. In practice such proposals would be most suitable where a larger public open space is underutilised.

#### Nairn River Community Council (1312260)

See response to Laura Keel above. The "development plan" comprises a number of documents and policies and must be read as a whole in making any planning determination. Cross referencing every document, policy or section is impracticable because the ones which are relevant to any given case will vary according to the specifics of each site and proposal. The Council believes that Plan Policies 4 and 5 comply with the intent of NPF4 (subject to the response below to NatureScot regarding enhancement) in respect of this issue and perhaps provide a clearer and more defensible policy framework to achieve NPF4's stated intention.

#### NatureScot (1266529)

See response to Laura Keel above. It is accepted that greenspaces can be both formal and informal spaces. The Plan's settlement maps show both but only if the informal greenspaces are publicly accessible. For example, many larger woodland areas have constructed or informal path networks running through them and these are shown because the wider general public (not just a few immediate neighbours) derive a direct recreational and amenity benefit from walking through them or directly alongside them. Conversely, fenced off, steep, wooded burnsides don't provide such a direct benefit (and are not subject to the same development pressure risk) and are therefore covered by a Green Network notation.

Plan Policy 2 Nature Protection, Preservation and Enhancement sets an overriding requirement that "...all developments must contribute to the enhancement of biodiversity..." and whilst Green Network depicted areas may be an appropriate location within which to achieve this enhancement (if part of, or neighbouring a development site) in certain circumstances there may be other more appropriate enhancements that can be achieved. Therefore, the inclusion of 'where possible' in para.53 offers this opportunity and for this reason it should be retained.

Para. 53 confirms that Green Networks should be 'safeguarded and where possible enhanced'. However, it is accepted that the policy wording around delivering enhancement and mitigation, and the identification of new green networks would benefit from being

strengthened and if the Reporter is so minded then the Council would support the policy being amended, in respect of enhancement, along the lines suggested by the respondent.

Rachel Probee (1310748)

A Green Network notation in the Plan is not in itself a justification for a development embargo on any area of land. The notation is about maintaining connectivity. A Green Network is not a local natural heritage area designation. Such a designation would require a more definitive boundary and a scientific survey, assessment and justification for protecting the relevant habitat(s) and species present. Instead the policy requires each proposal to assess its impact on any notated Network and then propose appropriate mitigation, if required. This mitigation will be reviewed as part of any application and secured by condition if needed to ensure it is delivered.

RSPB Scotland (1311075)

See response to NatureScot above.

SEPA (906306)

Support noted.

Steve North (1263190)

Support noted.

Woodland Trust Scotland (1312249)

Support noted.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 10</b>	<b>Employment and GP6: Town Centre First</b>	
<b>Development plan reference:</b>	Section 3 General Policies, PDF Pages 51-53	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Abrdn per Phil Pritchett (1312484)          Antonia Wright (1311246)          Dean Morrison (1310117)          Donald Begg (1312031)          Equorium Property Company Ltd (1312478)          Hercules Unit Trust (968628)          Inverness College UHI (1271524)          Lidl Great Britain Ltd (1312411)          Nairn River Community Council (1312260)          NatureScot (1266529)          NewRiver Retail (Napier) Ltd per Montagu Evans (1323077)          Rachael Probee (1310748)          RSPB Scotland (1311075)          Steve North (1263190)          Tesco Stores Ltd (1312483)</p>		
<b>Provision of the development plan to which the issue relates:</b>	General Policy 6, PDF Paragraphs 55-57	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Abrdn per Phil Pritchett (1312484)</u>          Objects as the Council has produced no supporting evidence of retail need supporting the change in policy removing the hierarchy of centres as currently outlined in the adopted IMFLDP. As such the proposed policy is not consistent with national planning policy which requires the Council define a hierarchy of centres. The policy should recognise that in a growing city the size of Inverness, district and local centres serve an important role and are often in more accessible and sustainable location than the city centre. Inshes Raigmore Development Brief 2015 (which is an appendix to the proposed plan) positively promotes Inshes as a recognised centre and allocates expansion land for mixed use development and on which planning permission has been granted. The policies of the plan should be adjusted to reflect the development brief which forms part of the plan.</p> <p><u>Antonia Wright (1311246)</u>          Supports (no reasons stated).</p> <p><u>Dean Morrison (1310117)</u>          Supports subject to a full review of how town centres and high streets can be better prepared to ensure they are able to gain more footfall.</p> <p><u>Donald Begg (1312031)</u></p>		

Supports the policy as town centres have been steady declining for a number of years and the proposed policy provides enhanced support and encourages greater uses within the centre, but this has to be carefully managed to ensure access and parking is secured.

Equorium Property Company Ltd (1312478)

Responds as owners of the Holm Mills Shopping Village which is located at Holm Mills Road, Dores Road, Inverness. Seek reaffirmation of the provisions of the Torvean and Ness-side Development Brief as it relates to that land – i.e. its role as an important City retail and tourism destination because of: the range of its retail offer, tourist facilities and coach/sightseeing bus connectivity; the allocation in the aIMFLDP; the owner's commitment to develop and expand Holm Mills site and improve the visitor experience and retail offer; the site is part of a chain of 20 similar operations across the UK; and, refurbishment and expansion will safeguard existing and create new jobs and retain the site's existing visitor accreditation from Visit Scotland. Also requests addition of Holm Mills Shopping Centre to the hierarchy of protected commercial centres within General Policy 6 because this approach would accord with the advice of the Scottish Planning Policy (paragraphs 61 to 63) which confirms that commercial centres like the Holm Mills Shopping Village should be included as part of the network of centres in development plans.

Hercules Unit Trust (968628)

Objects as the adopted IMFLDP (aIMFLDP) Policy 1 identifies a hierarchy of centres including Commercial Centres as Tier 2 Centres. Inverness Shopping Park ("West Seafield Retail Park") is identified as a Commercial Centre under Policy 1 in the aIMFLDP. The proposed policy does not identify a network of centres and is therefore not in accordance with SPP, or with draft National Planning Framework 4 (NPF4) Policy 24. The abandonment of the Commercial Centre designation is without reasoned justification and is contrary to the stated aim of the proposed Plan at paragraph 38 which is to "direct development to the most economically viable and environmentally sustainable places" and is contrary to draft NPF4 Policy 26 which recognises that Commercial Centres should be given sequential preference to out of centre locations. Inverness Shopping Park is an important part of the established hierarchy of centres and is a preferred location for retail and other footfall generating uses compared with out of centre locations. Under Policy 6, Inverness Shopping Park would be classified as "out of centre" with the same status as all other locations outside town centres and the statements "Only in exceptional circumstances will development which generates significant footfall be acceptable outside of town centres" and "will only be considered where they are easily accessible by a choice of sustainable transport modes and there is an overriding economic or community benefit deriving from the development" underlines the inappropriateness of this Policy being applied to Inverness Shopping Park.

Inverness College UHI (1271524)

The objector seeks clarification in relation to the following statement: "*this sequential approach does not apply to proposals which meet the specified uses and developer requirements of site allocations located within designated town centres*". The former college site, allocated as INC05 in the proposed plan is supportive of business, retail and community uses, all of which will generate footfall. It is not, therefore, currently clear how the statement relating to the application of the sequential approach should be interpreted, and whether the sequential approach will be applicable to sites that are designated for specified uses that will generate footfall within the Plan?

Lidl Great Britain Ltd (1312411)

Objects as the promotion of a town centre first approach to the exclusion of development

in local centres and similar directly conflicts with the aim of the proposed policy. The size of Inverness is such that, if all new facilities and services are concentrated in the city centre then residents, especially those living in south and east Inverness, will be forced to travel a significant distance into the centre, primarily through the use of private car transport, to access these services. Previous LDPs has been to promote a distribution of services and facilities in local and commercial centres. This has a double benefit of (i) ensuring that services are accessible locally thereby supporting social and community inclusion and (ii) minimising the distance travelled by residents to access these services, encouraging the use of active travel modes (walking wheeling and cycling) and reducing carbon emissions. This approach would also be consistent with the Scottish Government's 20-minute neighbourhoods' concept and should continue to be supported in IMFLDP2. The reference to the "experiences over the past two years...prime destinations for people and businesses" is factually incorrect. The past two years has demonstrated the opposite i.e. that there has been a heightened use of local facilities, greater home-based working and greater use of delivery services/click and collect for the purchase of goods and services. This has reinforced and accelerated longstanding trends for retail businesses to move away from mid-sized town centres and concentrate in larger regional centres. The Council have not commissioned any studies examining the changing retail trends and how they affect the future of town centres and how planning policies and proposals should respond to these concerns. The respondent also objects to "only in exceptional circumstances...outside of town centres", as there are clear community, social and environmental benefits associated with the provision of shops and facilities that serve local markets being located in local centres. The principle of assessing impacts as current drafted implies that all proposals would require to be assessed – this is unreasonable and inappropriate for small scale proposals and/or modest extensions. SPP sets a threshold of 2500sq.m GFA as a generally appropriate threshold, although in rural areas a threshold of 1000 sq.m GFA should be used outwith Inverness. For either threshold there should be some flexibility to reflect local circumstances. In terms of the sequential approach, as drafted it is theoretically possible that a location out with an urban areas could be identified as an acceptable location for development – this would conflict with both Policy 40 of the HwLDP and Scottish Planning Policy. The draft policy places the emphasis between proposed development and suitability of centre in the Sequential approach the wrong way around. It is not whether the proposed development is suitable for the town centre but whether there are any locations within that centre that would be suitable for the proposed development (by virtue of scale, type, location and any other relevant factors). The suitability of the town centre per se does not determine whether or not the proposal is capable of being accommodated within that centre. This is the approach that is adopted in both HwLDP Policy 40 and also in Scottish Planning Policy.

Nairn River Community Council (1312260)

Objects to a lack of policy and focus on employment generation and job creation with links to green policies within the proposed plan. Seeks assurances as to how this part of the proposed plan comply with policies 10 (Sustainable Transport) & 16 (Land and premises for business and employment) of NPPF4. In terms of the Policy 6 (Town Centre First) they object as there is evidence of previous inconsistency with the policy aim to ensure "...all opportunities for regeneration through reuse or redevelopment of existing sites and buildings should be undertaken..". Therefore, moving forward this policy must be rigorously applied in order to meet the Town Centre first principles. Notes that whilst they support the retention of significant footfall developments within town centres, this is at odds with recent proposals by the Council to relocate Nairn's library out of the Town Centre. Finally, seeks assurances as to how this part of the proposed plan comply with policies 24-27 (Town Centres Distinctive places), Policy 18 (Cultural and creativity), Policy 28 (Historic Assets and Places), and Policy 30 (Vacant and derelict land and empty

buildings) of draft NPPF4.

NatureScot (1266529)

Objects to the policy as it should provide opportunities for greening town centres and to link up to active travel routes including green networks which can help to address the twin crises of climate change and biodiversity loss, whilst transitioning to a green circular economy.

Rachael Probee (1310748)

Objects as concerned that from past experience that the policy will not work.

NewRiver Retail (Napier) Ltd per Montagu Evans (1323077)

Objects as the proposed policy fails to identify a network of centres and how they can complement each other as required by Scottish Planning Policy. Policy 25 (Retail) of draft National Planning Framework 4 notes that retail development in commercial centres should not be supported, unless explicitly supported by the Development Plan. As Telford Street Retail Park is an established retail location in Inverness, there should be explicit support within the IMFLDP2 for retail development at Telford Street Retail Park, to ensure that future proposals are not inhibited by Policy 25 Retail in the NPF4.

RSPB Scotland (1311075)

Supports as likely to reduced reliance on private car use and makes best use of existing developed land.

Steve North (1263190)

Supports as it is important in order to help address further hollowing out of city centres and edge of town sprawl.

Tesco Stores Ltd (1312483)

Objects to this policy and supporting text, as it is not consistent with national planning policy guidance as it does not promote and support the hierarchy of centres within. The Council has provided no evidence base for no longer supporting long established district and local centres identified in previous and the currently adopted IMFLDP. The policy should also acknowledge that in a growing city the size of Inverness, district and local centres serve an important role and are often more accessible and sustainable location for certain types of shopping.

**Modifications sought by those submitting representations:**

Antonia Wright (1311246), Donald Begg (1312031), Nairn River Community Council (1312260), RSPB Scotland (1311075) & Steve North (1263190)

No modifications sought/identified

Abrdn per Phil Pritchett (1312484)

Policy should provide a hierarchy of centres in Inverness which acknowledges the role and importance of each centre from which the sequential approach can be addressed. The plan should recognise the national policy guidance on 20-minute neighbourhoods which the district centres in Inverness were originally designed to promote and in which they have been successful to date. Inshes District Centre is a long-standing part of this existing hierarchy and this should be maintained. The policy should also note where planning permission has already been granted in accordance with development plan policies for extensions to recognised centres.



Dean Morrison (1310117)

Addition of commitment to local action and support to town centres to make this policy work.

Equorium Property Company Ltd (1312478)

Addition of Holm Mills Shopping Centre to the hierarchy of protected commercial centres within General Policy 6.

Hercules Unit Trust (968628)

Identification of a hierarchy of protected centres which include Inverness Shopping Park as a Commercial Centre.

Inverness College UHI (1271524)

Amendment to Policy 6 to ensure that there is no ambiguity as to when the sequential approach should be applied. This amendment should clarify, if retail and other footfall generating uses are supported in an out of centre location on an allocated site in the IMFLDP2, then whether a sequential assessment will, or will not, be required

Lidl Great Britain Ltd (1312411)

Amendments – “Sequential assessment” replaced with “sequential approach”, “Vibrancy” replaced with “vitality”, “vibrancy or viability” of town centres replaced with “vitality and viability”, “edge of centre” replaced with “edge of town centre”, and “other locations” replaced with “out-of-centre locations“. The application of the test of impact on the vitality and viability of town centres should be required only for developments of 2500/1000 sq m GFA subject to consideration of local circumstances. Sentence 4 of draft Policy 6 (beginning “Should the”) should be amended to: Should there be no suitable sites or premises within nearby town centres, by reference to their scale, type or otherwise viability, or which cannot be regarded as reasonably available, for the proposed development, then edge of town centre locations are favoured second. Amend sequential of preferred site to: town centre, then edge of centre and then Out of Centre locations (easily accessible by a choice of transport modes). Sentence 5 of draft Policy 6 should read: Other out of centre locations will only be considered where they are easily accessible by a choice of sustainable transport modes and no town centre or edge of sites are both suitable and reasonably available. Delete reference to “overriding economic...development“. Deletion of “overriding economic...benefit deriving from the development” from the end of para 1 (sentence 5) of draft Policy 6.

NatureScot (1266529)

Amendment to ensure that the Plan addresses both biodiversity loss and climate change opportunities for greening town centres and to link up to active travel routes including green networks.

Rachael Probee (1310748)

Unclear.

NewRiver Retail (Napier) Ltd per Montagu Evans (1323077)

Identification of Telford Street Retail Park as a Commercial Centre. Addition of what retail uses within retail parks will be considered acceptable, without the need for a sequential assessment, or retail or town centre impact assessment.

Tesco Stores Ltd (1312483)

Addition of commercial and local centres including Inshes, West Seafield and Dores Road.

## Summary of responses (including reasons) by planning authority:

### Abrdn per Phil Pritchett (1312484)

National planning and transport policy has changed. In line with this new 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 approved Scottish Government planning and transport policy is to encourage LPAs to identify, support through permissions, and then protect an optimum network of “city, town and local” centres. National Planning Framework 4 (NPF4) also supports proposals to improve the sustainability of existing commercial centres. NPF4's Annex F Glossary defines town centres and commercial centres but, unhelpfully, does not define local centres. It is unclear whether existing commercial centres merit identification and protection or not. The Council believes it reasonable to assume that the NPF4 Glossary's 5 tests of, or criteria to define, a town centre should be applied to decide whether a commercial, district or neighbourhood centre merits definition and protection as a “local centre”. The respondent's site lies outwith the boundary of the Inshes Commercial Centre as identified within the aIMFLDP. The Inshes Commercial Centre fails 3 of the 5 tests of a town centre in being predominantly a retail park, with no placemaking merit, and with very little evening social activity. The Council agrees with NPF's desire, where possible, to retrofit large retail parks as something more attractive and sustainable. This means better sustainable travel mode connectivity, a more diverse mix of land uses and a more attractive physical environment where people will wish to meet and linger at all times of day. The respondent's various proposals for this landholding do very little in this regard. The indicative layout of the latest related application [1] is still an uncompromising retail park layout extension to a retail park. No additional commitments are made to make the layout more accessible to sustainable travel modes.

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 are that these lower tier centres don't meet all the NPF4 “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 NPF4 “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 NPF4 tests. See the relevant Inverness issue papers for the Council's response to place-specific matters. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Antonia Wright (1311246)

Support noted.

Dean Morrison (1310117)

Support noted. The Council is separately undertaking town centre audits across all town centres across the authority region, these will inform the Council of the current state of our town centres and identify future priorities.

Donald Begg (1312031)

Support noted.

Equorium Property per John Handley (1312478)

See Council response to Abrdn above regarding the hierarchy of protected centres. Plan allocation INS17 Ness-side North, promotes very little substantive change to the adopted Brief's provisions other than opening up the option of some housing use of the respondent's property. The importance of the Mills as a long standing tourist attraction and local commercial centre is recognised. The Plan and the approved Brief support the expansion of that role. Notwithstanding the above, the Plan does not, separately, identify and protect commercial centres that don't meet all of the NPF4 town centre tests. The land at Holm Mills does not.

Hercules Unit Trust (ID718) (968628)

See response to Abrdn above. With specific reference to Inverness Shopping Park (known as West Seafield Retail Park in the aIMFLDP) there are currently no obvious new development opportunities within the centre. Local development plans must focus on areas of significant change and within the centre as defined in the aIMFLDP there is little potential for new development. Identification as a commercial centre is not required to allow the centre to continue operating nor for any possible future change of use of existing units or intensification of their use. Policy 6 of the IMFpLDP2 requires developers to consider how appropriate the nature of their proposal is to the scale and function of the centre within which it is proposed. This would allow for appropriate development within the centre. Whilst Inverness Shopping Park is not identified as a commercial centre in the Plan, the Policy tests set out in Policy 6 as well as NPF4 for footfall generating development are the same – they both require a sequential assessment which demonstrates there are no suitable sites in the nearby town centre(s) and that the proposal will not have an adverse impact on the vibrancy or vitality of any protected centre. Therefore, the appropriate tests sought by the respondent will continue to apply.

Inverness College UHI (1271524)

The former Inverness College sites lies within the defined Inverness City Centre boundary and therefore as noted in the Policy 6 only "...developments outwith the designated town centres must provide a sequential assessment...". Therefore, in this instance the sequential assessment is not relevant to the former college site. Furthermore, Policy 6 notes that '...this sequential approach does not apply to proposals which meet the specified uses and developer requirements of site allocations located within designated town centres...', as such the site allocation stated uses would take precedence. Accordingly, the Council believes the Plan's content should remain unaltered in respect of

this issue.

#### Lidl Great Britain Ltd (1312411)

The following factual changes noted by the objector are noted and accepted:

- ‘Sequential “assessment” be replaced with ‘sequential approach’
- ‘Vibrancy’ replaced with ‘vitality’
- ‘vibrancy or viability’ of town centres replaced with ‘vitality and viability’
- ‘edge of centre’ replaced with ‘edge of town centre’
- “other locations” amended to “out-of-centre locations”.

The suggested inclusion of the 2500m<sup>2</sup> threshold for the requirement for a retail or town centre impact assessment is noted. However, across the entire Plan area this threshold is considered excessive and instead the Council operates a flexible and realistic approach to applying the threshold and one which respects the rural nature of the area. This stance is consistent with the town-centre policies within the Council’s other two adopted area local development plans [∗] and [∗]. In terms of the objectors remaining suggestions of wording updates, these have been considered, but given the rural nature and to ensure the flexibility to apply the policy in the Highland context, the policy as written is considered to deliver the best possible outcome.

#### Nairn River Community Council (1312260)

HwLDP Policy 41 (Business & Industrial Land) outlines the Council’s approach to securing and safeguarding business and industrial land for employment purposes, including specifically identifying a number of sites/locations across the region. This policy is advanced through IMFpLDP by Policy 7 (Industrial Land), which outlines that sites will be identified and protected for the stated uses within each settlement. Policy 7 of the Plan also seeks to protect employment uses, by ensuring developments which could diminish footfall are properly considered and avoid adversely affecting the town centre’s prime retail area. In terms of the sustainability of the major sites allocated for business or industrial land outwith Settlement Development Areas (SDA’s), these have been allocated as they are all long-established business or industrial sites which have historic uses (brownfield sites and heavy engineering ports) which are generally undesirable to locate within SDAs. The Council is however keen to increase the sustainable transport links of these locations, as demonstrated by the support of the new rail halt at Inverness Airport, which also serves the wider Inverness Airport Business Park. Consequently, no amendments to the Plan in terms of employment are proposed. With regards to the objectors’ comments regarding the inconsistency of applying this policy across various locations and the proposed relocation of Nairn Library being at odds with the policy, both are outwith the scope of the consideration of the Plan and are instead issues to do with its longer-term delivery. The Council believes Policy 6 is compatible with adopted NPF4. Accordingly, the Council believes the Plan’s content should remain unaltered in respect of this issue.

#### NatureScot (1266529)

The importance of biodiversity loss and climate change are at the heart of the Plan. Other Plan general policies deal more directly with these issues and, as such, the respondent’s requests do not need to be replicated within this policy. Accordingly, the Council believes the Plan’s content should remain unaltered in respect of this issue.

#### Rachael Probee (1310748)

This is a new policy approach which has been developed to strengthen the principle of town centres first and has been tested across other adopted Highland area local development plans and their respective Examinations. Accordingly, the Council believes

the Plan's content should remain unaltered in respect of this issue.

NewRiver Retail (Napier) Ltd per Montagu Evans (1323077)

See response to Abrdn above.

RSPB Scotland (1311075)

Support noted.

Steve North (1263190)

Support noted.

Tesco Stores Ltd (1312483)

See response to Abrdn above.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 11</b>	<b>GP7: Industrial Land (including Renewable Energy)</b>	
<b>Development plan reference:</b>	Section 3 General Policies, PDF Pages 54-57	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Antonia Wright (1311246)  Broadland Properties per John Wright (1312044)  Forbes per G&amp;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&amp;S (1220786)  Rachael Probee (1310748)  Scottish Government (963027)  Springfield Group (1147956)  Steve North (1263190)</p>		
<b>Provision of the development plan to which the issue relates:</b>	General Policy 7, PDF Paragraphs 58-64	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Renewable Energy</b>  <u>NatureScot (1266529)</u>  Notes in paragraph 70 that, natural assets are at the centre of building a green and sustainable economy, however, 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. Also notes 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 therefore 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, supports 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>  Reports that it 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 reasons stated).

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 100m<sup>2</sup>, 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 supports this policy but believes it does not go far enough to encourage businesses to expand, create more employment, and grow the local economy, particularly outwith Inverness. Asserts that 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 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. Advises 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)

States that 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. Queries why the Audit is not referenced in the 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), 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. Queries why the Plan identifies support for the supply side of the renewables sector but does not cover specific policy support for renewable and strategic energy generation technologies, including onshore wind. Accepts that 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, believes 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)

Supports the policy of identifying and safeguarding land for industrial use.

See 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)

Amendments to clarify 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)

Amendments to ensure that the Plan aligns with the ambitions expressed by Opportunity Cromarty Firth (assumed).

**Policy 7 – Industrial Land**

Antonia Wright (1311246)

None.

Broadland Properties per John Wright (1312044), Forbes per G&G (1271817), Homes for Scotland (966619), Kirkwood Homes per EMACP (1312500), Springfield Group (1147956)

Amendment to the 30 units or more threshold to at least 50 homes, (or major developments). Springfield seeks removal of the policy but requests 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)

Amendment to the wording 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)

Expansion of the Agent of Change principle to all type of development.

NatureScot (1266529)

Amendment to the wording, 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. Plan clarification on what having good levels of accessibility for staff and/or customers is, as indicated in the first bullet point.

Network Rail (1312503)

None.

Port of Inverness per G&S (1220786)

None.

Rachael Probee (1310748)

None.

Scottish Government (963027)

Addition of an 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)

None.

### **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 Plan area as shown in Table 1. 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, then the Council would support an additional sentence added at the end of the first paragraph 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 national ambitions to expand the renewable energy industry and on the transformational benefits which it can offer. These include significant economic growth, regeneration of our communities, a 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 Plan area and wider Highlands, 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 (HiRSS) [\*] 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 National Planning Framework 4 (NPF4) [\*]. Specific reference is made to Opportunity Cromarty Firth (OCF) within NPF4 and the key ports within the Cromarty Firth and support for them: “Through Opportunity Cromarty Firth and other projects, new facilities and infrastructure will help ports to adapt, unlocking their potential to support the transition from fossil fuels through oil and gas decommissioning, renewable energy (including the significant opportunities for marine energy arising from Scotwind) 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.”

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. The announcement of successful Green Freeports was made in January 2023 with OCF being confirmed. As noted above, the OCF project will have a transformational impact on the Plan area, region and nationally and its award of 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 the OCF plans have secured cross-party support from Highland councillors, with several reports over the last 2 years. The latest was that to the Highland Council which endorsed the content of the Green Freeport bid in June 2022. 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.

The definition of the OCF bid tax sites and the Council’s endorsement of them came after publication of the Proposed Plan and therefore there is a misalignment of site boundaries. The Scottish Government’s advice that “old legislation based” local development plans had to be published as a Proposed Plan by June 2022 meant that a delay to incorporate amended site boundaries wasn’t an option for the Council. Nor was/is a new Proposed

Plan draft.

Taking account of this rare if not unique situation and the national and regional support for the OCF project, the Council suggests to the Reporter, if they are so minded, that the OCF project is given greater, specific support within 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 matter both nationally and locally and the advanced stage of the Plan process and therefore the lack, to date, of detailed consideration of potential effects and alternative opinions, then the Council would suggest that requests for further information during the Examination process may be a way to test the acceptability of further changes. The principal affected parties have commented on the Plan and will therefore already be engaged in the Examination process.

### **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 this 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 recent regulatory and tax changes.

To address this imbalance in the supply and demand for industrial land, the Plan introduces a new Industrial Land Policy which aims better to 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 in 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 rather than simply housing. However, noting the issues raised by respondents, 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 the respondent who requests the addition of a 2 year timeframe, this is not considered necessary since the policy wording is to encourage such uses to be delivered rather than as a strict requirement. The phasing of delivery and any proposals to develop the industrial component after a certain time if undeveloped should be considered at masterplanning and planning application stages.

#### Inverness College UHI per Montagu Evans (1271524)

Support noted. The current wording could be misinterpreted. 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 Use Classes 4, 5 and 6”.

#### Nairn River CC (1312260)

The agent of change principle is not restricted only to industrial development. NPF4 defines the agent of change principle as covering 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 across 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, the Council would support, if the Reporter is so minded, the amendment of the sentence which precedes the bullet point list to read:

“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.”

This amendment would reflect the wider policy framework including the fact that NPF4 is now part of the approved development plan, and that the Council intends to prepare a replacement “new legislation based” local development plan for Highland which will review the existing HwLDP provisions.

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 noted.

Port of Inverness per G&S (1220786)

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 [1] 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 [2] 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:**



<b>Issue 12</b>	<b>GP8: Placemaking</b>	
<b>Development plan reference:</b>	Section 3 General Policies, PDF Pages 58-62	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Aird Community Trust (1311972)  Alan Calder (ID 1324548)  Antonia Wright (1311246)  Broadland Properties per John Wright Planning (1312044)  Christine Farrar (1312491)  Glen Urquhart Community Council (1323049)  Homes for Scotland (966619)  JM and LM Forbes per Grant and Geoghegan (1271817)  Kerry Gibson (1323065)  Kirkwood Homes (1312500)  Laura Keel (1312277)  Lidl Great Britain Ltd (1312411)  Nairn River Community Council (1312260)  NatureScot (1266529)  Network Rail (1312503)  RSPB Scotland (1311075)  Scottish Government (963027)  SEPA (906306)  Springfield Properties (1147956)</p>		
<b>Provision of the development plan to which the issue relates:</b>	General Policy 8, PDF Paragraphs 67-71	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Aird Community Trust (1311972)</u>  Supports policy and in particular the "easy to move around" principle which reinforces the need for infrastructure to support active travel. From a community's perspective establishing an off-road active travel route between Beaully and Inverness along the South side of the Beaully Firth will be particularly important to promote this principle to enable moving about within and between key communities. The policy must also ensure that communities with lots of cumulative individual developments don't miss out on the opportunities that this placemaking approach will bring.</p> <p><u>Alan Calder (1324548)</u>  Criticises the lack of detail in the policy compared to the suite of NPF4 policies (6-11, 13).</p> <p><u>Antonia Wright (1311246)</u>  Objects (no reasons stated).</p> <p><u>Broadland Properties per John Wright Planning (1312044)</u></p>		

Supports aims of policy. Disagrees with Plan's assertion that edge of town living is undesirable. Suburban locations are often near to existing infrastructure and transport services and central brownfield redevelopment opportunities are limited. Low density development can be appropriate particularly where there is demand for private garden space and spare rooms for a home office. Asserts that the requirement for the Placemaking Audit to be used for developments as small as just four homes is excessively onerous and will make development unviable. Requiring developments of such a small scale to be audited will add a disproportionate cost and delay to planning applications.

Believes Appendix 4 is illogical and contains duplication or excessive cross referencing of the main policy and national legislation, guidance and policy. Appendix 4 should add detail about design not just duplicate or create new policy. Disagrees with policy statements within Appendix 4 such as "Existing mature landscaping within and adjacent to the site is retained, protected and enhanced to create new wildlife corridors." While retaining existing mature landscaping will be an important priority it is often necessary to remove and re-provide some trees and hedgerows to provide access into the site and essential infrastructure. Also, applicants are unlikely to control adjacent land so cannot provide enhancements to it.

Christine Farrar (1312491)

Believes Plan should include developer guidelines for Health Impact Assessments as well as Environmental Impact Assessments. There are many well developed tools available to do this.

Glen Urquhart Community Council (1323049)

Supports Placemaking principle but suggests community place plans are also included and referenced in planning applications. Believes that this would ensure that all planning applications reference how an application will contribute / enhance / relate to location / place. Also proposes that larger scale developments are required to include reference to community place plans, and outcomes from community consultation as part of a planning application submission (not after). Communities are best placed to comment on development impact on their own communities, and community consultation should form part of the planning application process – not after an application has been approved.

Homes for Scotland (966619)

Supports aims of policy. Disagrees with Plan's assertion that edge of town living is undesirable. Suburban locations are often near to existing infrastructure and transport services and central brownfield redevelopment opportunities are limited. Low density development can be appropriate particularly where there is demand for private garden space and spare rooms for a home office. Asserts that the requirement for the Placemaking Audit to be used for developments as small as just four homes is excessively onerous and will make development unviable. Requiring developments of such a small scale to be audited will add a disproportionate cost and delay to planning applications.

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JM and LM Forbes per Grant and Geoghegan (1271817)

Support a collaborative approach to the design process but would object to the prescription of overly onerous planning requirements which compromise the role of the architect/designer. If an audit process is to be introduced, it is suggested that the content of it is discussed at length with the development industry in a formal consultation process.

Kerry Gibson (1323065)

Requests that in recognition of the importance of health and wellbeing, and the role of places in this, NPF4 has included 'Designed for lifelong health and wellbeing' as one of the six successful qualities of place. The Plan should be amended to reflect this.

Kirkwood Homes (1312500)

Supports aims of policy. Disagrees with Plan's assertion that edge of town living is undesirable. Suburban locations are often near to existing infrastructure and transport services and central brownfield redevelopment opportunities are limited. Low density development can be appropriate particularly where there is demand for private garden space and spare rooms for a home office. Asserts that the requirement for the Placemaking Audit to be used for developments as small as just four homes is excessively onerous and will make development unviable. Requiring developments of such a small scale to be audited will add a disproportionate cost and delay to planning applications.

Believes Appendix 4 is illogical and contains duplication or excessive cross referencing of the main policy and national legislation, guidance and policy. Appendix 4 should add detail about design not just duplicate or create new policy. Disagrees with policy statements within Appendix 4 such as "Existing mature landscaping within and adjacent to the site is retained, protected and enhanced to create new wildlife corridors." While retaining existing mature landscaping will be an important priority it is often necessary to remove and re-provide some trees and hedgerows to provide access into the site and essential infrastructure. Also, applicants are unlikely to control adjacent land so cannot provide enhancements to it.

Supports principle of 20 minute neighbourhoods in NPF4 but suggests that councils must offer a degree of flexibility depending on local context and the specifics of each development proposal.

Laura Keel (1312277)

Believes an integral part of this policy is around creating spaces for our young people and teenagers. There should also be a focus on intergenerational working to dispel common placed prejudices held across all generations i.e. young people are hoodies and old people are grumpy. Opportunities to bring people together in our communities is essential and it is not solely based around schools, as integral as these are to our communities they are not the only hub. Traditional community centres and areas like skate parks/nature walks are essential in creating high quality successful places to live, work and relax within.

Lidl Great Britain Ltd (1312411)

Seeks proportionality in application of policy. A statement identifying the use of Design Tools and so on should not apply for all developments regardless of their size or significance. This requirement is inappropriate and onerous for small scale developments including extensions and householder proposals. Queries apparent conflict between requirement, in para 2 of the draft Policy 8 with the requirement in para 3 that only certain developments (4+ dwellings and major non-housing developments) are required to submit a Placemaking Audit.

#### Nairn River Community Council (1312260)

Believes the policy should state the 6 qualities of successful places. Future master planning projects criteria should be agreed between the community and the Council. Suggests that Nairn housing developments be focused in small, well designed and environmentally friendly clusters similar to that at Househill and Firhall. Oppose volume house building in Nairn because it does not fit with its distinctive character, landscape and the built heritage of the Victorian town. Concerned that the policy removes most if not all input from the Community to shape and influence its area (except Local Place Plans) and relies on developers, the Council and other third party organisations such as Scottish Water. Queries policy's compatibility with NPF4.

#### NatureScot (1266529)

Welcomes the use of the principles, design tools and an audit for placemaking and that natural heritage aspects of the Placemaking Audit are essential criteria. High quality places should also be rich in nature, and that the natural environment should not just be seen as a separate requirement in terms of its protection and enhancement. Therefore recommends, that the first sentence within Policy 8 Placemaking is reworded and provides suggested text. Queries how significant effects on protected sites can be avoided from developments less than 4 dwellings including from windfall or piecemeal development. For example, piecemeal development at Balnagrantach could adversely affect the North Inverness Lochs SPA and the Balnagrantach SSSI, and future development here should only proceed following a cumulative assessment of potential impacts on the designated sites. Therefore, seeks that the policy be strengthened to take account of this type of scenario.

#### Network Rail (1312503)

Supports principle of policy but believes it is too onerous as drafted. For many Network Rail renewal projects, planning applications might be small scale (e.g. replacement culverts/scour works) and the applicability of Design Tools are inappropriate. It could be the case that there might only be one technical solution available making the use of design tools irrelevant. Blanket application of the policy to all proposals is therefore not considered appropriate and instead we supports a clause or criteria which could be used to include flexibility for scenarios where small-scale engineering works are required then this should fall outwith the policy requirements.

#### RSPB Scotland (1311075)

Supports but concerned about Appendix 4 detail:

1. R12 seems to be only 'ambition' relating to biodiversity. There is no cross referencing to proposed Policy 2 Nature Protection, Preservation & Enhancement. The need to consider the mitigation hierarchy and enhancement is not clearly set out in the checklist and does not properly reflect the requirements of Policy 2. This is likely to be confusing for developers and result in poorer designs.
2. R12 lists 5 bullet points which are considered essential. This includes 'Wildflower meadows and/or mini-forests established on site'. Welcomes the creation of nature rich places but recognises that such wildflower meadows and/or mini-forest may not be suitable as the best design solution for nature for all sites, therefore the inclusion of this in an 'essential' ambition potentially undermines the other requirements. Suggests this is changed to 'Appropriate nature rich habitats such as wildflower meadows and mini-forests established on site'. Reference to nature networks would be helpful, with these defined in the glossary.
3. The reference to the 'Wildlife Assessment Check' in ambition R12 relates to an

online tool, as defined in the glossary. The glossary states that the tool is a, 'Free online tool available from "Biodiversity in Planning" for small to medium-scale developers to check whether they will need expert ecological advice before submitting a planning application.' Concerned about the use of such an external tool which the Council has no control over and which may be changed or removed. The tool relies on answers submitted by the applicant, and it is not clear in the current wording whether the inputs and results are required to be submitted with the application to demonstrate the process has been followed. Suggests that wording is added to require the inputs and results of the assessment tool to be submitted with the application.

4. Suggests that applicants should be required to submit results of NBN (National Biodiversity Network) searches and data request to the local records centre/highland bird recorders.
5. Other ambitions could emphasise the need to incorporate nature-based solutions wherever possible, for instance R5 on SuDS.

A number of the site allocations have very long list of 'developer requirements', many of which seem to be unnecessary if this policy is being complied with. Although the lists are quite detailed and difficult to read, they cannot cover all the requirements of a site. Therefore, it is suggested that the developer requirements are narrowed down to very site-specific requirements, which are additional to policy 8, and reference is made to policy 8.

Scottish Government (963027)

Reminds that battlefield designations have the same statutory status as Gardens and Designed Landscapes for consultations and material considerations in planning decisions.

SEPA (906306)

Supports (no reasons stated).

Springfield Properties (1147956)

The Springfield Group (including Tulloch Homes) align with the objections and proposed changes articulated by Homes for Scotland. Experience of placemaking audits in other local authority areas would suggest that an overly rigid approach does not work and there is a need for flexibility to be built into any audit process. It is also important that any such placemaking audit process avoids duplicating the requirements of other regulatory regimes and focuses solely on planning and design matters. If it is considered that the policy should be included in the adopted Plan, a collaborative approach with the development industry should be taken to ensure the requirements of any such audit process are not overly restrictive and do not compromise the role of the designer to the detriment of good placemaking.

**Modifications sought by those submitting representations:**

Aird Community Trust (1311972)

Plan clarification that the policy will apply to smaller communities with lots of cumulative individual developments particularly in terms of active travel improvements.

Alan Calder (ID 1324548)

Amendments to ensure compatibility with NPF4 policies.

Antonia Wright (1311246)

None.

Broadland Properties per John Wright Planning (1312044)

Amendments to make the policy more flexible and avoid duplication of requirements stated in other legislation, policy and guidance. Site capacity threshold increased to 12 or more homes. Removal of the appendix and reconsultation on the placemaking audit as separate guidance with consequential amendments to Policy 8 to reflect this.

Christine Farrar (1312491)

Inclusion of a Health Impact Assessment as part of the placemaking policy requirements.

Glen Urquhart Community Council (1323049)

Inclusion of community place plans and community consultation as part of the placemaking policy requirements.

Homes for Scotland (966619)

Amendments to make the policy more flexible and avoid duplication of requirements stated in other legislation, policy and guidance. Site capacity threshold increased to 12 or more homes. Removal of the appendix and reconsultation on the placemaking audit as separate guidance with consequential amendments to Policy 8 to reflect this.

JM and LM Forbes (G&G) (1271817)

Deletion of the policy or if it is introduced then prior full consultation with the development industry.

Kerry Gibson (1323065)

Addition of 'Designed for lifelong health and wellbeing' as one of the six successful qualities of place.

Kirkwood Homes (1312500)

Amendments to make the policy more flexible and avoid duplication of requirements stated in other legislation, policy and guidance. Site capacity threshold increased to 12 or more homes. Removal of the appendix and reconsultation on the placemaking audit as separate guidance with consequential amendments to Policy 8 to reflect this.

Laura Keel (1312277)

Amendments to the policy to include a focus on intergenerational working as part of any community engagement (assumed).

Lidl Great Britain Ltd (1312411)

Deletion of the remaining parts of paragraph 2 of Policy 8: "which must be.....application".

Nairn River Community Council (1312260)

Addition of a requirement for greater community involvement (assumed).

NatureScot (1266529)

Reword the first sentence to:

"The Council's ambition is for all future developments to create high quality successful places to live, work and relax which are energy, infrastructure and land-take efficient, whilst at the same time being rich in natural and cultural heritage through protection and enhancement." Also, strengthen the policy to ensure the significant effects of protected sites for developments of less than 4 houses, or non-major applications are considered and safeguarded.

#### Network Rail (1312503)

Addition of a clause or criteria which could be used to include flexibility, avoiding the need for application of Design Tools, for scenarios where small-scale engineering works are required.

#### RSPB Scotland (1311075)

Amendments as follows:

- R12 - cross reference to proposed Policy 2 Nature Protection, Preservation & Enhancement and state need to consider the mitigation hierarchy and enhancement.
- Rephrasing of reference to wildflower meadows and/or mini-forest as an 'essential' ambition to "Appropriate nature rich habitats such as wildflower meadows and mini-forests established on site".
- Reference to nature networks and these defined in the glossary.
- 'Wildlife Assessment Check' (R12) - wording added to require the inputs and results of the assessment tool be submitted with an application.
- Clarification that applicants will be required to submit results of NBN (National Biodiversity Network) searches and data request to the local records centre/highland bird recorders.
- Other ambitions amended to emphasise the need to incorporate nature-based solutions wherever possible, for instance R5 on SuDS.
- The developer requirements for each site narrowed only to those that are genuinely site-specific requirements with generic ones left within Policy 8 but addition of a cross reference from each site to Policy 8.

#### Scottish Government (963027)

Addition in Table 4 Placemaking Design Tools of Historic Battlefields within the Design Statements section bullet points.

#### SEPA (906306)

None.

#### Springfield Properties (1147956)

Amendments to make the policy more flexible and avoid duplication of requirements stated in other legislation, policy and guidance. Site capacity threshold increased to 12 or more homes. Removal of the appendix and reconsultation on the placemaking audit as separate guidance with consequential amendments to Policy 8 to reflect this.

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

#### Aird Community Trust (1311972)

As noted in the policy it is the Council's ambition to ensure "...all future developments ...create high quality successful places..." and it is for this reason that the threshold for the Placemaking Audit sits at four houses as it will allow individual and cumulative placemaking to be fully and properly considered across all Inner Moray Firth communities.

#### Alan Calder (1324548)

The policy has been designed to integrate with and coordinate the application of other policies within the Plan, the HwLDP, Highland Supplementary Guidance and NPF4. It is intended to provide developers and communities with a single starting point for the consideration of each proposal in respect of placemaking rather than require them to find, read and interpret a disparate set of policy and guidance.

Antonia Wright (1311246)

Noted.

Broadland Properties per John Wright Planning (1312044)

The Council accepts that not all 'Design Qualities' will be applicable to all developments and the Council will take a flexible approach in its use. The Placemaking Audit has been developed to assist developers in helping them achieve a 'design-led' approach. It doesn't duplicate existing legislation but rather the Audit signposts the user to the relevant detail available in other documents. Many suburban locations are not ideal in terms of sustainable travel mode accessibility to services and facilities. The planning system aims to make the most socially efficient use of a finite land resource and there are many advantages of higher densities providing placemaking principles are followed. Nevertheless, the Plan does allocate many sites that are peripheral to the Plan's main communities but where integration with those communities can best be achieved in terms of economic viability and environmental sustainability.

Christine Farrar (1312491)

Health Impact Assessments are an emerging material consideration in the planning system. NPF4 notes a requirement for them on schemes which are likely to have a 'significant adverse effect on health' (Policy 23: Health & Safety), and as such, they are initially likely to be required only for national or major developments which create significant noise or disturbance. Conversely, the Placemaking Policy, is aimed primarily at improving residential layouts and developing resilient local communities. Therefore, the Council asserts that it would not be appropriate to add Health Impact Assessments to this policy.

Glen Urquhart Community Council (1323049)

The Plan's list of Placemaking Design Tools' (Table 4) includes Local Place Plans and the Council is supporting the preparation of community plans [1]. In terms of more site-specific community consultation, the list of 'Placemaking Design Tools' also include Development Briefs, Charrettes and pre-application advice all of which have some form of community engagement involved in the process. Furthermore, conforming with this policy, does not remove the need for a developer to comply with all the other statutory community engagement requirements of the reformed planning system.

Homes for Scotland (966619)

See response to Broadland Properties above.

JM and LM Forbes (G&G) (1271817)

See response to Broadland Properties above.

Kerry Gibson (1323065)

The Six Qualities of Successful Places shown in Figure 16 (Placemaking Principles) are based on Scottish Planning Policy (SPP) 2014 [1]. NPF4 [1] Annex D updates the names of the six qualities. However, these updates don't fundamentally change the qualities that make a successful place, nor alter the list of requirements in the Council's Placemaking Audit. However, if the Reporter is so minded, then the Council would support updating both the policy and Placemaking Audit to reflect the terms used in NPF4. In terms of the objector noting that "Designed for lifelong health and wellbeing" has been introduced as one of the six successful qualities of places, the Council believes that this is just a renaming of the existing quality "safe and pleasant" within SPP.

Kirkwood Homes (1312500)

See response to Broadland Properties above.

Laura Keel (1312277)

See response to Glenurquhart Community Council above with regards to community involvement and engagement within the planning system. With regards to targeting engagement to specific groups, this goes beyond the scope of the policy. The Council will support any community group who wish to contribute to effective local place planning.

Lidl Great Britain Ltd (1312411)

The Council accepts that the requirement for demonstration of a design-led approach could be overly onerous for small scale applications and therefore would suggest, should the Reporter be so minded, that the requirement for householder applications to demonstrate a design-led approach be clarified as optional.

Nairn River Community Council (1312260)

The Plan illustrates the Six Qualities of Successful Places in Figure 16 (Placemaking Principles) which are based on SPP. As noted, in Kerry Gibson above, these now differ slightly from NPF4 but the Council is content to update their naming in line with NPF4. The Plan's list of 'Placemaking Design Tools' (Table 4) includes Local Place Plans and the Council is supporting the preparation of community plans [\*]. In terms of more site-specific community consultation, the list of 'Placemaking Design Tools' also include Development Briefs, Charrettes and pre-application advice all of which have some form of community engagement involved in the process. Furthermore, conforming with this policy, does not remove the need for a developer to comply with all the other statutory community engagement requirements of the reformed planning system. As confirmed in the response to Alan Calder above, Policy 8 complements and signposts the details within all related legislation, policy and guidance.

NatureScot (1266529)

As one of the overriding ambitions of NPF4 (Policy 1: Tackling the climate and nature crises) and the Plan (para. 22) is to give significant weight to the climate and nature crises, the Council welcomes any opportunities to strengthen all IMFpLDP policies in this regard. As such, should the Reporter be so minded, then the Council would support the revised wording offered by the respondent for the first sentence within the Policy as follows: "The Council's ambition is for all future developments to create high quality successful places to live, work and relax which are energy, infrastructure and land-take efficient, whilst at the same time being rich in natural and cultural heritage through protection and enhancement." As noted by the respondent, application of the Placemaking Audit is only required for a proposal greater than 4 houses and major non-housing developments. However, for proposals less than this threshold, planning applications will still be determined in accordance with the relevant legislation, the approved development plan and other material considerations. Therefore, any significant effects on any protected site would still be a material consideration which would need to be assessed and considered on a case-by-case basis.

Network Rail (1312503)

It is accepted that the use of the design tools would be inappropriate and could delay small scale (rail) engineering works. However, ensuring efficient land-take and protecting the built and natural environments, as sought by the first paragraph of the policy, would still be applicable. Consequently, if the Reporter is so minded, the Council would support the exclusion of small-scale engineering works from the need to demonstrate the use of the listed 'Design Tools'.

RSPB Scotland (1311075)

As confirmed in Alan Calder response above, Policy 8 complements and signposts the details within all related legislation, policy and guidance rather than being a standalone assessment. That said, another cross reference, between the Placemaking Audit and Plan Policy 2, may offer further clarification. Therefore, should the Reporter be so minded, the Council would be content for such a cross reference to be inserted. Again, as confirmed in NatureScot response above the Council welcomes any opportunities to strengthen the Plan to better address the climate and nature crises and would support, should the Reporter be so minded, an amendment to the last bullet point in R12 to read “Appropriate nature rich habitats such as wildflower meadows and mini-forests established on site”.

In terms of the requirement for the applicant to undertake a wildlife assessment, the Council was seeking to provide a consistent, user friendly approach to establishing the Wildlife Assessment criteria. However, it is acknowledged this Checklist might not be appropriate in all instances and more flexibility in the approach to wildlife assessment is appropriate. As such, should the Reporter be so minded, the Council would support a more tailored approach to this aspect along with including the requirement to submit results of NBN (National Biodiversity Network) searches and data request to the local records centre/highland bird recorders.

The Council recognises that there is some duplication of Policy 8 requirements within site developer requirements. However, many Plan users first and sometimes only port of call in reading the Plan is the site mapping and text that is directly relevant to their proposal. Some duplication is better than some of the Plan’s provisions being misinterpreted or overlooked.

Scottish Government (963027)

It is accepted that the Inventory of Historic Battlefields has equivalent non-statutory designation status to the Inventory of Gardens and Designed Landscapes. Therefore, the Council agrees it should be included in the list of areas under Design Statements of Table 4: Placemaking Design Tools.

SEPA (906306)

Support noted.

Springfield Properties (1147956)

See response to Broadland Properties above.

**Reporter’s conclusions:**

**Reporter’s recommendations:**



<b>Issue 13</b>	<b>GP9: Delivering Development and Infrastructure</b>	
<b>Development plan reference:</b>	Section 3 General Policies, PDF Pages 62-64	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Aird Community Trust (1311972)  Alistair Noble (966948)  Antonia Wright (1311246)  Broadland Properties per John Wright (1312043)  Forbes per Grant &amp; 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 &amp; Suburban Community Council (1323971)  Network Rail (1312503)  Rachael Probee (1310748)  SEPA (906306)  Springfield Homes (1147956)  SSEN (1311702)</p>		
<b>Provision of the development plan to which the issue relates:</b>	General Policy 9, PDF Paragraphs 72-73	
<b>Planning authority's summary of the representation(s):</b>		
<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 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:**

<b>Issue 14</b>	<b>GP10: Increasing Affordable Housing</b>	
<b>Development plan reference:</b>	Section 3 General Policies, PDF Pages 64-67	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Antonia Wright (1311246)  Broadland Properties per John Wright (1312043)  Donald Begg (1312031)  Forbes per Grant &amp; Goeghegan (G&amp;G) (1271817)  Homes for Scotland (966619)  Kirkwood Homes per EMAC Planning (1270584)  Ministry of Defence (1270246)  Nairn River Community Council (1312260)  Rachael Probee (1310748)  Robertson Homes per BWP (1266646)  Springfield Homes (1147956)</p>		
<b>Provision of the development plan to which the issue relates:</b>	General Policy 9, PDF Paragraphs 74-77	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Antonia Wright (1311246)</u>  Objects (no reasons stated).</p> <p><u>Broadland Properties per John Wright (1312043)</u>  Disputes the Plan assertion that the local housing market is relatively closed and that housebuilders have a financial self interest in rationing the supply of new properties to keep prices high. There is no evidence of this. A 25% quota should be retained because: it is a figure understood across Scotland and endorsed by national guidance; it provides certainty for investors; it reduces the transaction costs which would be associated with negotiating contributions on a site-by-site basis if a higher, unviable target was set; a higher figure will lead to fewer sites coming forward and therefore fewer affordable units especially in Inverness where delivery of affordable units relies upon 25% of private led sites; the Plan's housing requirements are already supporting fewer sites; no viability assessment of the effect of the quota increase has been produced; and policy making should be evidence based.</p> <p><u>Donald Begg (1312031)</u>  This issue needs national political intervention not a change in planning policy. Unemployment is at a record low, employers cannot find employees and yet the need for social housing is at a record high.</p> <p><u>Forbes per G&amp;G (1271817)</u>  Suggests retention of 25% threshold because: it is prescribed in Scottish Planning Policy; identifying more housing land will better deliver more affordable units; and, a higher</p>		

threshold will make sites unviable.

Glenurquhart Rural Community Association (1220765)

Believes “affordable housing” should be better assessed and defined. Units should be of a tenure, price and size better matched to the housing needs of the community where they are built.

Homes for Scotland (966619)

Disputes the Plan assertion that the local housing market is relatively closed and that housebuilders have a financial self interest in rationing the supply of new properties to keep prices high. There is no evidence of this. A 25% quota should be retained because: it is a figure understood across Scotland and endorsed by national guidance; it provides certainty for investors; it reduces the transaction costs which would be associated with negotiating contributions on a site-by-site basis if a higher, unviable target was set; a higher figure will lead to fewer sites coming forward and therefore fewer affordable units especially in Inverness where delivery of affordable units relies upon 25% of private led sites; the Plan’s housing requirements are already supporting fewer sites; no viability assessment of the effect of the quota increase has been produced; and policy making should be evidence based.

Kirkwood Homes per EMAC Planning (1270584)

Disputes the Plan assertion that the local housing market is relatively closed and that housebuilders have a financial self interest in rationing the supply of new properties to keep prices high. There is no evidence of this. A 25% quota should be retained because: it is a figure understood across Scotland and endorsed by national guidance; it provides certainty for investors; it reduces the transaction costs which would be associated with negotiating contributions on a site-by-site basis if a higher, unviable target was set; a higher figure will lead to fewer sites coming forward and therefore fewer affordable units especially in Inverness where delivery of affordable units relies upon 25% of private led sites; the Plan’s housing requirements are already supporting fewer sites; no viability assessment of the effect of the quota increase has been produced; and policy making should be evidence based.

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)

Seeks a policy that will better match new affordable housing provision to local applicants – e.g. one bed properties in Nairn. Objects to commuted payment exception because this places a burden on other locations to accept more affordable housing. Developers should be forced to build affordable units on brownfield not cheaper to develop greenfield sites. If commuted payments are accepted then the contribution should be higher and locally ringfenced so the local community decide where, when, what type (retrofit) or new, size etc. can be used to create more affordable housing in the local area.

Rachael Probee (1310748)

Disputes whether houses provided by policy are truly affordable and of high quality.

Robertson Homes per BWP (1266646)

Objects to 35% quota because: this is the rate specified in the adopted LDP and Scottish Planning Policy (SPP); larger sites in Inverness have a long investment, financial appraisal and build out period and therefore it is unreasonable to change planning policy and developer contributions circumstances during that period; the change may undermine the viability of masterplanned City expansion areas such as Westercraigs and prevent the completion of such communities; a national % is better understood and accepted; allocating more land and applying 25% will better achieve the aim of delivering more affordable housing; the public sector may not be able to provide the necessary subsidy to provide the extra affordable units or grant aid will be taken from other parts of Highland; all the Plan's general policies combined will threaten the viability of sites or lead to increased prices and therefore lower overall affordability; and, uncertainty about public subsidy may delay schemes and this too will impact on viability.

Springfield Homes (1147956)

Aligns with comments of Homes for Scotland on this issue. Objects to any increase from the nationally accepted 25% quota.

**Modifications sought by those submitting representations:**

Antonia Wright (1311246)

Unclear.

Broadland Properties per John Wright (1312043)

Deletion of Plan assertion that the local housing market is relatively closed and that housebuilders have a financial self interest in rationing the supply of new properties to keep prices high. Retention of a 25% quota for affordable housing.

Donald Begg (1312031)

Unclear.

Forbes per G&G (1271817)

Amendment to retain 25% quota.

Glenurquhart Rural Community Association (1220765)

Addition of a better Plan definition of "affordable housing". Units within Drumnadrochit of a tenure, price and size better matched to the housing needs of that community (both assumed).

Homes for Scotland (966619)

Deletion of Plan assertion that the local housing market is relatively closed and that housebuilders have a financial self interest in rationing the supply of new properties to keep prices high. Amendment to retain 25% quota.

Kirkwood Homes per EMAC Planning (1270584)

Deletion of Plan assertion that the local housing market is relatively closed and that housebuilders have a financial self interest in rationing the supply of new properties to keep prices high. Amendment to retain 25% quota.

Ministry of Defence (1270246)

None (assumed).

Nairn River Community Council (1312260)

Policy amendments to: better match new affordable housing provision to local applicants; force developers to build affordable units on brownfield not greenfield sites; and, increase commuted payments with local ringfencing and local decision making on use of monies (all assumed).

Rachael Probee (1310748)

A policy that will deliver houses that are truly affordable and of high quality (assumed).

Robertson Homes per BWP (1266646)

Amendment to return to a 25% quota. If unchanged then an exception for any existing, allocated or masterplan-led development which may require planning approvals for subsequent phases (i.e. through AMSC applications) and which has already delivered at least 25% of its target total capacity.

Springfield Homes (1147956)

Amendment to return to a 25% quota.

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

Antonia Wright (1311246)

Noted.

Broadland Properties per John Wright (1312043)

See Issue 3 Housing Requirements for the Council's response to wider and related housing matters. The private volume housebuilding sector in Highland does not operate as a frictionless free market. It has many imperfections compared to most other local planning authority (LPA) areas. Land is owned by fewer parties, there are fewer volume housebuilders active in the market, and there are more physical and environmental constraints to development. Indigenous demand is lower and visitor demand higher but more volatile. Understandably, private housebuilders wish to minimise risks and costs, and increase market share by advance landbanking, minimising developer contributions and minimising competition. Springfield Properties acquisition of Tulloch Homes in December 2021 has further reduced local competition. Understandably too, housebuilders wish to minimise the speculative component of any housing development through confirmed pre-orders. A large number of completed but empty, unsold properties affect cash flow. Housebuilders strive to differentiate their product from competitors by location, house types and offers but individually and collectively they have a financial self interest in not "flooding the market" in a particular area with a similar house type. The Plan's only concern with the situation described above is that it stymies the release of later phases of larger sites and therefore stymies the provision of the affordable housing component of those later phases even though public affordable housing subsidy is available and the sites are most often in sustainable locations.

Policy 1 New Housing Development of the Cairngorms National Park Local Development Plan 2021 [\*] is an example that a 25% quota isn't standard practice across all of Scotland. It seeks 45% of dwellings as affordable within four main settlements. NPF4 [\*] states that 25% is now regarded as the minimum percentage of affordable units on market-led sites not as a maximum or benchmark. The Council also already follows NPF4 advice in applying a lower percentage for most development in other parts of Highland such as Caithness where there is lower housing need and/or viability challenges. The Council's Housing Need and Demand Assessment [\*], Strategic Housing Investment Plan (SHIP) [\*] and Highland Housing Register [\*] highlight that the Inverness Housing Market

Area (HMA) and particularly Inverness City is where most need and planned future public subsidy is targeted. 44% of Highland's future affordable housing investment is targeted at the Inverness HMA, 48% of all Highland waiting list households wish to be housed in Inverness HMA, and 52% of the Plan area's housing need and demand is for affordable units within the Inverness HMA. The Council asserts that this constitutes sufficient evidence of need to justify a higher than average percentage. The Council's choice of 35% rather than the Cairngorms National Park Authority's choice of 45% is in recognition of the potential viability impacts of a higher percentage. So too is the choice only to seek it within the Inverness City Settlement Development Area excepting land within the city centre boundary defined within the Plan. This will concentrate the amended policy's impact on land with the highest private demand and, other things being equal, with the best viability. This and other general policies within the Plan have clauses inserted to allow reduced developer contributions if the developer can demonstrate via a viability assessment that the total level of contributions sought will prevent an allocated or otherwise policy supported site from being developed. The Council uses a standardised section 75 legal agreement for affordable housing contributions and changing the percentage for Inverness City developments will not in itself cause delay or cost. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Donald Begg (1312031)

See Issue 3 Housing Requirements for the Council's response regarding the desirability of changes to national affordable housing legislation, policy and funding. However, these matters are outwith the Plan's remit and control.

Forbes per G&G (1271817)

See response to Broadland Properties above.

Glenurquhart Rural Community Association (1220765)

The Council's Developer Contributions Supplementary Guidance (DCSG) [\*] in paragraphs 4.14 and 4.15 provides the Council's definition of affordable housing. Affordable housing providers do match waiting list applicants to housing types as far as possible but a lack of sufficient public subsidy can often mean that there is an imperfect match by tenure and price/rental level. Although important, the letting and allocation policies of affordable housing providers are outwith the Plan's remit and control.

Homes for Scotland (966619)

See response to Broadland Properties above.

Kirkwood Homes per EMAC Planning (1270584)

See response to Broadland Properties above.

Ministry of Defence (1270246)

Support for "financial viability" exemption noted.

Nairn River Community Council (1312260)

Affordable housing providers do match waiting list applicants to housing types as far as possible but a lack of sufficient public subsidy can often mean that there is an imperfect match by tenure and price/rental level. Although important, the letting and allocation policies of affordable housing providers are outwith the Plan's remit and control. The commuted payment exception is contained within the DCSG which is not being reviewed through this Plan process. However, it is only applied to private housing developments where 25% of the number of units proposed would be too small a number of units for an affordable housing agency to manage and/or the development is in a location with low



housing need. Typically, this results in a shift of private funding and affordable unit provision from smaller to larger settlements. See Issue 13 Delivering Development and Infrastructure for the Council's response regarding seeking, ringfencing and allocating developer contributions. The calculation of commuted affordable housing development payments is specified within paragraphs 4.25 to 4.31 of the DCSG for all of Highland. Payments do vary across Highland but according to average developments costs not the level of local housing need. Generally, taking commuted payments results in affordable housing provision in more economically viable and environmentally sustainable locations. See Issue 3 Housing Requirements for the Council's response regarding the "brownfield not greenfield" development sites issue.

Rachael Probee (1310748)

See response to Glenurquhart Rural Community Association above.

Robertson Homes per BWP (1266646)

See response to Broadland Properties above. Paragraph 10.12 of the DCSG clarifies that any new development plan developer contributions will only apply to fresh planning applications not extant and intended to be implemented permissions. The Council will only seek to apply Policy 10 after the Plan's adoption. This and the other general policy measures that are likely to affect developer (or landowner) costs (values) were trailed in the MIR in January 2021 and the Plan may not be adopted until 2024. Therefore, there has been and will be a sufficient lead time for the development industry to adjust. Highland is losing out to other local authorities in terms of available Scottish Government affordable housing grant aid because of slow progress with the phasing of larger private led sites and affordable housing agencies being unable to acquire their own sites. Sufficient public subsidy is available for most affordable tenures on the larger private led sites.

Springfield Homes (1147956)

See response to Broadland Properties above.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 15</b>	<b>GP 11: Self and custom build housing</b>	
<b>Development plan reference:</b>	Section 3 General Policies, PDF Pages 67-69	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Antonia Wright (1311246)  Broadland Properties (1312044)  Defence Infrastructure Organisation (1270246)  Homes for Scotland (966619)  JM and LM Forbes per Grant and Geoghegan (1271817)  Kirkwood Homes (1312500)  Nairn River Community Council (1312260)  Rachel Probee (1310748)  Robertson Homes (1266646)  Springfield Properties (1147956)</p>		
<b>Provision of the development plan to which the issue relates:</b>	General Policy 11, PDF Paragraphs 78-81	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Antonia Wright (1311246)</u>  Objects (no reasons stated).</p> <p><u>Broadland Properties (1312044), Homes for Scotland (966619), Kirkwood Homes (1312500)</u>  Object as the detail of the proposed policy presents significant practicability and viability difficulties for large housebuilders. Given that the self-build register has only recently opened it is contended that the policy has not been informed by clear information on what prospective self-builders are seeking. The construction process on large sites is carefully managed and coordinated and therefore including self-build plots on a larger site would add significant challenges around programme timeframes, HSE and phasing. The cumulative impact of this policy combined with others would present viability issues. Combined with a 35% affordable housing policy this would mean that just 60% of homes would be sold on the open market. A further 5% may need to be specialist provision. Therefore, on a development of 100 homes, as few as 55 would be for unrestricted sale. This combined with other developer obligations would have a negative impact on housing delivery. Finally, question if the Council understands the market for self-build, as the proposed policy will only deliver self-build plots within the larger settlements where sufficient demand for new homes exists, and often self-builders are seeking rural plots over urban areas.</p> <p><u>Defence Infrastructure Organisation (1270246)</u>  Supports the policy subject to the "financial viability" test.</p> <p><u>JM and LM Forbes per Grant and Geoghegan (1271817)</u></p>		

Object because the policy is completely unworkable in practice and would lead to significant issues in terms of undue impact on residential amenity and the inability to adopt roads and footpaths. Assert that no evidence has been presented to demonstrate that the level of demand exists within settlements to justify the policy.

Nairn River Community Council (1312260)

Supports the delivery of self-build plots as outlined in this policy but warns that developers might utilise the financially unviable exemption rule and seeks that community representatives should be able to review the viability assessment.

Rachel Probee (1310748)

Concerned that self-build houses might not be in keeping with the character of the area.

Robertson Homes (1266646)

Objects as the policy proposes a complicated approach that could affect the viability of delivering housing. Instead, suggests an alternative approach to specifically allocate self-build sites across the plan area. Notes that not all housing sites will be suited for accommodating areas of self-build, the policy will further complicate the challenging process of land assembly and land ownership procedures, and cause issues with site Health and Safety. It also results in a further reduction in the amount of a plots available for a housebuilder to provide their own home range. This could have a significant impact on site viability and housing delivery. The policy may hinder self-build on other sites as the focus will be on housing sites rather than other suitable sites.

Springfield Properties (1147956)

Objects due to a lack of evidence justifying the policy and its implementation will likely be impracticable. The policy could result in delays in completing bigger sites and prejudice existing homeowners by elongating the construction process on site and delaying completion of road and footpath surfaces. States that the market for self-build plots is primarily focused on rural housing and question how bespoke designs would sit in an area where a design code/uniformity of design is required.

**Modifications sought by those submitting representations:**

Antonia Wright (1311246), Defence Infrastructure Organisation (1270246) Nairn River Community Council (1312260), Rachel Probee (1310748)

None.

Broadland Properties (1312044) & Homes for Scotland (966619)

Deletion of policy.

JM and LM Forbes (Grant and Geoghegan) (1271817)

Deletion of policy.

Kirkwood Homes (1312500)

Deletion of policy.

Robertson Homes (1266646)

Deletion of policy and replacement with dedicated self-build housing allocations on appropriate large sites where these have been identified with the agreement of the landowner and / or developer. As a secondary preference, amendment to the policy so that the 5% quota for self-build housing applies only to the amount of remaining

mainstream market units – i.e. subtracting the affordable housing units and those required for the 5% ‘wheelchair liveable units’ due to negative deliverability and viability impact concerns.

Springfield Properties (1147956)

Allocation of specific sites solely for self-build developments.

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

Antonia Wright (1311246)

Noted.

Broadland Properties (1312044)

The Council has long supported rural self-build, through HwLDP Policies 35 & 36 and its recently published Rural Housing Supplementary Guidance [1]. Policy 17 (Rural Homes) of the NPF4 [2] reaffirms this positive support. However, both NPF4 and Highland planning policies also recognise that the continued development of single housing plots within close proximity to main settlements will undermine climate crisis and other priorities. Other things being equal, sporadic single house developments in the open countryside close to main settlements: increase car-based trips to work and most other activities resulting in higher carbon and other harmful emissions than otherwise need occur; suburbanises the open (or dispersed pattern of settlement) landscape character of the existing countryside; and, increases the cost of public (and private) service provision such as a wired internet connection, a postal service, a private parcel delivery, a water main connection, waste collection, a public sewer connection, a mobile library van service or a school transport service. For these reasons the Plan proposes to reaffirm the Hinterland area around Inverness and other major work centres, which in turn will result in a limited supply of self-build plots within the Plan area. However, the demand for self-build plots is considered unlikely to diminish, so instead the Council wishes to direct the future the demand for future self-build to the main settlements.

Additionally, the Council has seen a steady number of planning applications for single house plots within the Inverness SDA [3], along with a desire by the Scottish Government to support and promote greater self-build in the new Planning (Scotland) Act 2019 (Section 16E) and now Policy 16 c) (Quality Homes) of NPF4. This demand, support and requirement set by the new Act, led the Council to develop resources to support the self and custom build market [4], including being one of the first councils in Scotland to open a ‘Self-Build Register’ in late 2021. This Register now contains details of approximately 40 entries [5], all of whom are seeking to develop a self or custom build house within the Highland Council area, including a number of whom are explicitly seeking to develop within an urban area. All these entries on the Register have been achieved with very limited promotion and therefore actual need / demand may be far higher. Therefore, this new policy seeks to further support the urban self and custom build market.

With regard to the number of self and custom build plots that this policy is likely to deliver across the Plan area, only 23 of the proposed allocations have an indicative capacity of over 100 housing units and 10 of these have extant planning permissions, which if developed, as approved, cannot be subject to this policy. However, in accordance with para. 1.26 of the Council’s Developer Contributions Supplementary Guidance [6] THC DCSG, if any of these permissions lapse or are incapable of being implemented without variation, the terms of this policy would be applied to any subsequent planning application for that site, including applications for variation to planning conditions submitted under

Section 42 of the Act. So out of the 23 allocations, it is expected only 13 of these would be subject to this policy, which based on the indicative housing capacity outlined in the Plan for each allocation, the policy will deliver 96 self and custom build plots across the Plan area within the plan 10-year timeframe. Thus, delivering approximately 10 self and custom build plots per year. Based on the level of single house applications received in recent years within the Inverness SDA noted above, coupled with the Plan's Spatial Strategy to direct most house building to the "...most economically viable and environmentally sustainable places..." noted as being the main settlements (para. 26), 10 self and custom plots a year is considered reasonable.

Moreover, as this policy direction is both an emerging aspect at the local and national level, the proposed policy level of plot delivery will allow the Council to fully understand and measure the demand and requirements for self and custom build plots across the urban areas without impact on the viability of housing delivery. In terms of the concerns that the policy will undermine the viability of urban housing sites, a recent comparison [\*] of available single house plots for sale within the Inverness SDA and those outwith a settlement and within a 15 mile radius of Inverness has shown that there is a limited supply of sites within Inverness (5) compared to outwith Inverness (10) and the sites within the Inverness SDA demand a significantly higher plot price (in excess of £20,000) than those in a rural area. Consequently, rather than undermining the viability of an urban site it is contended, that the self and custom build market is buoyant and demands high prices per plot.

The policy has also been developed to allow individual housebuilders options in how they can deliver on the policy requirements and does not prescribe that they have to sell each plots to an individual. Instead, the policy allows developers the option to develop all the plots themselves as 'custom build sites' or dispose of all the plots to a co-housing or community led housing, or as noted by the objector dispose of them to self-builders.

In terms of the anticipated significant challenges in terms of site health and safety, programming timeframes and phasing, it should be noted a similar policy concept has been operating across England for several years (since the enactment of the self-build and Custom Housebuilding Act 2015 & Housing & Planning Act 2016) without significant difficulties in this regard. Furthermore, given the policy is applicable only to larger developments (over 100 units), it is asserted that at conceptual design stage accommodating a small number (5%) of self and custom build plots within the overall layout should be possible without significant difficulties to site health and safety, programming timeframes and/or development phasing.

#### Defence Infrastructure Organisation (1270246)

The proposed policy contains a comprehensive open book viability assessment aspect which will be retained.

#### Homes for Scotland (966619)

See response to Broadland Properties above.

#### JM and LM Forbes per Grant and Geoghegan (1271817)

See response to Broadland Properties (1312044) above.

#### Kirkwood Homes (1312500)

See response to Broadland Properties (1312044) above.

#### Nairn River Community Council (1312260)

Support noted. In terms of the reviewing the open book viability assessment, as outlined at para. 1.35 of the Council adopted Developer Contributions Supplementary Guidance [\*\*\*], the assessment would be reviewed by the independent District Valuer and not by the Council to avoid any conflicts and/or bias. Furthermore, the open book viability assessment will contain commercially confidential information which should not be open for public view/comment and therefore the ability for community will be very limited.

Rachel Probee (1310748)

This policy is applicable only within SDAs where a variety of design and tenures are already in existence. Moreover, this policy seeks to bring additional character and design quality into new, large, often suburban housing developments which are sometimes lacking in those qualities. In any event, the policy allows (at 1) "...the site owner/developer [to]...attach appropriate conditions regarding the finish and layout of individual plots or establish a Design Codes to cover all the serviced plots, in agreement with the Planning Authority...." to ensure the properties are developed to complement the design and character of the entire development.

Robertson Homes (1266646)

See response to Broadland Properties above. The suggestion of specific, wholly self-build allocations depends upon landowner agreement and no owners of allocated sites have committed to this. The Council believes a standard quota system is the best way to achieve a more uniform geographic spread of opportunities and some indication of when and how many sites will come forward. Depending upon the cooperation of landowners will be less reliable and predictable for the Council and those on the Register wishing to purchase a plot. The suggested approach to require the 5% quota for self-build housing only to apply to the remaining mainstream market units would result in a far more complicated approach and deliver a lower number of units. The proposed policy includes the ability that, should the plots remain undeveloped for a period of time and if there is no proven self or custom build demand, then the developer can develop them with their standard product.

Springfield Properties (1147956)

See responses to Broadland Properties and Robertson Homes above.

**Reporter's conclusions:**

**Reporter's recommendations:**



<b>Issue 16</b>	<b>GP12: Growing Settlements</b>	
<b>Development plan reference:</b>	Section 3 General Policies, PDF Pages 69-71	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Aird Community Trust (1311972)  Nairn River Community Council (1312260)  Rachael Probee (1310748)  RSPB (1311075)  SEPA (906306)  Steve North (1263190)</p>		
<b>Provision of the development plan to which the issue relates:</b>	General Policy 12, PDF Paragraphs 82-83	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Aird Community Trust (1311972)</u>  Supports but seeks emphasis on importance of establishing active travel infrastructure within these communities (eg to and from local school or to access school buses) and between them and other nearby communities because of the need to encourage more sustainable and healthier travel and the difficulty of retrofitting such links. Also seeks clarification that developer contributions will be retained and used locally to support delivery of these links.</p> <p><u>Nairn River Community Council (1312260)</u>  Queries the applicability of this policy to Nairn.</p> <p><u>Rachael Probee (1310748)</u>  Objects to policy's premise that further housing development sustains local rural facilities. Rural repopulation will only be successful if facilities and infrastructure are improved prior to further development.</p> <p><u>RSPB (1311075)</u>  Believes that this criteria based policy is too permissive because the possible presence of nationally or internationally important natural heritage designations or protected species is not accounted for. Queries whether the policy will be applied in isolation from other LDP policies that reference natural heritage.</p> <p><u>SEPA (906306)</u>  Supports (no reasons stated).</p> <p><u>Steve North (1263190)</u>  Supports (no reasons stated).</p>		
<b>Modifications sought by those submitting representations:</b>		

Aird Community Trust (1311972)

Amendments to emphasise the importance of establishing active travel infrastructure within these communities (eg to and from local school or to access school buses) and between them and other nearby communities, and clarification that developer contributions will be retained and used locally to support delivery of these links (all assumed).

Nairn River Community Council (1312260)

Clarification that the policy won't be applied to Nairn (assumed).

Rachael Probee (1310748)

Amendments to remove reference to further housing development sustaining local rural facilities and a requirement for upgraded facilities and infrastructure prior to further development.

RSPB (1311075)

Supplies full amended policy [\*] which clarifies that any proposal that complies with this policy's criteria will then be considered against other relevant policies in the HwLDP and aIMFLDP.

SEPA (906306)

None (assumed).

Steve North (1263190)

None (assumed).

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

Aird Community Trust (1311972)

Support noted. These settlements are the lowest tier of identified communities because they are small in population, usually remote from higher order centres, and don't always have a primary school. Accordingly, it is unlikely to be viable via the public purse or by seeking developer contributions to fund the active travel infrastructure sought. See Issue 13 GP9: Delivering Development and Infrastructure regarding the collection and use of developer contributions. However, each growing settlement has a list of placemaking priorities where particular active travel network improvements can be referenced. These are included where they form part of a longer inter-main-settlement route for example at Inchmore.

Nairn River Community Council (1312260)

This policy doesn't apply to the settlement of Nairn.

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. Fortunately, many of the growing settlements have spare capacity in their facilities particularly in the remoter primary schools and parish halls. New development can also create sufficient local catchment demand to keep a local shop, post office or hotel in business.

RSPB (1311075)



A planning application is assessed against all relevant approved development plan policies not a single policy. Policies 57 to 62 of the HwLDP would also be triggered if an application within a growing settlement is likely to have natural heritage impacts.

SEPA (906306)

Noted.

Steve North (1263190)

Noted.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 17</b>	<b>GP13: Meeting the Needs of the Ageing Population</b>	
<b>Development plan reference:</b>	Section 3 General Policies, PDF Pages 71-73	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Highland Housing Hub (1154846)  Homes for Scotland (966619)  Katie Walter (1323046)  Kirkwood Homes (1312500)  Nairn Access Panel (Kate McArdle) (1312033)  Nairn River Community Council (1312260)  Rachel Probee (1310748)  Springfield Properties (1147956)</p>		
<b>Provision of the development plan to which the issue relates:</b>	General Policy 13, PDF Paragraphs 84-86	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Highland Housing Hub (1154846)</u>  States that the level of provision of accessible homes provided by this policy should be raised to 10% rather than the current 5%, to accord with the level identified within the Council's Local Housing Strategy. This level is also supported by the Scottish Government in the Council's Strategic Housing Investment Plan 2022-2027.</p> <p><u>Homes for Scotland (966619), Kirkwood Homes (1312500) &amp; Springfield Properties (1147956)</u>  A number of housebuilders and trade organisations support the aims and much of the content of this policy but note it will be important to recognise that for open market homes the specific needs of potential residents will not be known in advance. Therefore, scope should be added within the policy for flexibility over some of the specific standards to tailor them to the needs of the prospective homeowner.</p> <p><u>Katie Walter (1323046)</u>  Supports the policy, but argues its remit should be broadened to cover access to health services and secure developer contributions towards these services.</p> <p><u>Nairn Access Panel (Kate McArdle) (1312033)</u>  The policy states that the requirement for the provision of accessible housing will be waived if there is no demand at the time of building. Believes this strategy is flawed and should be changed. Instead, it should be assumed that a number of accessible properties will be required in the future. Providing accessible accommodation from scratch is simpler and more efficient than adapting properties at a later date.</p> <p><u>Nairn River Community Council (1312260)</u>  Supports but contends that the threshold of 50 or more residential units should be reduced</p>		

and seeks assurance that the policy will be applied in a consistent manner across all developers. Seeks that where the required provision is not met and there is no financial viability exemption then a developer contribution should be levied to ensure that developments of 4 units and over contribute to a local accessible and adaptable homes fund.

Rachel Probee (1310748)

Supports the policy (no reasons stated).

#### **Modifications sought by those submitting representations:**

Highland Housing Hub (1154846)

An increase in the level of provision of accessible homes to 10%.

Homes for Scotland (966619), Kirkwood Homes (1312500), Springfield Properties (1147956)

Addition of text to allow flexibility of the specific standards to allow tailoring to the needs of the prospective homeowners.

Katie Walter (1323046)

Broadening of the policy to cover access to health services including the requirement for developer contributions for these services.

Nairn Access Panel (Kate McArdle) (1312033)

Removal of the "lower need" exemption.

Nairn River Community Council (1312260)

A reduction in the site capacity threshold. A developer contribution levy on sites where onsite provision is not made and no financial viability exemption applies.

Rachel Probee (1310748)

None.

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

Highland Housing Hub (1154846)

The Highland Council's Local Housing Strategy 2017-22 (LHS) [\*] identifies at para. 6.4 that there are 130 people across the whole of Highland who require wheelchair liveable houses. However, the LHS does not identify the geographic area within which these homes will be required and notes that "...demand can currently be met through adaptations and new build..." Although the LHS figure is likely to be an underestimate and the proportion of the future population in the older age groups is increasing, there is no current evidence to justify an increase in the percentage of accessible and adaptive homes.

Homes for Scotland (966619)

The policy outlines specific, well-established criteria to ensure that the ground floor of a property is "wheelchair liveable". However, it is recognised in para. 85 of the Plan that the policy will "ensure our future housing stock is suitable for our changing demographic." Therefore, if the Reporter is so minded then the Council would support a wording amendment to include scope for a developer, at application stage, to demonstrate ground floor unit designs tailored to the specific needs of prospective purchasers on the proviso

that these adaptations are of a standard at least equal to that outlined in the policy.

Katie Walter (1323046)

Although laudable, the respondent's desire to seek improved health services or developer funding of such, is outwith this policy's and the wider Plan's remit. The Council's position in respect of health facility developer contributions is set out in Issue 13: GP9 Delivering Development and Infrastructure.

Kirkwood Homes (1312500)

See response to Homes for Scotland above.

Nairn Access Panel (Kate McArdle) (1312033)

As stated above, the Highland Council Local Housing Strategy identified in 2017 at para. 6.4 that there were 130 people across Highland who required wheelchair liveable houses. Therefore, there is a demand for this type of unit and the Council has just started its evidence gathering for the next Local Housing Strategy, which should update the current need across the Council area for wheelchair liveable houses. Scottish Government is considering increasing its grant aid to registered social landlords to meet the additional cost of truly wheelchair liveable (rather than just wheelchair accessible) accommodation. Given this uncertainty over future public subsidy levels then a more flexible policy wording is appropriate. Also, within a localised geographic area there may be no current need or it may be met via the public sector accessing an increased grant level. The Scottish Building Regulations will still require all new housing stock to deliver wheelchair accessible homes which will continue to address some of the current and future needs of Scotland's ageing population.

Nairn River Community Council (1312260)

Adapted accommodation is best located on flat or flatter land close to facilities and amenities because generally these locations are better for wheelchair users. To enforce the policy on steeper sloping sites or those with similar physical constraints would deliver adapted units in less accessible locations. Taking "commuted for off-site provision" payments from all larger housing sites across the Plan area would likely generate monies in excess of the cost of meeting known need for this type of accommodation.

Rachel Probee (1310748)

Support noted.

Springfield Properties (1147956)

See response to Homes for Scotland above.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 18</b>	<b>GP15: Development Briefs</b>	
<b>Development plan reference:</b>	Section 4 Places, City of Inverness Spatial Strategy (PDF Pages 177-182), Appendix 6 Development Briefs (Policies 15(a-e))	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Abrdn per Pritchett (1312484)          Antonia Wright (1311246)          Christine Farrar (1312491)          Dennis Tracey (1312010)          Equorium Property per John Handley (1312478)          Gillian Kirby (1312402)          Jane Shadforth (1323040)          Lidl per KHP (1312411)          Port of Inverness per G&amp;S (1220786)          SSEN (1311702)</p>		
<b>Provision of the development plan to which the issue relates:</b>	General Policy 15, City of Inverness Spatial Strategy, Map 21, PDF Paragraphs 169-175	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Abrdn per Pritchett (1312484)</u>          Supports reference to and inclusion of Inshes and Raigmore Development Brief but points out that its provisions contradict site specific allocations within the IMFpLDP2 and therefore the latter should be changed to accord with the Brief's provisions.</p> <p><u>Antonia Wright (1311246)</u>          Supports apart from Inverness City Centre Development Brief (no reasons stated).</p> <p><u>Christine Farrar (1312491)</u>          Supports the reference to and inclusion of the Muirtown and South Kessock Development Brief but seeks amendments to encourage additional watersports facilities for local clubs and visitors because: Inverness Canoe Club and the Sea Scouts presently share inadequate facilities with the Sea Scouts; and, better facilities would benefit local people as well as tourists.</p> <p><u>Dennis Tracey (1312010)</u>          Supports principle of coordinating development through development briefs but these should be consulted upon before they are approved - specifically the Longman Landfill Brief. Queries when this Brief will be consulted upon.</p> <p><u>Equorium Property per John Handley (1312478)</u>          Responds as owners of the Holm Mills Shopping Village which is located at Holm Mills Road, Dores Road, Inverness. Seek reaffirmation of the provisions of the Torvean and Ness-side Development Brief as it relates to that land – i.e. its role as an important City retail and tourism destination because of: the range of its retail offer, tourist facilities and</p>		

coach/sightseeing bus connectivity; the allocation in the aIMFLDP; the owner's commitment to develop and expand Holm Mills site and improve the visitor experience and retail offer; the site is part of a chain of 20 similar operations across the UK; and, refurbishment and expansion will safeguard existing and create new jobs and retain the site's existing visitor accreditation from Visit Scotland. Also requests addition of Holm Mills Shopping Centre to the hierarchy of protected commercial centres within General Policy 6 because this approach would accord with the advice of the Scottish Planning Policy (paragraphs 61 to 63) which confirms that commercial centres like the Holm Mills Shopping Village should be included as part of the network of centres in development plans.

Gillian Kirby (1312402)

Objects to further development within the Inshes and Raigmore Development Brief area because: lack of distributor road capacity and congestion which is getting worse with more/expanded destination uses at Raigmore Hospital, the Campus and Inshes Retail Park; this congestion has led to short cutting through the local road network; the Inshes Junction Phase 2 project will not reduce any of the traffic or pollution levels in an already densely populated area; and, remaining greenspace should be preserved for the health and wellbeing of the community and not developed in the way proposed.

Jane Shadforth (1323040)

Supports the principle of the Muirtown and South Kessock Development Brief provisions but feels more could be done for residents and visitors. Objects to additional housing around Merkinch Local Nature Reserve and as "infill" for Carnac Crescent and Craigton Avenue because it will reduce local greenspace. Also seeks improvements for pedestrians and cyclists at the Jammy Piece and Black Bridge junctions.

Lidl per KHP (1312411)

Queries meaning of Policy 15. Believes that if the listed development briefs are intended to form part of the approved development plan then the conflicts between their content and that of the IMFLDP should be resolved. For example, para 2.27 of the Inshes and Raigmore Development Brief (Appendix 6) identifies the northern part of site INS15 (i.e. Land South of Police Scotland) for business use whereas INS15 proposes the site for housing. The proposed allocations are mutually exclusive and the proposed IMFLDP is internally inconsistent.

Port of Inverness per G&S (1220786)

Seeks formal input to and consultation on any new/amended Longman Landfill Development Brief, Muirtown/South Kessock Brief, Inverness City Centre Development Brief and Inverness City Centre Vision because of their proximity to and/or impact upon Port land holdings.

SSEN (1311702)

Seeks to input to and amend listed Briefs in terms of appropriate setbacks from electricity transmission infrastructure. Specifically, seeks amendment to the Torvean and Ness-side Development Brief covered under Policy 15(e) and specifically to Pg 15, paras 5.14 and 5.15, titled "Development Around Powerlines". Asserts that quoted National Grid guidance "Sense of Place" is not relevant to high voltage transmission infrastructure in the Inner Moray Firth region. Reports that SSEN is preparing its own guidance document on this issue which should be quoted. Queries Brief's reference to 12m from the centreline of the overhead lines" which is not recommended in any guidance. SSEN require a default clearance of 35m from the centre line of the overhead line but may vary this on a case by case basis depending on what type of development is proposed, the voltage of the

overhead line and the position of the transmission towers/ pylons. Clearances are required for safety and operational requirements, with room for cable swing in the wind. Cable swing will vary depending on the location of the tower/pylon in relation to the development and the size and voltage of the overhead line.

#### **Modifications sought by those submitting representations:**

Abrdn per Pritchett (1312484)

None (assumed).

Antonia Wright (1311246)

None (assumed).

Christine Farrar (1312491)

Additional Plan content to encourage additional watersports facilities for local clubs and visitors at Muirtown Basin.

Dennis Tracey (1312010)

Clarification that a Brief will not be included within the Plan until completing its individual consultation process. A timescale for preparation and consultation on the Longman Landfill Brief (all assumed).

Equorium Property per John Handley (1312478)

Addition of Holm Mills Shopping Centre to the hierarchy of protected commercial centres within General Policy 6.

Gillian Kirby (1312402)

Deletion of new build / greenfield development allocations within the Brief area (assumed).

Jane Shadforth (1323040)

Clarification that the Plan doesn't support additional housing around Merkinch Local Nature Reserve or as "infill" for Carnac Crescent and Craigton. Addition of reference to need for improvements for pedestrians and cyclists at the Jammy Piece and Black Bridge junctions.

Lidl per KHP (1312411)

Either the proposed allocations in the proposed IMFLDP2 for Inverness amended to reflect the allocations identified in the development briefs or Proposed Policy 15 should be deleted in its entirety and the development briefs should be excluded from the Plan.

Port of Inverness per G&S (1220786)

A Plan commitment to consult the Port of Inverness or all affected landowners on any new/amended Longman Landfill Development Brief, Muirtown/South Kessock Brief, Inverness City Centre Development Brief or Inverness City Centre Vision.

SSEN (1311702)

A Plan commitment to ensure consultation with SSEN on any policy or proposal that may conflict with electricity transmission infrastructure. Specifically, amendment to the Torvean and Ness-side Development Brief covered under Policy 15(e) and specifically to Pg 15, paras 5.14 and 5.15, titled "Development Around Powerlines" to replace reference to National Grid with forthcoming SSEN guidance including reference to a default clearance of 35m from the centre line of the overhead line (all assumed).

## Summary of responses (including reasons) by planning authority:

### Abrdn per Pritchett (1312484)

Support noted. The Inshes and Raigmore Development Brief (IRDB) is currently founded upon Policy 7 of the Highland wide Local Development Plan (HwLDP). The HwLDP is not being repealed and replaced by the second Inner Moray Firth Local Development Plan (IMFLDP2). IMFLDP2 will repeal and replace the 2015 adopted Inner Moray Firth Local Development Plan (aIMFLDP). The Plan recognises (on page 4 of the PDF version in the Status section) that for a very limited number of sites that different components of the current and future approved development plan (HwLDP, aIMFLDP, IMFLDP2 and Supplementary Guidance) do and will in future continue to say different things about the Council's attitude to development of these sites. The last sentence of that section clarifies that "In the event of any incompatibility between a provision of these plans then the most up to date plan will prevail as the Council's policy for that site/issue." This approach mirrors the approach taken within section 24(3) of the Town and Country Planning (Scotland) Act 1997 as amended, in assessing incompatible provisions of a local development plan and the National Planning Framework. In short, the Council recognises that the Plan will provide a more up to date Council policy position which for a very limited number of land parcels will be incompatible with older but still extant Council policy. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

### Antonia Wright (1311246)

Noted.

### Christine Farrar (1312491)

The intention of Policy 15 is simply to roll forward the provisions of five existing, approved development briefs and highlight the intention to prepare an additional one for the Longman Landfill area. The Council has not invited comment or debate on those provisions except where it proposes a change. The Plan allocations at Dell of Inshes (INS03) and Sir Walter Scott Drive (INS15) are examples of where Plan change is proposed and comments have been invited and made. Therefore, the Council would assert that this respondent's detailed suggestion is outwith the scope of the Plan. The approved Brief [\*] already makes several references to enhancing watersports access to the Muirtown Basin including support for additional moorings. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

### Dennis Tracey (1312010)

The Longman Landfill Brief has been delayed awaiting key decisions: by Transport Scotland on the design and funding of a grade separated A9/A82 junction; by SEPA whether to grant the partial surrender of the existing landfill site licenced area; and, by the Council on future waste management facilities. These decisions will be made and the Brief progressed to adoption within the Plan period. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

### Equorium Property per John Handley (1312478)

See Council responses above regarding the status of the Torvean and Ness-side Development Brief and which of its provisions may be affected by the current Plan. Plan allocation INS17 Ness-side North, promotes very little substantive change to the adopted Brief's provisions other than opening up the option of some housing use of the respondent's property. The importance of the Mills as a long standing tourist attraction and



local commercial centre is recognised. The Plan and the approved Brief support the expansion of that role. Notwithstanding the above, the Plan does not, separately, identify and protect commercial centres that don't meet all of the NPF4 town centre tests. See Issue 1 for the overview Council response to parties seeking the identification and protection of Inverness district and commercial centres.

Gillian Kirby (1312402)

See Issue 35 for detailed Council responses to individual allocations within Inshes and Raigmore. The Council accepts that there is unacceptable congestion along the Inshes Corridor and is progressing a multimodal transport scheme [\*\*] to alleviate that congestion. Part of the reason for the Plan supporting housing rather than business / commercial uses on sites INS03 and INS15 is because housing is an origin rather than a destination use and also more likely in these locations to generate sustainable travel mode journeys. The Inshes Corridor transport scheme will close off current "rat-run" vehicular routes. The current and projected future vehicular traffic levels and congestion along the Inshes Corridor cannot be reduced simply by roadbuilding. Hence a multimodal solution is proposed introducing greater priority for bus and active travel journeys.

Jane Shadforth (1323040)

See response to Christine Farrar above. The Plan drops the previous policy support for additional housing around Merkinch Local Nature Reserve and as "infill" for Carnac Crescent and Craigton Avenue. It also supports active travel connectivity improvements across the City.

Lidl per KHP (1312411)

See responses to Abrdn per Pritchett and Christine Farrar above. The assertion that the IMFLDP2 will be internally inconsistent has substance. If the Reporter is minded to agree then the Council would suggest that the rolled forward development briefs which will be "physically bound" within the IMFLDP2 document should have any incompatible provisions "greyed out" to indicate the Council's most up to date planning policy position for the land affected.

Port of Inverness per G&S (1220786)

See responses above regarding which briefs are being rolled forward and which is still to be prepared. It is normal Council practice during the preparation of a new development brief to consult all landowners within its boundary. The Longman Landfill Development Brief is likely to include land within Port of Inverness' ownership and if so then the respondent will be consulted.

SSEN (1311702)

See responses above regarding the intention to roll forward most existing approved development brief content without amendment and therefore without debate. Where a Plan allocation proposes to amend that content then that issue/site should be subject to discussion. The Brief's reference to at least 12 metres or a 24 metre corridor is based upon Lands Tribunal for Scotland cases where the issue of appropriate setbacks has been discussed in great detail. These disputed compensation cases looked at the reality of built and consented houses schemes across Scotland and concluded that a much narrower corridor was appropriate than that suggested by the electricity transmission network providers. The 35m (70 metre corridor) suggested by SSEN may be appropriate as a consultation distance but not as an absolute and defensible built development setback distance. If and when SSEN's guidance is published then the review of the Council's HwLDP Policy 30 Physical Constraints policy and its related guidance would be the most appropriate way in which to discuss and decide upon this issue – i.e. for the whole of

Highland not just Ness-side.

**Reporter's conclusions:**

**Reporter's recommendations:**

## APPENDIX 2: PLACE-SPECIFIC MATTERS

<b>Issue 19</b>	<b>Alness</b>	
<b>Development plan reference:</b>	Section 4 Places, Alness Settlement, PDF Pages 83-93	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Cotriona MacDonald (1310228)          Highland Housing Hub (1154846)          John McRae (1324102)          Lachlan Robertson (1312457)          Michael Fraser (1312487)          Munro (Highland) Construction Ltd (1210729)          NatureScot (1266529)          Nicol Simpson (1323208)          Pat Munro (Alness) Limited (1312301)          Peter Munro (1141750)          SEPA (906306)          Tom Coopland (1312456)          Transport Scotland (1324298)          Veda McClorey (966974)          Woodland Trust Scotland (1312249)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 1, Settlement Map 5 Alness, Development Sites, PDF paragraphs 100-107	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Settlement Map 1 Alness</b>  <u>Non-Inclusion of Land at Darroch Brae West</u></p> <p><u>Peter Munro (1141750)</u>          Objects to the non-inclusion of site MIR AL01 Darroch Brae West and seeks it's allocation as an effective site for affordable housing for the following reasons: it was a preferred site in the MIR; limited woodland impact as it was clear felled of timber in 2002, unclear where concerns about impact on Ancient Woodland from NatureScot have come from; some trees can be retained along with compensatory planting; was allocated in a previous Local Plan and had interest expressed in it by Highland Housing Alliance, granted planning permission in 2007; access strip issue has been resolved and site no longer 'land-locked', confirmation in 2017 that access strip is owned by Highland Council; within active travel distance to local facilities including schools; able to connect to utilities; and, increased economic activity around the Cromarty Firth will mean extra housing will be required, especially affordable housing. Asserts that the positive amenity and recreational value of the existing woodland is due to the forestry practice applied by the landowner. Two tracks cut across the site from the Darroch Brae Housing Estate to access the main and mature part of the wood which is criss-crossed with a network of well used paths. This access could be retained.</p> <p><u>Highland Housing Hub (1154846)</u>          Objects to non-inclusion of MIR site AL01 (Darroch Brae West) for the following reasons: was a preferred site in the MIR and as such the Housing Hub partners have sought to purchase the site and progress development; site is identified as Ancient Woodland but there has been previous forestry felling and no regeneration of ancient woodland has taken place, previous mapping does not support the development site being included as part of the Ancient Woodland inventory.</p> <p><u>Non-Inclusion of Land at Alness East</u></p>		

#### Pat Munro (Alness) Limited (1312301)

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

#### Highland Housing Hub (1154846)

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

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

#### Munro (Highland) Construction Ltd (1210729)

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

#### Transport Issues

#### Transport Scotland (1324298)

Seeks junction modelling of allocations' impacts on A9 junctions. As detailed within SPP and the draft NPF4, any infrastructure improvements should be identified within the plan, with information provided on who, when and how they will be funded and delivered. This information is crucial in providing an infrastructure first approach to planning as outlined within the draft NPF4. In accordance with SPP, the plan should identify any required infrastructure improvements and how, when and by whom they will be delivered. In order for this to be achieved, the Council will be required to undertake junction modelling of the allocations for Alness as the level of development has the potential to cumulatively impact the A9 trunk road junctions. SPP states in paragraphs 274 "In preparing development plans, planning authorities are expected to appraise the impact of the spatial strategy and its reasonable alternatives on the transport network, in line with Transport Scotland's DPMTAG guidance. This should include consideration of previously allocated sites, transport opportunities and constraints, current capacity and committed improvements to the transport network. Planning authorities should ensure that a transport appraisal is undertaken at a scale and level of detail proportionate to the nature of the issues and proposals being considered, including funding requirements. Appraisals should be carried out in time to inform the spatial strategy and the strategic environmental assessment. Where there are potential issues for the network, the appraisal should be discussed with Transport Scotland opportunity." The need to undertake an appraisal is reiterated within draft NPF4, which goes on to state the appraisal "... should identify any potential cumulative transport impacts and mitigation proposed to inform the infrastructure-first approach." SPP paragraph 275 details "Development plans should identify any required new transport infrastructure or public transport services, including cycle and pedestrian routes, trunk road and rail infrastructure.

The deliverability of this infrastructure, and by whom it will be delivered, should be key considerations in identifying the preferred and alternative land use strategies. Plans and associated documents, such as supplementary guidance and the action programme, should indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made." Draft NPF4 details the infrastructure first concept, which puts infrastructure considerations at the heart of planning. Policy 8: Infrastructure First details "Local Development Plans and delivery programmes should be based on an infrastructure-first approach. They should: be informed by evidence on infrastructure capacity, condition, needs and deliverability." Policy 10 Sustainable Transport details, "A Plan's spatial strategy should be informed by evidence of the area's existing and committed transport infrastructure capacity." Transport Scotland has determined the level of development allocated within Alness has the potential to cumulatively impact the A9 trunk road junctions. The Highland Council has undertaken a DPMTAG based appraisal engaging and liaised with Transport Scotland throughout the process. The plan allocates a total of 303 housing units and 50.4ha business, 33.6ha industry and 44ha of retail land over the 10 year plan period. This could result in a maximum of 1920 trips over the 10 year period of the plan taken from the Council's Transport Appraisal Trip Rate Spreadsheet undertaken as part of the DPMTAG based appraisal. As a result of trip generation information for the Alness developments provided by the Council, it is considered further assessment of the A9 junctions around Alness is required to determine if the cumulative impact of development can be sufficiently accommodated within the current junctions or if junction improvements are required.

#### **AL01 Willowbank**

John McRae (1324102)

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

#### **AL02 Crosshills**

Michael Fraser (1312487)

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

#### **AL03 Milnafua Farm**

Tom Coopland (1312456)

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

#### **AL04 Whitehills**

Lachlan Robertson (1312457)

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

#### **AL06 Obsdale Road**

Highland Housing Hub (1154846)

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

#### **AL08 West and South of Dail nan Roca**

Nicol Simpson (1323208)

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

Veda McClorey (966974)

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

### **AL09 South of Teaninich Road**

#### Pat Munro (Alness) Limited (1312301)

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

### **AL11 Alness Point**

#### Cotriona MacDonald (1310228)

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

#### SEPA (906306)

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

#### Woodland Trust Scotland (1312249)

Seeks amendment to developer requirement on woodland. Protection and enhancement are supported however there are three sections of native and near native woodland within the allocation totalling 3 ha. They are not on the Ancient Woodland Inventory but two of the sections show on OS 1896 (1894 revision) outline at NH650679, but not on 1881 OS 1st edition. Therefore, seeks



additional requirement for a survey and following a survey, buffers may be required. Alternatively remove woodland from the site boundary.

#### NatureScot (1266529)

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

#### **AL15 Dalmore Distillery**

##### Woodland Trust Scotland (1312249)

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

#### **Modifications sought by those submitting representations:**

##### **Settlement Map 1 Alness**

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

Allocate MIR Site AL01 Darroch Brae West for housing.

##### Pat Munro (Alness) Limited (1312301)

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

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

##### Highland Housing Hub (1154846)

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

##### Transport Scotland (1324298)

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

In accordance with SPP, the plan should identify any required infrastructure improvements and how, when and by whom they will be delivered. In order for this to be achieved, the Council will be required

to undertake junction modelling of the allocations for Alness as the level of development has the potential to cumulatively impact the A9 trunk road junctions.

Munro (Highland) Construction Ltd (1210729)

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

**AL01 Willowbank**

John McRae (1324102)

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

**AL02 Crosshills**

Michael Fraser (1312487)

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

**AL03 Milnafua Farm**

Tom Coopland (1312456)

Remove garden ground from allocation.

**AL04 Whitehills**

Lachlan Robertson (1312457)

Delete allocation (assumed)

**AL06 Obsdale Road**

Highland Housing Hub (1154846)

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

**AL08 West and South of Dail nan Roca**

Nicol Simpson (1323208)

Deletion of allocation (assumed).

Veda McClorey (966974)

Deletion of allocation (assumed).

**AL09 South of Teaninich Road**

Pat Munro (Alness) Limited (1312301)

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

**AL11 Alness Point**

SEPA (906306)

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

Cotriona MacDonald (1310228)

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

Woodland Trust Scotland (1312249)

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

NatureScot (1266529)

Strongly recommends an additional developer requirement to protect the features of the Cromarty Firth SSSI including the need for a sustainability of development appraisal, and that there will be no hard engineered defences, and that these likely significant effects have also been assessed within



the HRA for the Cromarty Firth SPA. Also seeks additional developer requirements for: nature-based solutions to protect and enhance water courses; to protect the features of the Cromarty Firth SSSI including the need for a sustainability of development appraisal, and that there will be no hard engineered defences; and built development is avoided near the coastal edge.

### **AL15 Dalmore Distillery**

Woodland Trust Scotland (1312249)

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

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

### **Settlement Map 1 Alness**

#### Non-Inclusion of Land at Darroch Brae West

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

The site is not an allocation in the aIMLDP however it was submitted as a potential site through the Call for Sites by both Peter Munro and the Highland Housing Hub. It was shown as a preferred location in the MIR (AL01) as it was considered a site with active interest and previous right of access constraints had been resolved. However during the MIR consultation, NatureScot made the Council aware that the site was predominantly Ancient Woodland Inventory (AWI) and Scottish Semi Natural Woodland Inventory. NatureScot also advised that retention of some trees and compensatory planting could provide some mitigation but it was unlikely to avoid significant effect on the woodland. Claims that there has been clear felling in the past are difficult to corroborate as the site is densely covered in woodland. Merits of the site are also acknowledged in terms of a willing landowner, potential developer interest, active travel distance to local services and the constraints associated with the site could potentially be mitigated against. However, taking into account the quantitative need as set out in the Housing Needs and Demand Assessment, there is sufficient housing land for the Plan period and better alternative housing sites which are closer to the town and its facilities. The topic of overall housing land requirement is considered more widely in Issue 3. The MIR is a discussion document and is not the settled view of the Council, so decisions on investments by developers should not be based on the content of it.

#### Non-Inclusion of Land at Alness East

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

#### Background

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

#### Transport Issues

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

Land allocated in Alness East in the IMFpLDP2 at AL03 and AL04 represent land covered by an associated Transport Assessment and some extant planning permissions, land at AL03 is being actively built on. The land covered by aIMFLDP allocations AL2, AL4, AL6 and AL3 and the additional land shown as AL19 in the MIR, remain within the SDA. The settlement text is also clear that beyond the development of AL03 and AL04 any further development at Alness East within the

SDA will require a new Transport Assessment to be completed. Keeping land within the SDA and settlement text which reflects the long term direction of growth is sufficient to ensure that a long term strategic approach can be taken to the growth of the town and the necessary infrastructure improvements.

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

### Housing Supply

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

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

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

#### Munro (Highland) Construction Ltd (1210729)

During the MIR consultation a submission was made to include this land as an allocation. This came forward as a wholly new site which had not been subject to public comment and environmental assessment. Within the Easter Ross Committee covering report from 18 November 2021, in paragraph 6.4 under the 'Housing Requirements' section, reference is made to the wholly new housing site suggestions submitted during the MIR consultation. It states, 'These should have been made at the Plan's Call for Sites stage and therefore have not been considered in any detail in this report and its appendices. There is no exceptional justification for the inclusion of any of them particularly since they haven't been subject to public comment and environmental assessment.'

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

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

#### Transport Scotland (1324298)

As part of the plan preparation process The Highland Council undertook a qualitative Level 1 Transport Appraisal, following the DPMTAG, and liaising with Transport Scotland throughout the process. This included providing potential trip generation figures, based on the TRICS database.

Transport Scotland's comments relating to concerns over the potential for cumulative impacts upon the A9 junctions around Alness, resulting from the sites allocated, are therefore noted. The Highland Council considers that Alness has potential to continue to grow in a sustainable way, and in line with the modal hierarchy set out in National Transport Strategy (NTS). Therefore, whilst concerns about the potential for impacts on A9 junctions around Alness, based on trip-rate predictions are understandable, these are considered to be a worst-case scenario. With major shifts in policy (e.g. NTS & 20% reduction in car KM target by 2032) and funding (e.g. Bus Partnership Fund & minimum £320M budget for Active Travel by 2024/25) the Council expects actual trip rates to be more sustainable, particularly given the emphasis in the Plan on sustainable transport as set out in Policy 14. The level of containment of trips within the settlement of Alness also has the potential to be greater than that demonstrated by the TRICS-based data, which is from the 2011 census, given the mass shift to home or hybrid working for many people, as well as the mix of residential, community and employment uses allocated in the Plan. Nevertheless, in order that the Plan can address Transport Scotland's concerns about the trunk road junctions, if the reporter was so minded, the Council would be supportive of the following additional Placemaking Priority: "Development in Alness may have the potential to cumulatively impact the A9 Trunk Road junctions around Alness. Following Transport Scotland's Strategic Transport Appraisal Guidance, an appraisal of the impacts and potential solutions to address them may be required to be undertaken by applicants of any major-scale planning application in Alness".

#### **AL01 Willowbank**

John McRae (1324102)

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

#### **AL02 Crosshills**

Michael Fraser (1312487)

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

#### **AL03 Milnafua Farm**

Tom Coopland (1312456)

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

#### **AL04 Whitehills**

Lachlan Robertson (1312457)

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

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

The site is currently allocated for housing (part of AL2) in the aIMFLDP and at present the site whilst being a field, has no amenity value. The development of allocation AL04 will result in the creation of formal amenity space for the residents which in the future is could to become protected greenspace.

In addition, IMFP LDP2 Policy 2 Nature Protection, Preservation and Enhancement, requires developments to contribute towards the enhancement of biodiversity.

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

### **AL06 Obsdale Road**

Highland Housing Hub (1154846)

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

### **AL08 West and South of Dail nan Roca**

Nicol Simpson (1323208)


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

Veda McClorey (966974)

The vast majority of the site is allocated in the aIMFLDP as two allocations – AL12 West Of Teaninich Wood (Business Use) and AL18 South of Dal nan Rocas (Industrial use). In IMFP LDP2 the two sites have been amalgamated to form AL08 West and South of Dail nan Roca. A small amount of additional land is included at the northern boundary and at the southwestern boundary the allocation is extended towards Ballachraggan. This revised boundary reflects an extent permission - 16/01816/FUL - Formation of access roads, services, landscaping and plots to create mixed use commercial/business park.

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

It is essential to provide a sufficient amount of employment land to meet anticipated future demand. Whilst there may be a number of existing vacant units within Alness, the Plan is a long term plan for growth. The Plan's Settlement Hierarchy sets out a strategic view on where future growth should occur, targeting future growth at locations which are most economically viable and environmentally sustainable. In the settlement hierarchy Alness is a Tier 1 settlement; Tier 1 settlements are identified as the most sustainable locations suitable for a strategic scale of growth.

The site comprises prime agricultural land. NPF4 advises that LDPs should protect locally, regionally, nationally and internationally valued soils, including land of lesser quality that is culturally or locally important for primary use. However, NPF4 also contains policies relating to the avoidance of a myriad of other development constraints and also requires planning authorities to identify sufficient land for all uses. NPF4 recognises that few proposals will comply with all of its provisions and therefore it is necessary for any decision maker to assess which parts of NPF4 point in favour of a development and which do not. Similarly, the Council in making its Plan site selection decisions has taken account of land capability for agriculture but weighed this factor against others (as detailed in the Strategic Environmental Assessment  process). The allocation of this land is an essential component of the settlement strategy. It is therefore considered that

loss of prime agricultural land at this location, whereby Alness is listed as Tier 1 settlement in the Plan's Settlement Hierarchy, is consistent with that strategy.

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

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

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

### **AL09 South of Teaninich Road**

Pat Munro (Alness) Limited (1312301)

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

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

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

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

### **AL11 Alness Point**

Cotriona MacDonald (1310228)

Any issues of privacy, roads, lighting and paths would be considered at development management stage. Proposals will be considered against various policies of the Development Plan in particular Policy 28 Sustainable Design and Policy 34 Settlement Development Areas in relation to the delivery of an appropriate Design.

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

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

SEPA (906306)



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

Woodland Trust Scotland (1312249)

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

NatureScot (1266529)

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

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

If the Reporter is so minded, the Council would support additional developer requirements for: nature-based solutions to protect and enhance water courses; and an appraisal of the sustainability of the development against potential coastal change and effects on flood risk and that there should be no hard engineered defences. The Council would also support additional settlement text at paragraph 107 which recognised that coastal erosion was a risk and that it poses a threat to intertidal habitats in the Cromarty Firth SPA

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

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

**AL15 Dalmore Distillery**

Woodland Trust Scotland (1312249)

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

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 20</b>	<b>Ardersier</b>	
<b>Development plan reference:</b>	Section 4 Places, Ardersier Settlement, PDF Pages 92 - 97	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Brian Songhurst (1323129)		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 2, Settlement Map 6 Ardersier, Development Sites, PDF paragraphs 108-110	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>AR02: East of Station Road</b>  <u>Brian Songhurst (1323129)</u>  Respondent states that the properties of Station Cottage (owned by the respondent's family) and Oaktree House (owned by the respondent) will be directly affected by this development and, due to safety concerns and crossing their private drive, wants to ensure that there will be no shared access. Respondent also highlights two issues with the boundary of the allocation: 1) the strip of land between Station Road and the allocation is within the ownership of another family member, 2) as shown in an attached a map, a section of the allocation extends into the curtilage of Station Cottage - see black line in attachment [**].</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><b>AR02: East of Station Road</b>  <u>Brian Songhurst (1323129)</u>  Add Developer Requirement to ensure access is not taken from the existing shared access to the north (assumed). Remove a small section of allocation AR02 (as shown in the attachment [**]).</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p><b>AR02: East of Station Road</b>  <u>Brian Songhurst (1323129)</u>  Access to the site is most likely to be taken directly from Station Road. This has been demonstrated as feasible by the previous planning application on the site for 16 homes (reference 18/02994/FUL [**]) in which the Council's Transport Planning colleagues raised no objection. Given the current access to the site is via the junction to the respondent's property, an alternative could be considered. However, it is not expected to be feasible due to currently poor visibility splays and impact on mature trees. It would be for the developer of the site to demonstrate that access arrangements and new/improved junction upgrades meet the Council's road guidelines. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.</p> <p>In terms of the allocation boundary, it is recognised that the northern boundary extends slightly beyond the developable site. If the Reporter is so minded, then the Council would support the allocation being reduced to exclude Station Cottage. The strip of land at the roadside does not require an amendment to the Plan and will be a matter for any developer and the landowner to resolve.</p>		
<b>Reporter's conclusions:</b>		
<b>Reporter's recommendations:</b>		

<b>Issue 21</b>	<b>Auldearn</b>	
<b>Development plan reference:</b>	Section 4 Places, Auldearn Settlement, PDF Pages 98-101	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Gary Tyronney (1310824)  Les Spence per Suller Clark (1219976)  Wanda Skerrett (1310633)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 3, Settlement Map 7 Auldearn, Development Sites, PDF paragraphs 111-113	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Greenspace</b>  <u>Wanda Skerrett (1310633)</u>  Objects as there is no greenspace allocated beside the respondent's property and cannot determine compliance with Policy 4 Greenspace, Policy 5 Green Networks, Policy 2 Nature Protection, Preservation and Enhancement or Policy 8 Placemaking.</p> <p><b>Placemaking Priorities</b>  <u>Wanda Skerrett (1310633)</u>  Supports the Placemaking Priorities but highlights that the shop/post office referred to has closed and it would therefore be prudent to plan for supporting infrastructure.</p> <p><b>AU01: Land at Meadowfield</b>  <u>Gary Tyronney (1310824)</u>  Objects because: 1) that recent housing developments on Moyness Road has caused surface water drainage issues (photos attached to illustrate the problem) [redacted] and the mitigation delivered as part of the applications is not fit for purpose; 2) the site is at risk of fluvial flooding from the burn; and, 3) poor ground conditions for dealing with the flood risk. Respondent also suggests that the woodland walk adjoining the site be extended if further housing was to be supported.</p> <p><u>Les Spence (1219976)</u>  Landowner supports the allocations for the following reasons: 1) As an experienced developer he is fully aware of the site requirements including a Flood Risk Assessment; 2) a planning application (reference 22/01963/PIP) for 3 units has been lodged for the first phase with a masterplan for the rest expected to follow; 3) it would help support local facilities and offer housing choice; 4) the site is easily accessed by public transport; and, 5) it is effective with no barriers to delivery.</p> <p><u>Wanda Skerrett (1310633)</u>  Whilst not objecting to the principle of development per se, the respondent puts forward the following issues which need resolved: 1) road widening will not help with defining the character of the local area nor will it improve connectivity of the local area nor will it provide amenity value; 2) the indicative capacity of 30 dwellings is too large to be supported as there is no easy access to local area and/or amenities; 3) A large portion of the proposed development area is prone to regular flooding/water logged and consequently limits the developable area; 4) A 6m buffer from built development is insufficient; 5) There does not appear to be any reference to services and/or facilities that would help mitigate or adapt to the effects of climate change; 6) There does not appear to be any area for sport or recreation planned; and, 7) There does not appear to be a planned area that would support biodiversity.</p>		
<b>Modifications sought by those submitting representations:</b>		



**Greenspace**

Wanda Skerrett (1310633)

Requests that additional areas of greenspace be identified beside The Meadows (exact location not specified)

**Placemaking Priorities**

Wanda Skerrett (1310633)

The settlement text should be updated to reflect the closure of the shop/post office.

**AU01: Land at Meadowfield**

Gary Tyronney (1310824)

Removal of site from the Plan. Alternatively, additional Developer Requirements to extend the adjoining woodland and path into the site and further investigation into addressing pluvial and fluvial flood risk (assumed).

Les Spence per Suller Clark (1219976)

None.

Wanda Skerrett (1310633)

Requests the following modifications: 1) Southern part of the site either removed from allocation or requirement to prevent development on the land (area highlighted 'B' on attachment); 2) Increase the buffer between the watercourse and development from 6m to 20m; 3) Increase greenspace area to alongside the property boundary between AU01 and respondent's house (The Meadows, shown as 'A' in the attachment) to run up to the road. 4) Reduce the capacity from 30 units to 20 or less; 5) Ensure the road upgrades and development overall is sympathetic to the character of the area; 6) ensure connectivity to Auldearn village is enhanced; and, 7) if possible, provide area for amenities / facilities.

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

Wanda Skerrett (1310633)

Whilst there are no formal greenspaces located next to The Meadows, the wooded area and burn corridor located to the north and west has been identified as Green Network on the Auldearn settlement map. This recognises the important physical, visual and habitat connections it provides and ensures these qualities are protected from development. Policy 75 Open Space of HwLDP and the associated Open Space in New Residential Development: Supplementary Guidance [1] ensure that as part of the future development of allocation AU01, formal amenity space for the residents will be delivered and in the future could become protected greenspace. Also, under Policy 2 Nature Protection, Preservation and Enhancement, the development would be required to contribute towards the enhancement of biodiversity, including restoring degraded habitats and building and strengthening nature networks and the connections between them. As a result, we do not believe any additional areas of greenspace or green network need to be identified on the settlement map.

**Placemaking Priorities**

Wanda Skerrett (1310633)

Support for the Placemaking Priorities noted. The settlement text will be updated to reflect the closure of the shop/post office and will be a factual post Examination change.

**AU01: Land at Meadowfield**

Gary Tyronney (1310824)

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

It is recognised that there is value in terms of permeability with a connection being made between housing development at AU01 and the core path (NA01.02), which currently provides a circular route within the adjoining woodland. The Developer Requirements already identify the need for the

developer to outline in a Transport Statement how connections to the core path network will be enhanced. However, given the proximity to the existing core path, if the Reporter is so minded, then the Council would support specific reference to connections to the core path NA01.02 being added.

The Council's general planning policies including Policy 75 Open Space and the associated Open Space in New Residential Development: Supplementary Guidance [4] ensure that developments provide suitable amenity and open space. However, given the incremental nature of the housing development which has taken place over recent years along Moyness Road and the landowner's recent submission of a planning application covering a small section of the allocation for just three houses (22/01963/PIP), adding an explicit requirement for such greenspace would be useful to ensure its timely delivery. Therefore, if the Reporter is so minded, then the Council would support an additional Developer Requirement being added along the lines of: "provision of adequate amenity and open space to be provided within early phase of development".

Les Spence per Suller Clark (1219976)

Support noted.

Wanda Skerrett (1310633)

In response to the numbered modifications sought:

- 1) It is assumed that the request to remove the section labelled 'B' on the respondent's attached map is due to flood risk. As highlighted above, flood risk has been considered and is addressed through the inclusion of appropriate Developer Requirements. The land referred to is low lying and is shown at risk of flooding and may present a suitable location for SuDS. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.
- 2) The 6m buffer between development and watercourses is a standard minimum which is identified in supplementary guidance [4]. This is measured from the edge of built development to the top of the bank of any watercourse / waterbody (including land drains). As noted in the response above, the findings of the Flood Risk Assessment will identify whether a larger buffer is required. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.
- 3) The land labelled 'A' on the respondent's map is outwith the Auldearn settlement boundary and forms part of the large garden ground of The Meadows. Given that it is also not publicly accessible it does not meet the definition of protected greenspace. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.
- 4) The allocation AU01 extends to 3.7ha and, whilst approximately 1/4 of the site is shown to be at risk of flooding, with an indicative capacity of only 30 units it still represents a relatively low density development. It should also be noted that the figure is indicative and detailed masterplanning will be required to inform the final capacity of the site. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.
- 5) As set out in the Developer Requirements, the Plan already recognises there is opportunity for the development to create a more sympathetic and better defined settlement edge through high quality design, street design and landscaping. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.
- 6) As set out in the Developer Requirements, the Plan already recognises the need for the developer to outline how active travel connections to the village centre will be enhanced. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.
- 7) Given the scale of development and its location on the edge of the village, it is not considered necessary to require the developer to deliver additional non-housing uses/facilities. As set out above, however, and specified within the Developer Requirements, open space provision will be required as part of the development. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 22</b>	<b>Avoch</b>	
<b>Development plan reference:</b>	Section 4 Places, Avoch Settlement, PDF Pages 102-107	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Avoch &amp; Killen Community Council (1220168)  Broadland Properties per John Wright (1312044)  Elaine Murray (1312265)  John Russell-Milnes (1323440)  Sarah White (1311051)  Sharon Kretschmer (1310648)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 4, Settlement Map 8 Avoch, Development Sites, PDF paragraphs 114-116	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Placemaking Priorities</b>  <u>Avoch &amp; Killen Community Council (1220168)</u>  Disagrees with Placemaking Priorities as stated. Objects to development at two of the larger sites that have existing land allocations. Concerned that the Council's assessment of primary school capacity doesn't tally with that of the Head Teacher who better knows the functional capacity of the school's internal spaces and the practicability of adding extensions and therefore that school staff be consulted on future planning applications. Supports investment in safer active travel links, play areas and community facilities but wants developer funding to improve existing facilities rather than simply building new ones as the former will be more cost effective. Supports protection of the character of Avoch's central conservation area and its wooded margins. Supports priority for funding towards the provision of an active travel link between Munloch and Avoch but believes that further development is neither desirable nor feasible without significant investment in active travel for all. Reports that it is a cosignatory to the joint Community Council letter about the need for local ring fencing and allocation of community facility developer contributions. Concerned that the Plan's proposals for further large-scale development are directly in contradiction to the Plan's commitment to preserve natural heritage. For example, major new development will increase the level of personal car traffic in and around our villages causing an environmental and health hazard.</p> <p><u>Sharon Kretschmer (1310648)</u>  Seeks a Plan commitment to traffic calming associated with the industrial site at the south end of the village because of the size, speed and volume of traffic along the access route via Henrietta St and Ormonde Terrace. The road leading to the present site is single track, mainly without pavement, with residents leaving their homes directly on to oncoming traffic. Believes it is an accident waiting to happen. Supplies photographic evidence of the road capacity/safety issue [**].</p> <p><b>Settlement Map</b>  <u>Avoch &amp; Killen Community Council (1220168)</u>  Seeks deletion of Memorial Field site as now fully complete. Supports non-inclusion of MIR sites AV05-AV09. Seeks additional greenspaces added to map because: results of community consultation; these spaces are used by all members of the community; and, are also, in many cases, important havens for wildlife and plants. Spaces requested are: Rosehaugh Estate in its entirety; Avoch playpark and adjoining field area; Avoch Burn and surrounding paths and woodlands incl. old railway bridge; Shaltie Burn and surrounding paths and woodlands; railway Line (Avoch to Fortrose) and surrounding fields and woodland; woods beside and behind Killen village; Ormonde Hill and surrounding fields / woodland; circular route through Corrachie / Bay Farm; Avoch shore – grassy area and beach from harbour to sewage treatment works; picnic / grassy area at Chatty Corner (bottom of School Brae).</p>		

Broadland Properties per John Wright (1312044)

Supports retention of sites AV01 and AV02 and deletion of the potential development site at Ormonde Terrace site because business use can be accommodated at Muiralehouse.

**AV01: Rosehaugh East Drive**

Avoch & Killen Community Council (1220168)

Maintains its objection because: poor road access for construction vehicles that could result in increased danger for residents including children crossing to school (School Brae/Mackay Terrace/Rosehaugh East Drive); lack of infrastructure investment (school capacity / roads); concern around the affordability of housing at the site; concerns about the impact of increased residential traffic (up to 80 vehicles) on a road system with significant visibility issues (School Brae/Mackay Terrace/Rosehaugh East Drive); and, drainage concerns.

Broadland Properties per John Wright (1312044)

Objects to stated capacity of 30 units and to the requirement for a masterplan because: there is a currently pending full planning application (Ref: 20/00539/FUL) for 39 homes awaiting determination with a detailed layout and all the required supporting information; the site is under offer to a developer; and, the requirements for foul sewerage contradict the statement elsewhere in the settlement statement that there is plentiful capacity for sewerage.

Sarah White (1311051)

Queries why the indicative housing capacity is given as 30 houses but the Council has recently granted permission for 39 houses. Suggests therefore that indicative capacities are meaningless. Asserts that scale of Plan growth is excessive relative to local infrastructure and facility capacity which will lead to significant harm to the look and feel of the village community.

**AV02: Muiralehouse**

Avoch & Killen Community Council (1220168)

Objects to scale of housing component. Would only be acceptable if following conditions were met: provision for active foot/cycle travel that would link this area to the centre of the village; allocation of affordable housing at least, and preferably in excess, of the statutory minimum for developments of this size; transparent allocation, with community involvement, of resulting developer contributions to support and develop existing local facilities e.g. Rose Street playpark, existing Multi-Use Games Area, community rowing project; accurate and updated projections as to the impact upon primary school rolls and a transparent process for involving school staff in agreeing how and where investment is required to mitigate impacts; and, allocation of part of this land, as has been proposed, for business/commercial use to reduce pressure at former Main Issues Report site AV05. Even if these conditions are fulfilled suggests that further detailed consultation and careful ecological considerations will be required. Concerned that large scale housing or business construction on this site will lead to further degradation of green spaces and have huge knock-on impacts on school capacity (already over capacity with no further space to expand); and road use (already subject of multiple concerns raised with HC due to speeding / poor road maintenance / air pollution). A development of this size also appears to undermine the Plan's priority commitment to 'addressing the climate and ecological emergency'.

Broadland Properties per John Wright (1312044)

Supports but seeks following amendments: housing capacity increased to 130 homes because a supplied Framework Plan [X] shows that number can be accommodated, there's a shortfall of effective housing sites within the Mid Ross HMA, and this is the least constrained option in the village; and, deletion of the requirement for a primary school land safeguard because it is not required as confirmed by the latest Delivery Programme which allows for a 2 classroom extension; deletion of the requirement for an archaeological investigation because it is unjustified (there are no significant, previously recorded resources on the site). Asserts that the supplied Framework Plan will also: enhance the safety of the A832 approaching the school by the installation of an offset roundabout, off road footpath links and extended speed limit; deliver part of the active travel and hedgerow works referenced in the LDP; possibly allow the use of the respondent's land (in lieu of a financial contribution) required for the rest of the Avoch-Munlochy active travel route. Also

supplies Landscape and Visual Statement and Transport Statement and references that an Education Impact Assessment and Feasibility Assessment have been prepared.

Elaine Murray (1312265)

Concerns over large development across the road because: increase in street lighting, traffic and noise; excessive scale relative to that of village; loss of rural village character; and, possible loss of beech hedging.

**AV03: Harbour**

John Russell-Milnes (1323440)

Objects because: site's boundaries vary between MIR and IMFpLDP stages; the uses supported are too vague and therefore could allow a very wide range of developments which could have an adverse affect on the eastern area of the village; and, the potential loss of valued and vital greenspace. This greenspace (the grassed area between Shore Road/the sea-wall and the high-tide line) is important because it: has high public amenity value; is important to residents, local businesses and tourists; is grassed, attractive, well maintained; and, includes picnic tables, a visitor information panel, a community garden, and free parking.

**Modifications sought by those submitting representations:**

**Placemaking Priorities**

Avoch & Killen Community Council (1220168)

Amendments to the Placemaking Priorities to: delete reference to rolling forward adopted plan allocations; a commitment to consult Avoch Primary School staff on the capacity implications of all future planning applications within the catchment; clarification that developer contributions will be ring fenced locally, allocated by local decision and used generally for improving existing rather than creating new facilities; and, deletion of all significant housing component allocations within the village unless they will not generate any net increase in travel by unsustainable means (all assumed).

Sharon Kretschmer (1310648)

Addition of a Plan requirement for traffic calming along Henrietta St and Ormonde Terrace (assumed).

**Settlement Map**

Avoch & Killen Community Council (1220168)

Deletion of Memorial Field site and addition of protected greenspaces as follows: Rosehaugh Estate in its entirety; Avoch playpark and adjoining field area; Avoch Burn and surrounding paths and woodlands incl. old railway bridge; Shaltie Burn and surrounding paths and woodlands; railway Line (Avoch to Fortrose) and surrounding fields and woodland; woods beside and behind Killen village; Ormonde Hill and surrounding fields / woodland; circular route through Corrachie / Bay Farm; Avoch shore – grassy area and beach from harbour to sewage treatment works; picnic / grassy area at Chatty Corner (bottom of School Brae).

Broadland Properties per John Wright (1312044)

None (assumed).

**AV01: Rosehaugh East Drive**

Avoch & Killen Community Council (1220168)

Deletion of site (assumed).

Broadland Properties per John Wright (1312044)

Amendment of the capacity to reflect the permission with a resolution to grant subject to a s75 Legal Agreement.

Sarah White (1311051)

Deletion of site or a much lower capacity (assumed).

**AV02: Muiralehouse**

Avoch & Killen Community Council (1220168)



Deletion of site or a much lower housing capacity and more onerous developer requirements (assumed).

Broadland Properties per John Wright (1312044)

The following amendments: housing capacity increased to 130 homes, deletion of the requirement for a primary school land safeguard, and deletion of the requirement for an archaeological investigation.

Elaine Murray (1312265)

Deletion of site or a much lower capacity (assumed).

**AV03: Harbour**

John Russell-Milnes (1323440)

Contraction of the site boundary to exclude the grassed area between Shore Road/the sea-wall and the high-tide line. A more specific description of the uses/proposals supported which should be improving the facilities of the harbour to provide for sustainable and appropriate marine tourism and sustainable and responsible fishing subject to no adverse impact on the built environment and the existing sea shore with its diverse bird life and the unique natural environment of the beach itself.

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

**Placemaking Priorities**

Avoch & Killen Community Council (1220168)

Support comments noted. Avoch Primary School has had recent Council led nursery unit enhancements the net effect of which has provided 3 additional school classrooms for primary school use. The Council is recouping part of the cost of these improvements through major extension rate education developer contributions for all housing development within the catchment (all as defined within the Developer Contributions Supplementary Guidance [\*]) and the Plan's Action/Delivery Programme [†]). The school has a published 2021/2022 physical capacity of 317 pupils and a 2021/22 roll of 292 pupils – i.e. it is operating at 92% capacity. The 2022/23 based school roll forecasts will be published in early 2023 but are expected to show a similar high roll/capacity ratio but a forward projection, allowing for Plan allocated and likely windfall development, that keeps pupil numbers within the total capacity of the school buildings. A head teacher has direct discussions with the Council's Education team about the workable capacity of their school buildings and this is a more appropriate avenue for dialogue than school staff being a consultee on planning applications.

The collection and use of developer contributions (particularly for community facilities) is discussed in Issue 13 GP9: Delivering Development and Infrastructure but, in simplistic terms, as a matter of national legislation, guidance and case law, contributions can only be sought for a purpose connected with the impact of development. A developer asked for a financial contribution to resolve an existing deficiency which is in no way affected by his/her proposal could, rightly, reject such a request. However, there is some flexibility. For example, the Council often takes an off-site financial developer contribution to provide enhanced play equipment at fewer, existing, central play areas rather than insist on direct developer provision of several new but much smaller play facilities in peripheral locations.

The Plan's outcomes, spatial strategy, transport strategy, general policies and reduction (compared to the aIMFLDP) in allocated development capacity across the Black Isle, all recognise that the mid and eastern Black Isle is a relatively environmentally unsustainable place to promote growth because of the lack of sustainable travel mode accessibility to higher order facilities. The cost to the public or private purse of improving that accessibility is prohibitive. For example, bus services to the mid and eastern Black Isle will never be commercially viable and most journeys to high school, healthcare and work will never be active. However, 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. All the Plan's allocations have been subject to the SEA (and sometimes also the HRA) process. Environmental effects have been assessed and where necessary Plan mitigation added. Both of the Avoch allocations have sufficient mitigation via the listed developer requirements.

Sharon Kretschmer (1310648)

See response to the community council above regarding the Plan's remit in resolving existing deficiencies that are unconnected with new development proposals. The proposed industrial allocation south of the village was not carried forward into the Plan from the MIR partly because of the road capacity and traffic management issues referenced by the respondent. The Council's roads and transport officers are aware of local concerns but as yet there is no definitive scheme or funding to resolve this existing deficiency. This deficiency isn't made worse by the Plan's provisions nor is there likely to be an opportunity to secure developer contributions towards its resolution and therefore the Council believes that the Plan should remain unaltered in respect of this representation.

**Settlement Map**

Avoch & Killen Community Council (1220168)

Support comments noted. The Memorial Field (site reference AV02 within the MIR) site is fully complete and is therefore not identified within the Plan. Greenspaces within the Plan's main settlements have been audited [∗] to assess their current value in terms of amenity, recreation, natural heritage and public accessibility. However, the Plan only seeks to identify and protect from development those larger greenspaces from which the wider public derive a significant amenity and/or recreational benefit within main settlements. Natural heritage value is only a factor in the identification of green networks not greenspaces. Rosehaugh Estate is a Designed Landscape a designation which affords it a degree of protection from development but all of it lies outwith the Avoch SDA. Avoch Playpark and adjoining land is already protected greenspace within the Plan. Publicly accessible greenspace north west of the primary school is already protected but the less accessible Avoch Burn and associated riparian woodland is depicted as green network. The old railway bridge lies outwith the SDA. Similarly, the Shaltie Burn and its riparian woodland lie outwith the SDA (although its lower part is depicted as green network). The disused Avoch to Fortrose railway line is depicted as a green network because it is a conduit for movement not a destination greenspace. Avoch shore is identified as a green network because it edges the settlement, there is movement of people and wildlife along it, and it is undevelopable for most uses for coastal flood risk reasons. The land either side of the bottom of School Brae is identified as protected greenspace. The other listed spaces are outwith any main settlement SDA.

Broadland Properties per John Wright (1312044)

Support noted.

**AV01: Rosehaugh East Drive**

Avoch & Killen Community Council (1220168)

In March 2022, the Council made a minded to grant planning application decision [∗] for 39 serviced plots on this site. The permission will be issued when the associated legal agreement has been concluded and registered. The Council suggests to the Reporter that the Plan be amended to reflect the details of this permission when issued – i.e. amend the capacity to 39 units and the developer requirements to list the significant components of the legal agreement and permission conditions. The planning application committee report [∗] provides a full account of the Council's consideration of transport, school capacity and affordable housing issues.

Broadland Properties per John Wright (1312044)

See response to Avoch & Killen Community Council above. The receiving waste water treatment plant has an adequate design capacity to accept significant additional development within the village but the central network of old combined surface and foul waters does not hence the reference to the likely need for developer funded improvements to sewerage (that part of the network).

Sarah White (1311051)

See responses to Avoch & Killen Community Council above.

**AV02: Muiralehouse**

Avoch & Killen Community Council (1220168)

The allocation is for a mix of uses not just housing and that housing will likely be phased over a long time period because of the slow build rates of sites outwith Inverness. The active travel improvements requested are already Plan developer requirements. A 25% affordable unit

requirement will apply to this site. Commuted payments are only accepted for very small sites or where housing waiting list numbers are low. See Issue 13 Delivering Development and Infrastructure regarding the Council's response to the collection and ringfencing of community facility developer contributions. See Placemaking Priorities response above regarding the primary school capacity issue. The developer requirements insist on the early provision of non-housing including employment uses. Similarly, potential adverse environmental effects have been assessed and mitigation text included within the developer requirements. Avoch is a large, established village, and closer to higher order facilities than other settlements on the Black Isle. There are only 2 housing component development allocations within the settlement and their total combined capacity is proportionate to Avoch's Tier 3 position in the settlement hierarchy.

Broadland Properties per John Wright (1312044)


The proposed increase in housing capacity would be inappropriate for the reasons stated by the community council and by the Council in its responses to all parties above. 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 is 1,043 units and corresponding Housing Land Requirement 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. The requirement for a primary school land safeguard is a precautionary one, which will be reassessed over the Plan period and will not be insisted upon if existing school capacity proves adequate relative to the pace of new development within the catchment. An archaeological investigation condition is standard on most large planning permissions in previously settled areas and won't be onerous enough to affect the allocation's viability. The respondent's commitment to address some of the stated developer requirements is welcomed but that commitment could and should also be made in respect of the smaller, existing allocation. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Elaine Murray (1312265)

See same site Council responses above. The concerns expressed are either addressed by the site's developer requirements or will be assessed in the consideration of the future developer masterplan and any planning application.

**AV03: Harbour**

John Russell-Milnes (1323440)

The Plan supports refurbishment and enhancement of harbour facilities. The existing harbour doesn't allow all tide use, has limited shore based facilities for storage and maintenance and space for crane lowering and lifting of craft into and out of the water. There is no active proposal from the Harbour Trust to expand the facility so no detailed scheme detail or boundary is available. Given the harbour has undergone a recent "facelift" and the open space to the west now has more formal public access than the Council would commend for the Reporter's consideration, a minor change  to the allocation boundary to exclude its western tip (the area that now accommodates picnic benches). It would also be logical to add a protected greenspace notation to this land and the small triangle of public open space to the west of it.

**Reporter's conclusions:**

**Reporter's recommendations:**



<b>Issue 23</b>	<b>Beauly</b>	
<b>Development plan reference:</b>	Section 4 Places, Beauly Settlement, PDF Pages 108-114	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Aird Community Trust (1311972) SEPA (906306) Steve North (1263190) Susi Moore (1323273)		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 5, Settlement Map 9 Beauly, Development Sites, PDF paragraphs 117-121	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Placemaking Priorities</b>  <u>Aird Community Trust (1311972)</u>  Supports but active travel reference should be to Inverness via Kirkhill.</p> <p><b>Settlement Map</b>  <u>Steve North (1263190)</u>  Supports revised scale and mix of allocations and the identified factors to be addressed as offering a balanced approach to expanding the village whilst retaining or strengthening its character.</p> <p><b>BE01: Beauly North</b>  <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> <p><b>BE02: East Wellhouse</b>  <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> <p><b>BE03: North East of Fire Station</b>  <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> <p><b>BE04: West of Cnoc na Rath</b>  <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> <p><b>BE05: Fraser Street Allotments</b>  <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.  Summary of comment.</p>		

Susi Moore (1323273)

Objects because of: loss of central greenspace; loss of and therefore fragmentation of existing green network reducing its value significantly; relocating allotments to another area of village will lose their established biodiversity benefits (old trees are better for carbon capture than new planting which needs to be a consideration in relation to climate change); the Plan should be looking to retain and expand green networks not fragment them; already failing road, surface water and sewer drainage on Croyard Road near the former Legion (Dance studio) and the Church of Scotland; existing congestion/road safety issues; inadequate existing road access to site; a care home and/or sheltered housing would be a commercial not a truly non-profit-making community use; and, the site size is only one hectare so little space will be left for retained allotments.

#### **Modifications sought by those submitting representations:**

##### **Placemaking Priorities**

Aird Community Trust (1311972)

Amendment to active travel reference so that it states to Inverness via Kirkhill.

##### **Settlement Map**

Steve North (1263190)

None assumed.

##### **BE01: Beauly North**

SEPA (906306)

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

##### **BE02: East Wellhouse**

SEPA (906306)

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

##### **BE03: North East of Fire Station**

SEPA (906306)

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

##### **BE04: West of Cnoc na Rath**

SEPA (906306)

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

##### **BE05: Fraser Street Allotments**

SEPA (906306)

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

Susi Moore (1323273)

Deletion of allocation and replacement with protected greenspace notation.

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

##### **Placemaking Priorities**

Aird Community Trust (1311972)

Map 4 of the Plan highlights longer distance, inter-settlement, potential active travel routes that would deliver strategic benefits in terms of commuting to work and high school as well as being recreational/visitor routes. A route between Beauly and Inverness is depicted. Accordingly, it would be consistent, if the Reporter is minded to recommend such a change, to amend the sixth Beauly Placemaking Priority as requested by the respondent; i.e., the last part of the bullet point should read "... to Muir or Ord and to Inverness via Kirkhill."

##### **Settlement Map**

Steve North (1263190)

Support noted.

**BE01: Beauly North, BE02: East Wellhouse, BE03: North East of Fire Station, BE04: West of Cnoc na Rath, BE05: Fraser Street Allotments**

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.

**BE05: Fraser Street Allotments**

Susi Moore (1323273)

At the 24 November 2022 City of Inverness Area Committee councillors agreed the following (italicised text) amendments to the Council's response to this respondent. The original officer response follows the italicised text. Councillors agreed to:

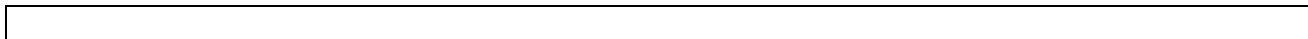
- "a. adjust the response to Susi Moore to read: "From ...low traffic generation use. Officers recognise the importance in both Council and Scottish Government policies of encouraging local food growing for health, reduction of food miles and carbon reduction, and community wealth building. Allotments can have biodiversity value depending on the number of trees and flower species present and whether organic cultivation methods are used. They reduce pressures on drainage systems during high rainfall events, when compared to building, roads and construction. Officers therefore accept the representation 1323273 from Susie Moore. However, Officers are aware that the landlord would prefer to develop the land as per the original draft plan, and recommend that the Reporter may wish to take further representations from the landlord and other interested parties";*
- b. agree the request to delete allocation reference to Care Home; and*
- c. to add that if the allotments were moved, they were provided in a usable condition."*

Although this site has a long-standing allotments use, many of the allotments are underutilised or even poorly used and maintained. The landowner, Lovat Highland Estates, wishes to make better use of the land. The Council agrees that such a central and well connected in active travel terms, site should be used to its full potential. Vehicular access to the site is poor so it should only support a low traffic generation use. Accordingly, the aIMFLDP and the emerging Plan allocates the land for part allotments and part ageing population accommodation uses. Lovat Estates own allocated land on which compensatory allotments provision can be established and this is a specific developer requirement. The existing allotments area is not an attractive, well used, publicly accessible, recreational open space. Allotments have restricted green network value because of their multiple physical barriers to ground-based movement. Allotments can have biodiversity value dependent upon the number of trees and flower species present and whether organic cultivation methods are used. This biodiversity value can be maintained and enhanced on the retained allotments and increased on the new, relocated allotments. Development, if accessed from Croyard Road, will provide an opportunity for developer funded assessment and if necessary then resolution of localised drainage issues. In time, on completion of the village loop distributor road, Croyard Road will be relieved of much of its through traffic and therefore the capacity of the route and its junctions enhanced. Policy 13 Accessible and Adaptable Homes and its supporting text explains the pressing need for ageing population accommodation within the Plan area. This site is particularly suitable for elderly or infirm residents because of its centrality to the settlement's facilities. Two storey accommodation would be suitable in this central part of the settlement and therefore the building footprint can be minimised. Most care homes rely on NHS funded placements so rely upon a mixture of public and private finance.

The Reporter may appreciate that the Committee's decision (italicised text above) is unclear but the intention was to agree with the respondent, who seeks the deletion of the allocation or at the very least a community use (allotments / community growing space) only allocation. If the Reporter is minded to recommend any changes to the Plan in respect of this issue then Council officers would suggest that a Further Information Request to the respondent and Lovat Estates Highland as landowner may be the best way to ensure all directly affected parties are offered an opportunity to input.

**Reporter's conclusions:**

**Reporter's recommendations:**



<b>Issue 24</b>	<b>Conon Bridge</b>	
<b>Development plan reference:</b>	Section 4 Places, Conon Bridge Settlement, PDF Pages 115-121	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
David Rendell (1311351) David Whiteford (1310215) SEPA (906306) Tulloch Homes per Suller Clark (1218219)		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 6, Settlement Map 10 Conon Bridge, Development Sites, PDF paragraphs 122-125	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Settlement Map</b></p> <p><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 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.</p> <p>Seeks reallocation of <b>Schoolhouse Belt</b> 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).</p>		

**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 [1] 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 [2].

#### **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 [3] 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:**

<b>Issue 25</b>	<b>Cromarty</b>	
<b>Development plan reference:</b>	Section 4 Places, Cromarty Settlement, PDF Pages 122-126	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Andrew Ashcroft (1310631)  Anne &amp; Colin Dickie (1310054)  Cromarty &amp; District Community Council (1271626)  Evan McBean (1323270)  Evan McBean per Fraser Stewart (1220791)  Cromarty Community Development Trust (1312530)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 7, Settlement Map 11 Cromarty, Development Sites, PDF paragraphs 126-128	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Placemaking Priorities</b>  <u>Andrew Ashcroft (1310631)</u>  Seeks a more positive rewording of the priorities because Cromarty: is a strong and vibrant community that has received significant private and public investment in recent years, building a cinema and office complex and refurbishing the ferry slipways and harbour; has significant potential to expand tourism either directly or as a link and proximity to the NC500 via the ferry; has shops, restaurants, local attractions and a thriving brewery as assets to aid that tourism economy; and, is close to Nigg and the growing renewables industry there. Constraints can be overcome with investment in housing for local people, sewerage, mobile and broadband connectivity, and electric car charging.</p> <p><u>Anne &amp; Colin Dickie (1310054)</u>  Asserts that allocation CM03 doesn't accord with Cromarty's stated Priorities and the Plan's General Policies. CM03 contrary to Policy 6 (Town centres first), Policy 9 (Infrastructure), Policy 10 (Affordable housing), Policy 14 (Mitigation of the use of the car) and Policy 11 (Self build) as it only applies to larger sites.</p> <p><u>Evan McBean (1323270)</u>  Disagrees with Priority to "control the scale of growth within the limits of sewerage capacity". Asserts that Scottish Water have stated that there are no capacity issues at the local works which in any case can be upgraded if required.</p> <p><b>Settlement Map</b>  <u>Andrew Ashcroft (1310631)</u>  Supports Priorities and mapping but also asserts that Cromarty does have a natural boundary set by the escarpment and immense and important historical character that should be maintained and used as a key asset of the town.</p> <p><b>CM01: Sandilands</b>  <u>Andrew Ashcroft (1310631)</u>  Supports for housing for local people and urges action to unlock road access constraint.</p> <p><u>Anne &amp; Colin Dickie (1310054)</u>  Support site for new sustainable and community inclusive residential development. Urge all stakeholders to revisit the challenges the site creates. Believe site capacity is too high relative to local need/demand and site's constraints but recognise need for viability.</p>		

Cromarty & District Community Council (1271626)

Supports allocation if: addition of a requirement for the landowner (Albyn) to discuss with the Cromarty Community Development Trust evaluating a widening of the access between the Victoria Hall and Townlands Barn, by reducing the less listed side structure of the Barn; residential component affordable housing only (via a Rural Housing Burden managed by CHT), with a mixture of tenures and self build plots; EV charging points incorporated; and, green sustainable heating and energy provision.

Cromarty Community Development Trust (1312530)

Supports allocation for affordable housing for local people because: there is a high proportion of second, holiday and externally controlled housing stock which present Scottish land and property law plus the taxation system does little to prevent causing inflated and still rising property prices, making home ownership beyond the means of most local and certainly Highland based families); it will help stem the migration of young local people; a 2018 Housing Survey confirmed local need and it being met at this site; it would allow more older residents to decant from and free up larger family sized accommodation; it will sustain teacher and pupil numbers at the recently improved primary and nursery schools; the site is large, flat, visually self contained, central, vacant, owned by an affordable housing provider, and, would promote active travel.

Explains that Trust was founded to safeguard the future of the Cromarty's oldest building, the Townlands Barn, and take it into community ownership but that the Trust has a wider remit in regeneration. The site could/should incorporate opportunities for youth employment and wealth creation including consideration of home working (with the design of the new housing where practicable) or nearby live / work options in light industrial units.

States preconditions to its support for affordable housing: low maintenance and running cost design and construction (high insulation values, air tightness, thermal mass, passivehaus standards, solar gain capture, inclusion of air or ground source heating systems or other acceptable heat sources like a district heating system); materials environmentally accountable at the outset and easy to maintain thereafter; housing for varying, lifetime needs; a hierarchy of gardens and secure outdoor storage for outdoor equipment, to line dry clothes and grow food plus wider public greenspace and infrastructure such as allotments, squares, parks, recreation space; playgrounds and infrastructure that promotes active travel; and, recycling facilities.

Suggests site boundary should include Victoria Park so that a reconfiguration of recreational facilities can be looked at within the wider area. Cites that this solution has been used for recent Highland schools. States that Trust would be prepared to discuss road access past the Townlands Barn.

**CM02: Bayview Crescent**

Anne & Colin Dickie (1310054)

Believe that the allocation could support a modest number of housing units on the north side of the plot because this would be in line with the Placemaking Priorities and the land is serviceable.

Cromarty Community Development Trust (1312530)

Confirms site will be a new camp and campervan site under its ownership. Proposal has funding, planning permission and building warrant. Also supports infill development here by way of light industrial units or housing with social / community aims.

**CM03: South of Manse**

Andrew Ashcroft (1310631)

Rejects site because: CM01 more suitable; the Plan says building in the open countryside should be resisted; land is an attractive undeveloped entrance to the town; its distance out of Cromarty and its location at the top of a steep hill; inappropriate for local housing needs; self build plots undeveloped at Cromarty Mains which is similarly on the periphery of the town; no safe access from the site onto the main road, being accessed on a sweeping bend and on a gradient, both of which would make access dangerous.

Anne & Colin Dickie (1310054)

Objects to allocation because: it's beyond the settlement boundary of Cromarty; Cromarty is a Tier 4 (least sustainable) settlement; the site is unsustainable; it's contrary to General

Policies 6, 9, 10, 11 and 14 and paragraphs 45, 46, 47, 77, 79 and 93; it's contrary to the Plan Outcomes; it's contrary to the Hinterland policy; other more suitable and sustainable sites are allocated particularly at Sandilands (CM01), Rosemarkie and Culbokie; loss of good agricultural land; lack of evidence of local need/demand for 33 housing units; it would result in a visually jarring mix of housing sizes and designs; of the lack of demand for self build as evidenced at Sutor Court where there are two longstanding vacant plots and Balblair, where again plots have not sold quickly; Cromarty is too far for regular commuting to Inverness; self build developments can leave sites potentially overgrown, incomplete and underdeveloped for years with the risk of never ending noise and disturbance from the construction process impacting on the amenity of existing dwellings located adjacent to 'self build' sites; it would require major infrastructure improvements including highway access and safety, and utility connections; new infrastructure (roadworks, pavements, bus stops, street lights, signage) and houses will unacceptably urbanise the very rural approach to Cromarty; of existing surface water drainage problems in the field that affect The Manse; of risk to slope stability to the rear of White Dykes and Bayview; large part of developable area would need to be set aside for SuDS; of economic impact of car borne trips to other settlements or increased parking demand around Bank St, Church St and High Street in Cromarty; school children will most likely be taken to school by car; active travel connections too long or too indirect; of loss of daylighting to The Manse from additional planting; the requirement for a footpath to White Dykes is unwise because it would potentially damage the tree cover and risk the stability of the raised beach escarpment exacerbating the risk of land slip which has occurred from time to time along the escarpment towards Jemimaville and would be inaccessible to many and costly to maintain; and there is no connection between the site and the A9 Tore-North Kessock road safety study.

#### Cromarty & District Community Council (1271626)

Supports allocation if: residential component affordable housing only (via a Rural Housing Burden managed by CHT to include clear preference in offering affordable housing to young Cromarty residents and with conditions to prevent 'short term resell'), with a mixture of tenures and self build plots; EV charging points incorporated; green sustainable heating and energy provision; and, improved Active Travel links in to town mainly down the Denny and across the Greenspace of Victoria Park rather than any use of the Paye, because it goes to an area of town that does not contain the Primary School nor the main shops and has a very difficult cobbled downhill junction on to Church Street, and also via Townlands Park.

#### Evan McBean (1323270)

Believes CM01 and CM03 should be considered together to address the problem of affordable housing. Only 20 units have been built in Cromarty in the last 40 years. Concerned Albyn Housing have not progressed CM01 since 2006. Reports keen to progress CM03 as soon as possible. There is a proven and short term need for affordable housing in Cromarty.

#### Evan McBean per Fraser Stewart (1220791)

Supports site because: Communities Housing Trust involved in guaranteeing affordable housing on site; had discussions with community council; as landowner can provide a safe pedestrian /cycle route to the Paye into the centre of Cromarty using land to the north east of CM03; CM01 has access issues which have perpetually restricted/delayed the site coming forward; there are no access issues with CM03; content to undertake transport assessment; will undertake pre-application proposal if site confirmed in development plan; site can offer a variety of housing tenures including self build; happy to prevent second /holiday homes; content to look at allotments on a portion of the site; Scottish Water have confirmed there is no development capacity issues for CM03; anti-development sentiment should not unduly influence the future economic prosperity of Cromarty; site can add to and enhance the existing mature tree-lined backdrop on the approach to the town; with an advanced tree planting regime in place, the site would in the fullness of time, be visually similar to the current settlement boundary of mature trees running alongside the existing manse boundary; and, landowner committed to design quality, advanced structural planting, increased footpath connectivity.

#### Cromarty Community Development Trust (1312530)

Opposes site unless/until CM01 and all other suitable infill opportunities exhausted as development site options because CM03 would: change the entire approach to, and visual character of, the main (road) entrance to Cromarty; lead to an increased traffic on the Denny, entering the town on a steep

brae; be poorly connected to existing infrastructure and amenities within the town, and put pressure on existing services of sewerage and water; fuel not suppress, demand for more private housing, holiday homes or second homes.

**Modifications sought by those submitting representations:**

**Placemaking Priorities**

Andrew Ashcroft (1310631)

A more positive rewording of the Priorities to emphasis Cromarty's economic and infrastructure improvement potential (assumed).

Anne & Colin Dickie (1310054)

Deletion of allocation CM03 and/or rewording of Priorities to resist development at CM03 location (assumed).

Evan McBean (1323270)

Amendment of Priority that references sewerage capacity to state that there are no capacity issues (assumed).

**Settlement Map**

Andrew Ashcroft (1310631)

Unclear.

**CM01: Sandilands**

Andrew Ashcroft (1310631)

None.

Anne & Colin Dickie (1310054)

Allocation amended to have a lower (undefined) housing capacity and uses restricted to "new sustainable and community inclusive residential development" (all assumed).

Cromarty & District Community Council (1271626)

Allocation amendments to: add requirement for the landowner (Albyn) to discuss with the Cromarty Community Development Trust evaluating a widening of the access between the Victoria Hall and Townlands Barn, by reducing the less listed side structure of the Barn; ensure residential component affordable housing only (via a Rural Housing Burden managed by CHT), with a mixture of tenures and self build plots; EV charging points incorporated; and, green sustainable heating and energy provision.

Cromarty Community Development Trust (1312530)

Allocation amendments to: include Townlands Barn and Victoria Park; broaden acceptable uses to include greenspace, recreation and employment; require sustainable design, layout, construction, materials and energy use; and, possibility of road access past the Townlands Barn (all assumed).

**CM02: Bayview Crescent**

Anne & Colin Dickie (1310054)

Addition of housing as an acceptable use for Believe that the allocation could support a modest number of housing units on the north side of the plot because this would be in line with the Placemaking Priorities and the land is serviceable.

Cromarty Community Development Trust (1312530)

Confirms site will be a new camp and campervan site under its ownership. Proposal has funding, planning permission and building warrant. Also supports infill development here by way of light industrial units or housing with social / community aims.

**CM03: South of Manse**

Andrew Ashcroft (1310631)

Deletion of allocation and drawing back of Settlement Development Area (assumed).

Anne & Colin Dickie (1310054)



Deletion of allocation and drawing back of Settlement Development Area (assumed).

Cromarty Community Development Trust (1312530)

Deletion of allocation and drawing back of Settlement Development Area (assumed).

Evan McBean (1323270)

None.

Evan McBean per Fraser Stewart (1220791)

None.

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

#### **Placemaking Priorities**

Andrew Ashcroft (1310631)

The Plan classifies Cromarty as a Tier 4 settlement in its Settlement Hierarchy not to denigrate its identity, quality or importance but simply to reflect its constraints to future development; i.e., economically viable and environmentally sustainable development. The town has poor sustainable mode connectivity to higher order facilities. It is at the far northern tip of the Black Isle and therefore peripheral to the Plan area. Accordingly, most residents and visitors travel by private car to commute, visit or to access higher order services and facilities. Also, most do so along the A832 and B9161 which pass through tightly clustered settlements with main streets not designed for modern traffic types and volumes. Cromarty also has the pronounced physical constraint of the raised beach feature and a high quality of built and environmental heritage all of which limit the availability and suitability of new development sites. Notwithstanding the above, if the Reporter is so minded, the Council would support an additional fifth Placemaking Priority to reference the prospects for employment growth across the firth at Nigg and the importance of enhancing the ferry service from Cromarty to Nigg as a sustainable mode commuter connection.

Anne & Colin Dickie (1310054)

The third Placemaking Priority recognises that the Sandilands site (CM01) (or any other effective and available development site below the raised beach) is preferable to that south of the manse but CM01 has lain dormant for 20 years and no other effective sites are available. An LDP should aim to identify an effective housing and other use land supply within each main settlement. CM03 is not contrary to General Policy (GP) 6 because significant footfall generating uses are not supported or proposed at the site. Similarly, GP9 infrastructure and GP14 transport constraints can be mitigated. GP11 only enforces a self-build quota on larger urban sites but the voluntary landowner/developer provision of self-build plots on smaller, allocated sites would be a positive not a negative policy consideration in determining any future planning application.

Evan McBean (1323270)

Scottish Water are under Scottish Government instruction to expand the capacity of any of its water and wastewater works if the expansion is required to serve committed new development proposals. In practice, a new sewage works can have a 7 year lead time between inception of project and its operational opening. Also, developers can change their minds about if and when they activate sites. Given this lead time and uncertainty, Scottish Water often avoid a major capital investment commitment to upgrade and instead make technical and operational improvements within the existing plant to increase its capacity. For example, more frequent sludge removal can increase a sewage works' capacity. If room allows then an additional settlement tank can be added to the existing works. Cromarty wastewater treatment plant has limited spare design capacity so the Placemaking Priority is accurate. The plant, if necessary with technical and operational improvements, should be able to service all the Plan's allocations.

#### **Settlement Map**

Andrew Ashcroft (1310631)

Noted. See Placemaking Priorities responses above.

#### **CM01: Sandilands**

Andrew Ashcroft (1310631)



Noted. Compulsory purchase powers are available to the Council but the tests on using them to acquire land for housing development are very onerous. The Plan respondents on this issue are stating that they are open to negotiation and the site itself is owned by an affordable housing agency. The Plan can do little more to encourage its activation.

Anne & Colin Dickie (1310054)

Noted. See response to Andrew Ashcroft above. The housing density is typical if not low for a village/town centre site. The site is flat and self-contained in landscape and visual terms. The challenge is not density but a layout and design that respects the conservation area location and the high quality of the adjoining built, cultural and natural heritage.

Cromarty & District Community Council (1271626)

The site's existing developer requirements leave open the choice of vehicular access(es) so as not to close off options for negotiation between the various landowners, tenants and occupiers. Any specific requirement for a vehicular access between the Victoria Hall and Townlands Barn would create a ransom for the Trust and this would be unlikely to help activate the allocation. The vast majority of the site is owned by Albyn Housing Society who are a registered social landlord and are therefore likely to develop 100% of the units as affordable. It may be possible for the Communities Housing Trust to be involved in the development to ensure that some or all of the units are maintained as affordable in perpetuity and allocated to those with a local connection. The Plan's General Policy 1 Low Carbon Development requires new development to consider green sustainable heating and energy provision. The Council has published Planning Guidance for Electric Vehicle Infrastructure **[\*\*]** which requires a developer to provide "public" car park charging bays for 50% of the dwellings that don't have a within curtilage charging option and ducting to allow charging infrastructure within the other 50%.

Cromarty Community Development Trust (1312530)

See response to the community council above regarding energy efficiency and the likely tenure and occupancy of the housing units. The arguments about the imperfections of the UK and Scottish housing market and related taxation system are well made but their resolution is outwith the remit of the Plan and the Council. The benefits of reserving units for young and old people with a local connection are also accepted. The site is the best available in the settlement in terms of sustainable mode connectivity. The list of acceptable uses includes business and therefore the employment uses suggested are already supported by the existing Plan wording. The other design-specific matters raised can be addressed through the development and building standards management stages. The Council did consider expanding the allocation to include the Victoria Park to allow even more flexibility in terms of vehicular access and development footprint options but on balance concluded that the disruption to existing recreational facilities would be too great and retention of greenspace at this public entrance to the settlement core was too important to lose. The Trust's preparedness to discuss options to activate the allocation is welcomed. The Council believes the Plan's provisions in respect of the allocation should remain unaltered.

**CM02: Bayview Crescent**

Anne & Colin Dickie (1310054)

The land is not particularly suitable for housing use. It is peripheral to the community's facilities, contains woodland, requires an active travel connection, has a north westerly aspect, has very little depth, and suffers from winter shading issues. However, it does offer an exceptional outlook and housing uses adjoin. Given the stated community support and dearth of other suitable housing site options within the settlement then the Council would support the inclusion of housing as an acceptable use option if the Reporter is minded to recommend such a change.

Cromarty Community Development Trust (1312530)

Noted. See response to Anne and Colin Dickie above regarding the addition of housing.

**CM03: South of Manse**

Andrew Ashcroft (1310631)

Cromarty's third Placemaking Priority recognises that the Sandilands site (CM01) is preferable to that south of the manse at CM03. However, as described above, CM01 has significant effectiveness constraints and has lain dormant for 20 years and no other effective and suitable sites are available. An LDP should aim to identify an effective housing and other use land supply within each main

settlement. The Plan's decision to allocate CM03 and enclose it within the proposed Settlement Development Area (SDA) boundary reclassifies the land as within main settlement and therefore not open (Hinterland) countryside. The site does lie at the principal "gateway" entrance to the town but any adverse landscape and visual impact can be mitigated by advance structural planting, setting taller structures down the slope and by a high standard of architectural design and materials both for the frontage units and boundary treatments. The length and levels difference for active travel movements is an issue but the landowner has committed to fund improvements to this connectivity and owns the land necessary to achieve it. The referenced plots at Cromarty Main Farm are approximately 3 times as far from the settlement's facilities as CM03 and not priced as affordable. A safe (adequate visibility) road junction to the A832 can be formed albeit the 30mph speed limit may need to be extended and the point of access moved to the south west of the existing field gate. Accordingly, the Council believes the Plan's provisions should remain unaltered in respect of this representation.

Anne & Colin Dickie (1310054)

See responses in Placemaking Priorities section and to Andrew Ashcroft above. Strictly, councils are only required to balance housing supply and demand/need at Housing Market Area (HMA) level not for each main settlement. However, it is good practice for an LDP to identify a choice of housing sites within each main settlement that is identified for future growth. This is especially true where there are significant doubts about the effectiveness of allocated sites. Sandilands may not come forward for development and another fallback option is required. It is unreasonable to expect those with a longstanding Cromarty connection to relocate to distant parts of the HMA. The land is prime farmland but its irreversible loss can be minimised by a smaller buildings footprint and its quality utilised for allotments and more rapidly establishing screen planting. In October 2021, the Highland Housing Register [\*] recorded 168 households seeking a property in Cromarty. Community organisation respondents to the Plan support this requirement. Self build plot developments can take a long time to reach full completion and designs can vary but a Design Code and active and ongoing enforcement of that Code by a local landowner through title conditions as well as by the planning authority through planning permission conditions can mitigate these issues. Cromarty is too far for regular commuting to Inverness but with a better ferry link is within quick reach of existing and new employment opportunities at Nigg. The land is grade 2 farmland and therefore any surface water drainage problems should be capable of resolution without the need for large additional drainage infrastructure. There are no recorded landslips in this part of Cromarty but the allocation is large enough to avoid dwellings on the steeper sloping parts of the site. Similarly, any possible loss of daylighting to the Manse from additional planting can be mitigated at the detailed design stage. Existing footpaths crisscross many other parts of Cromarty's raised beach escarpment and haven't increased the risk of landslips. With proper design construction a new path shouldn't affect the escarpment below site CM03. Currently, the Council operates an informal protocol that requires developer contributions for Transport Scotland from housing development across the south and eastern Black Isle because these developments generate additional traffic movements across the Munlochy A9/B9161 junction. Transport Scotland is progressing a wider road safety study of the A9 and its junctions between Tore and North Kessock and a similar protocol may emerge from the work hence the reference to the study within the site's developer requirements. Accordingly, the Council believes the Plan's provisions should remain unaltered in respect of this representation.

Cromarty & District Community Council (1271626)

See CM03 responses above. The site's developer requirements specify it as for affordable housing only. It is not within the Plan's legitimate remit to prescribe the occupants of the development or the title conditions. However, these matters can be addressed through the future planning application process and particularly through the legal agreement that would accompany any permission. See CM01 response above regarding EV charging points and energy efficiency. The Plan already references improved active travel links and the Paye is an existing and direct connection despite its surface and gradient limitations. If the Reporter is minded to recommend deletion of the specific reference to the Paye route then the Council would support such a change.

Evan McBean (1323270)

See CM03 responses above. The Plan requires CM03 to be only for affordable housing and almost all of CM01 is owned by an affordable housing agency so both should address housing need. The lack of effective new build sites is accepted.

Evan McBean per Fraser Stewart (1220791)

Noted. The Council welcomes the intended: involvement of the Communities Housing Trust; improvements to active travel connectivity; woodland and other planting; and, design quality.

Cromarty Community Development Trust (1312530)

See CM03 responses above. Development of CM03 is dependent upon no early activation of CM01.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 26</b>	<b>Croy</b>	
<b>Development plan reference:</b>	Section 4 Places, Croy Settlement, PDF Pages 127 - 13	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Julian Walford (1310280) Jan Seaman (1312288) Linda Stuart (1323538) Mr and Mrs Harcus (1271842) Lynda Keenan (1312298) Croy and Culloden Moor Community Council (1269701)		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 8, Settlement Map 12 Croy, Development Sites, PDF paragraphs 129-132	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Placemaking Priorities</b>  <u>Linda Stuart (1323538)</u>  Respondent objects to any more development in and around Croy until the road from the A96 up to Croy is upgraded. Asserts that the road between the A96 to the new Tornagrain is due to be upgraded but the section between Tornagrain and Croy is not. Argues that it is currently single track, very busy and a safety risk to all users.</p> <p><b>CR01: West of Primary School</b>  <u>Julian Walford (1310280)</u>  Supports the allocation but considers the Plan content is unhelpful as it does not explain which parts of the site will and will not be developed. Believes the burn and slope are features which need to be protected from development.</p> <p><b>CR02: North West of Primary School</b>  <u>Croy and Culloden Moor Community Council (1269701)</u>  Objects because: objections made at Main Issues Report (MIR) stage were not acted upon; excessive scale (CR01 and CR02 could be as many as 240 units); the argument made by the developer for its retention that upfront infrastructure was provided as part of phase 1 is disputed as it would not make financial sense to invest in the site unless their application was a foregone conclusion; there is already a huge negative impact on the community from the development of CR01, particularly on the school which is proposed to lose its publicly accessible play/sports pitch in place of demountable units with no replacement alternative provision; the road network in the area is already in a poor state and over capacity; huge effect on the residents in Dalcroy Road; transport links are exceptionally poor and there are no facilities within the village; many of the issues have resulted from poor planning decisions in the past – increasing development with no additional infrastructure; and, the community have consistently been ignored in their objections to further development.</p> <p><u>Jan Seaman (1312288)</u>  Objects to any more development in Croy until suitable infrastructure is in place, including transport, schools and health care provision. There is no need for housing development in Croy due to the new town at Tornagrain and business/commercial development is being delivered at the airport business park.</p> <p><u>Lynda Keenan (1312298)</u>  Objects to CR02 for the following reasons: 1) at MIR stage it was non preferred and it stated the housing needs of the community were already being met and that “strategic levels of housing</p>		

development will not be supported in the places which have limited facilities” but the Proposed Plan has reversed this decision without a clear rationale; 2) Being a small village, Croy lacks the services and facilities appropriate for an expanding population; 3) the small primary school has been put under increasing pressure from current developments; 4) locally, there are other larger developments, such as Tornagrain, which are better placed to cater for ongoing housing needs; 5) the plan should address the trend towards short term holiday lets and its impact on the availability of housing; 6) concerns that large scale housing is changing the character of the village - the edge of village location will have visual and landscape impacts; 7) the site is actively used farmland and supports biodiversity and provides amenity and recreational land for residents; 8) the road network is already over capacity and unsafe; and, 9) unclear how access would be taken for the site – through existing residential areas would not be acceptable.

Mr and Mrs Marcus per Justin Lamb Associates (1271842)

Landowner supports CR02 because it: 1) allows the efficient use of existing / planned infrastructure which has been upsized and designed with full regard to the next phase: 2) brings into effect the investment in infrastructure already made; 3) helps to support local amenities and potentially provide additional facilities; and, 4) assists in meeting wider objectives relating to repopulation of rural locations but without increasing reliance on car use.

### **Modifications sought by those submitting representations:**

#### **Placemaking Priorities**

Linda Stuart (1323538)

Removal of allocations or restrict development until the road network has been upgraded (assumed).

#### **CR01: West of Primary School**

Julian Walford (1310280)

Change the presentation of the allocation to show which parts are and are not proposed for development (assumed).

#### **CR02: North West of Primary School**

Croy and Culloden Moor Community Council (1269701), Jan Seaman (1312288), Lynda Keenan (1312298)

Removal of allocation CR02.

Mr and Mrs Marcus (1271842)

None.

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

#### **Placemaking Priorities**

Linda Stuart (1323538)

The Placemaking Priorities for Croy explicitly recognise the need for further upgrades to the transport network with the first priority to “Improve the transport network, particularly around the junction of the B9091 and the B9006 and along Croy Road to Tornagrain” and the third to “Improve active travel connections to key destinations, particularly the delivery of the A96 Landward Trail and North South Links routes.” The Developer Requirements for CR02: North West of Primary School also require a “Transport Assessment including details of suitable access arrangements, consideration of upgrades to wider road network and enhanced active travel connections to key destinations”. The priorities and requirements will ensure that the transport impacts will be suitably assessed, and necessary mitigation measures delivered at the correct time to offset the impacts of development. It is noted that the twin tracking of the section between Toranrain and the A96 is now well underway. Accordingly, the Council believes the Plan’s content should remain unaltered in respect of this issue.

#### **CR01: West of Primary School**

Julian Walford (1310280)

Support noted. The allocations as shown on the settlement maps depict the full extent of the potential development site. Alongside the built development, they will also include areas which will

be protected or enhanced as open space, safeguarded for drainage or at risk of flooding. All planning applications, including plans and supporting information, are available to view on the Council's website.

### **CR02: North West of Primary School**

At the 24 November 2022 City of Inverness Area Committee councillors agreed [✱] the following (italicised text) amendment to the Council's position at Examination in respect of this allocation. The original officer response follows the italicised text. If the Reporter is minded to agree with the Committee's decision then officers would suggest it would best be articulated by an additional Developer Requirement stating "development dependent upon prior provision of adequate local primary school capacity". Councillors agreed: *that there be no further development of Croy CR02 until the school issue was resolved.*

#### Croy and Culloden Moor Community Council (1269701)

Addressing the comments in the same sequence as above:

- 1) The indicative housing capacity across both CR01 and CR02 in the Plan is 100 units. Permission was granted for the site shown as CR01 in the MIR (reference 17/02509/FUL) and approximately 50 units have been completed so far. When both sites are fully built out it is expected that a total of 150 units will be delivered across both CR01 and CR02. This remains the same total which was identified in the Highland-wide Local Development Plan (2012) and the Inner Moray Firth Local Development Plan (2015).
- 2) The application in 2017 (17/02509/FUL) was for 100 housing units and covered approximately half of the allocation in the adopted IMFLDP which has an indicative housing capacity of 150 units. Whilst the application only covered part of the allocation, the supporting information noted that it formed Phase 1 of 2, with the second phase being the development of the remainder of the site. It was reflected to some extent within masterplanning work and certain infrastructure was provided upfront to accommodate the development of the remaining part of the allocation. This included additional drainage capacity resulting from extensive technical analysis. The junction designs were also informed by the transport assessment which assessed the impact of an overall development of 150 units.
- 3) As part of the approved new town at Tornagrain (09/00038/OUTIN) there was a requirement for contributions towards enhanced education provision at Croy Primary School in the short term and the construction of a new school at Tornagrain in the medium term. As set out in the 'Medium Term Financial Plan - Capital Strategy and Capital Programme to 2036/37' report which was approved by The Highland Council in December 2021 [✱], there is a commitment to deliver the new school by 2031/32.
- 4) In relation to concerns about the lack of transport infrastructure, see the response above.
- 5) It is assumed that the comment refers to the impacts on the amenity of residents at Dalcroy Road. The adjoining development site is currently being built out and the approved site layout (17/02509/FUL) shows an approximately 20m green buffer between the existing and the new properties ensuring that amenity issues are minimised.
- 6) As set out in the Settlement Hierarchy (Table 3 of the Proposed Plan), the Plan recognises the lack of facilities in Croy and identifies it as being a 'partially sustainable' settlement. The allocation is reflective of the adopted plan position and the 2006 A96 Growth Corridor Development Framework [✱] which planned for much higher levels of growth between Inverness and Nairn. Although the Plan now takes a notably different approach, it respects the certain investment decisions which have been made on the back of this adopted position. It should also be noted that the Developer Requirements for CR02 requires the developer to explore potential for creating new community or small scale commercial space as a means of improving the facilities within the village.
- 7) A wide range of infrastructure has already been provided to support the growth Croy and the new town at Torangrain. As set out above, and in line with the approved permissions, there will be further significant upgrades over the coming years, particularly a new primary school and upgraded transport network.

#### Jan Seaman (1312288)

In relation to concerns about the lack of infrastructure, see the responses above and Issue 13: Delivering Development and Infrastructure. In relation to comments about the lack of housing need, see the response in Issue 3: Housing Requirements.



Lynda Keenan (1312298)

Addressing the comments in the same sequence as above:

- 1) As was set out in the report to the City of Inverness Area Committee in November 2021 [1], the allocation CR02 was taken forward due in part to it being previously allocated and subsequently a higher level of infrastructure was provided within phase 1 to accommodate further development. See the response above for further information.
- 2) In relation to concerns about the lack of facilities, see the response above.
- 3) In relation to concerns about the lack of capacity within the school, see the response above.
- 4) Tornagrain is identified within the top tier of the settlement hierarchy (Table 3 of the Proposed Plan) and will be a focus of meeting housing need and demand within the region for the coming decades. The reasons for supporting the additional 100 housing units in Croy is set out in the responses above.
- 5) In relation to comments about short term holiday lets, see the response in Issue 3: Housing Requirements.
- 6) Noting that CR01 has permission and is currently being built out, the visual and landscape impacts of CR02 will be insignificant due to the position of the site within low lying, slightly undulating topography and mature woodland setting.
- 7) The land is categorised as being 4.1 and 4.2 within the Land Capability for Agriculture classification. Whilst this is reasonable quality agricultural land it is not identified as 'prime' agricultural land. As actively used agricultural land, the land provides limited biodiversity value. The development of the site, including the enhancement of drainage and other natural features, will have a net improvement in terms of biodiversity.
- 8) In relation to concerns about the lack of transport infrastructure, see the response above.
- 9) Access to the site is expected to be taken from those created as part of the phase 1 development (17/02509/FUL), including the junctions onto the B9006 and at Ardgowan.

Mr and Mrs Harcus (1271842)

Support noted.

**Reporter's conclusions:**

**Reporter's recommendations:**



<b>Issue 27</b>	<b>Culbokie</b>	
<b>Development plan reference:</b>	Section 4 Places, Culbokie Settlement, PDF Pages 132-136	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Peter Batten and Denise Lloyd (1271355) SEPA (906306)		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 9, Settlement Map 13 Culbokie Development Sites, PDF paragraphs 133-135	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Placemaking Priorities</b>  <u>Peter Batten and Denise Lloyd (1271355)</u>  Seek retention of the status quo in terms of provision and maintenance of greenspace, active travel connectivity and recreational provision on land at Cherry Wynd because respondents and neighbours pay for factored maintenance and don't want any increased financial burden or changes they may not perceive as improvements. Concerned that Council's Greenspace Audit implies that an improvement to this greenspace will be promoted by the Council including an active travel shortcut through the greenspace between Cherry Wynd and the B9169. Believe, with play equipment for young children located in the greenspace, that this very minor shortcut may be unwise for road safety reasons. Also, oppose current in-village active travel proposals (as poor value for money and as having an adverse impact on pedestrians) and concerned that scheduled off-peak public bus services direct to/from Inverness have been replaced by membership-limited "community transport" with a change of vehicle at Tore.</p> <p><b>CU03: Land South of Village Store</b>  <u>SEPA (906306)</u>  Recommends that requirements for alternative proposals are outlined because the Plan does this for most other allocations which already have an extant consent.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><b>Placemaking Priorities</b>  <u>Peter Batten and Denise Lloyd (1271355)</u>  Amend Greenspace Audit notes for the Cherry Wynd site to explain that, unless the Council adopts the greenspace and perhaps other nearby land for maintenance, expansion of the play park is impractical because of the existing maintenance burdens. Delete Greenspace Audit reference to an active travel shortcut through the Cherry Wynd greenspace. Delete fifth Placemaking Priority.</p> <p><b>CU03: Land South of Village Store</b>  <u>SEPA (906306)</u>  Addition of requirements (undefined) for alternative proposals.</p>		
<b>Summary of responses (including reasons) by planning authority:</b>		
<p><b>Placemaking Priorities</b>  <u>Peter Batten and Denise Lloyd (1271355)</u>  The land at Cherry Wynd currently identified as protected greenspace within the Plan is a mixture of riparian woodland and a far more formal, well maintained recreational area including play equipment. The Council has no budget for or intention to acquire the land or to take over its maintenance. An</p>		

active travel shortcut from Cherry Wynd through the greenspace to reach the B9169 would only benefit a small number of residents and would not provide a more direct route to the primary school. It is therefore very unlikely to be funded or promoted by the Council. Cromarty's fifth Placemaking Priority does promote the general principle of improving active travel connectivity within the village and to the A9 and a community transport scheme, and developer contributions towards such. However, the Plan does not prescribe routes other than those indicatively defined on the settlement maps by an orange-coloured pecked line. The lines for Culbokie simply follow the B9169 and one short spur off to the village (Findon) hall. Therefore, the Cherry Wynd connection has no specific support within the Plan. The cost and all user effectiveness of detailed active travel schemes or particular public/community transport schemes is a matter outwith the Plan's remit. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

**CU03: Land South of Village Store**

SEPA (906306)

If the Council believes that a particular permission may not be implemented or wishes to encourage an amended application then the developer requirements will specify the key issues that the Council would like an alternative proposal to address. For CU03, a large part of the site is complete and most of the remainder has a full and recent planning permission [1], which the Council believes will be implemented. The Council has no reason to encourage the community trust to change its permitted proposals. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 28</b>	<b>Dingwall</b>	
<b>Development plan reference:</b>	Section 4 Places, Dingwall Settlement, PDF Pages 137-145	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<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>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 10, Settlement Map 14 Dingwall, Development Sites, PDF paragraphs 136-143	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Settlement Map 10 Dingwall</b>  <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 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.</p> <p>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</p>		

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 NPF4, 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 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. 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 national guidance then any protection offered by informal flood defences is not taken into account when considering development behind or benefitting from them. Such developments would be considered within the context of the NPF risk framework as if the embankments did not exist.

NPF4 supports equivalent or lower vulnerability uses within built up areas subject to flood risk, provided flood protection measures to the appropriate standard already exist and are maintained or are under construction. 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). A paper was taken to the Council's Economy and Infrastructure Committee in August 2022  and councillors 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:**

<b>Issue 29</b>	<b>Dores</b>	
<b>Development plan reference:</b>	Section 4 Places, Dores Settlement, PDF Pages 146-148	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Dores & Essich Community Council (1248765) Garry Foster & Cameron Discretionary Trust (1269925) NatureScot (1266529)		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 11, Settlement Map 15 Dores, Development Sites, PDF paragraphs 144-146	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Settlement Map</b>  <u>Dores &amp; Essich Community Council (1248765)</u>  Objects to the non-allocation of the site identified as DO04: North of Playing Field (Community uses) in the Main Issues Report and DO4: North of Playing Field in the adopted IMFLDP. It is acknowledged that there are no proposals but the site was previously allocated and the reasons given by the Council are not accepted by the community council. It should be allocated as a contingency for future community use. Also objects to the non-allocation of a site submitted by the Community Council during the consultation on the Main Issues Report (attachment is within the MIR submission [*]), which is located to the west of the B862 and south of the sawmill site, as future provision for employment uses. There are no other suitable sites identified for employment uses.</p> <p><b>Placemaking Priorities</b>  <u>Dores &amp; Essich Community Council (1248765)</u>  Supports the Placemaking Priorities as they are key to maintaining the enjoyment of the village whilst still enabling future development. The Community Council wish to see increased parking facilities as part of an overall review of highways and transportation provision, to include delivery of the (already designed) traffic calming and highway improvements scheme, improved public transport and facilities to support active travel.</p> <p><b>DO01: Land South of Dores Hall</b>  <u>Garry Foster &amp; Cameron Discretionary Trust (1269925) and Dores &amp; Essich Community Council (1248765)</u>  Landowner and Community Council object to the non-allocation of the land to the east of DO01: Land South of Dores Hall up to the B862, which was in part referenced DO05: South of Dores in the Main Issues Report. They seek that the site forms part of a single allocation (combined with the proposed DO01 allocation) with an indicative capacity of 24 units and the formation of a community woodland between the two development sites. The reasons given include: 1) it forms a part of the effective housing land supply – supported by the landowner, community council and developer (Community Housing Trust) and offers potential to meet a range of local housing requirements including affordable homes and self build (which in itself will reduce the pressure of single house development in the Hinterland countryside; 2) The Housing Land Supply assumptions which have guided allocations within the Proposed Plan are unlikely to be sufficient to deal with the needs and demand presented in Dores and the wider Inner Moray Firth area over the coming plan period; 3) it would deliver improved connectivity with the village centre and village hall; 4) it would enable the creation a community woodland park with replanting able to work around the housing development; 5) Development of the lower part of the site depends on the inclusion of the upper area for self or custom build private housing; 6) the additional area will make up for the loss of the southern end of DO01 (as per the adopted IMFLDP) for future water infrastructure; 7) the site is no steeper than the lower area of land which is proposed for development or the allocation in the centre of the village</p>		



DO02. In support of the representation the landowner included an attachment with site photos, indicative site layout and proposed access arrangements. The landowner also highlights that the allocation includes shore land on the western side of the B852 and questions whether the Council actually supports development potential there.

NatureScot (1266529)

States that the site sits within Ancient Woodland Inventory and Scottish Semi-Natural Woodland Inventory and is protected through Scottish Planning Policy and any development of this site may be contrary to that policy. The Scottish Government's Control of Woodland policy would also apply. If this site is taken forward, NatureScot recommend including as Developer Requirements: 1) protected species surveys (e.g. bats, badger, red squirrel and bird species); 2) a Development Brief to ensure any new development is kept adjacent to the existing settlement, and to avoid ribbon development along the shoreline; 3) the development should be small in scale and avoid any significant intrusion on the loch side; 4) existing tree and woodland should be used to provide a landscape setting; and, 5) and the need for nature-based solutions (NBS) to enhance green networks.

**DO02: Land South of Church**

Dores & Essich Community Council (1248765)

Supports the allocation because it is deliverable in the short term, likely to meet local housing need and will accommodate an extension of the Dores Cemetery.

**Modifications sought by those submitting representations:**

**Settlement Map**

Dores & Essich Community Council (1248765)

Add the site referenced DO04: North of Playing Field (Community uses) in the Main Issues Report and DO4: North of Playing Field (Community uses) in the adopted IMFLDP.

Add the site put forward at Main Issues Report stage which lies to the west of the B862 and south of the sawmill site, for employment uses.

**Placemaking Priorities**

Dores & Essich Community Council (1248765)

Add as a Placemaking Priority the need to deliver traffic calming (already designed) and highway improvements scheme, improved public transport and facilities to support active travel (assumed).

**DO01: Land South of Dores Hall**

Dores & Essich Community Council (1248765), Garry Foster & Cameron Discretionary Trust (1269925)

Extend allocation DO01: Land South of Dores Hall to include the land to the east and up to the B862, with an indicative housing capacity of 24 units for the whole site and the formation of a community woodland between the two development sites.

NatureScot (1266529)

Add additional Developer Requirements including: 1) protected species surveys; 2) a Development Brief to ensure any new development is kept adjacent to the existing settlement, and to avoid ribbon development along the shoreline; 3) the development should be small in scale and avoid any significant intrusion on the loch side; 4) existing tree and woodland should be used to provide a landscape setting; and, 5) and the need for nature-based solutions (NBS) to enhance green networks.

**DO02: Land South of Church**

Dores & Essich Community Council (1248765)

None.

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

**Settlement Map**

Dores & Essich Community Council (1248765)

Although the land currently allocated for Community ('sports pitch' only) uses (reference DO4: North of Playing Field) is relatively flat and central to the village, there are no specific proposals for the site despite it being allocated for over 7 years. Should proposals emerge in the future, there will be opportunity to reconsider the allocation of the site at future plan reviews. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue. In terms of the employment site, it is recognised that there is benefit in strengthening the employment base in Dores and the positive contribution it could make to the wider area. However, the land suggested is unsuitable for allocation in the Plan as it is detached from the village, the land is sloping both northwards down to Dores and westwards down to Loch Ness, it is wooded and there are no active travel connections. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

### **Placemaking Priorities**

#### Dores & Essich Community Council (1248765)

The Community Council support for the Placemaking Priorities is noted. It is assumed the Community Council wish to see the additional issues which they raise regarding the transport network highlighted in the Plan. It is acknowledged that there are certain traffic problems experienced in Dores, such as parking pressures during the summer season and vehicles speeding through the village. Therefore, if the Reporter is so minded, an additional Placemaking Priority could be added which addresses the points raised by the Community Council, i.e. the need to deliver traffic calming (which is already designed) and highway improvements scheme, improved public transport and facilities to support active travel.

### **DO01: Land South of Dores Hall**

#### Dores & Essich Community Council (1248765), Garry Foster & Cameron Discretionary Trust (1269925)

Comments made regarding the insufficient housing land supply within the Plan are addressed in Issue 3: Housing Requirements. Dores is identified as being within the least sustainable of the Main Settlements in the Plan due to the lack of facilities and the very limited sustainable transport options available. In locations such as Dores, the Plan therefore supports limited levels of growth.

The Plan allocates the land (referenced DO01 in the Proposed Plan) for 10 houses as the Council recognises the work done to date to bring forward the development and the opportunity to deliver benefit to the community through an improvement to the vehicular access to the village hall. However, it should be noted that the Council's Forestry Officer and NatureScot raise concerns with development of the site as it is identified within the Ancient Woodland Inventory and Scottish Semi-Natural Woodland Inventory. Although it was a coniferous plantation woodland before being recently clear felled, the view of NatureScot and Council's Forestry Officer is that the original woodland can rejuvenate over time. It is also noted that the site's delivery is largely dependent on an adjoining Scottish Water infrastructure project, which has been postponed. Nevertheless, the Council is content to support the development of the lower section.

The proposed extension of the site, with development on the upper side running alongside the B862, however, will have a much greater impact on the on the landscape and setting of Dores. The existing settlement pattern on the southern edge is low lying and relatively linear and the expansion along the lower section of the site will allow for this to continue and is acceptable. However, the upper section will have a far more noticeable impact when viewing the site from the west, e.g. from Dores beach which is one of the most popular visitor destinations around Loch Ness. The proposed active travel connection for development on the upper slope is also not a suitable solution. The path would not provide all weather, year round access and therefore not be delivered to an adoptable standard. Given the B862 has no pavement or active travel provision, the properties on the upper slopes would therefore likely be almost entirely dependent on private vehicle, even to access the limited facilities in Dores. The land on the loch side of the B852 was included to allow for a degree of flexibility in the delivery of the transport and active travel related Developer Requirements. The land is identified as being part of the Green Network and would not considered suitable for built development were a proposal to come forward. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### NatureScot (1266529)

The additional Developer Requirement for a protected species surveys is reasonable given the natural features of the site and the potential for certain protected species. If the Reporter was so minded, then the Council would support this be added to the Plan. The request for a Development Brief to ensure any new development is kept adjacent to the existing settlement, and to avoid ribbon development along the shoreline is not considered necessary. The allocation is long and narrow and stretches southwards from the village. A more linear form of development is inevitable to some degree given the topography and in this location is considered acceptable. The request for a requirement that states the development should be small in scale and avoid any significant intrusion on the loch side is also not necessary given the existing Developer Requirement for “high quality siting and design and landscaping strategy which ensures development provides positive contribution to the streetscape and settlement settings.” The request for a requirement which states that the existing tree and woodland should be used to provide a landscape setting is unnecessary as there is already a Developer Requirements which protects the woodland. In terms if the request for a requirement for the need for nature-based solutions (NBS) to enhance green networks, given the scale of development proposed through the Plan it is not considered necessary to include such a requirement. If, however, the Reporter was to include the land to the east which is promoted by the landowner and Community Council, then the requirement would be a reasonable addition.

**DO02: Land South of Church**

Dores & Essich Community Council (1248765)

Support noted.

**Reporter’s conclusions:**

**Reporter’s recommendations:**

<b>Issue 30</b>	<b>Drumnadrochit</b>	
<b>Development plan reference:</b>	Section 4 Places, Drumnadrochit Settlement, PDF Pages 132-136	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Dwynwen Hopcroft (1311017)  Glen Urquhart Community Council (1323049)  Glenurquhart Rural Community Association (GURCA) (1220765)  Glenurquhart Shinty Club per James Barr (1312280)  Hector Mackenzie (1312335)  Highland Housing Alliance per Turley (1323057)  James Barr (1311675)  John Fraser per GHJ (979522)  Kerry Pocock (1324328)  Laura Stoddart (1311249)  Penny Beech (1312358)  SEPA (906306)  Woodland Trust (1312249)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 12, Settlement Map 16 Drumnadrochit Development Sites, PDF paragraphs 147-149	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Placemaking Priorities</b>  <u>Glen Urquhart Community Council (1323049)</u>  Supports principle that Drumnadrochit is not a sustainable location for significant future growth without investment in local infrastructure. Seeks stronger requirement for any development to provide local facilities and employment and remove focus as a commuter location. Seeks additional principle that all developments to be considered in conjunction with Community Action and Place Plan. Supports non inclusion of sites which were non-preferred at Main Issues report stage.</p> <p><u>Glenurquhart Rural Community Association (GURCA) (1220765)</u>  Supports but seeks priority for improving public transport because this will encourage modal shift. Supports Hinterland around Drumnadrochit especially at Bunloit and Grottaig because several local businesses rely on the ongoing popularity of the Great Glen Way which uses the Bunloit road and the amenity value of the trail is already adversely impacted by increased traffic on this road which resulted from additional housing development.</p> <p><b>Settlement Map</b>  <u>Glen Urquhart Community Council (GUCC) (1323049)</u>  Reports GUCC are currently developing a Community Action Plan and seeks a policy to reference it and its importance in making planning decisions.</p> <p><u>Glenurquhart Rural Community Association (GURCA) (1220765)</u>  Objects to omission of several greenspaces from the settlement map especially at Lewiston because this implies the land could be considered suitable for development. The Lewiston greenspace should be protected because: it is vital to the character of Lewiston and Drumnadrochit and should prevent the coalescence of two separate villages; potential loss of biodiversity, good farmland and sheep grazing; potential loss of parking for the Highland Games; it helps the community connect with nature and where their food comes from; potential loss of natural carbon sink; local people walk around the fields; the land could have greater recreational access and use and could be partly used for community food growing; and, the land could be laid</p>		

out and better managed for biodiversity and to mitigate climate change. Land should be protected greenspace or at worst a community uses allocation. Also queries why riparian woodland is not notated as a protected greenspace. Queries Plan's active travel networks as existing or unsafe and suggests there are better (undefined) alternatives.

John Fraser per GHJ (979522)

Objects to non-inclusion for development of land South of the Medical Centre identified as DR07 in the Main Issues Report (MIR) for community, business and specialist housing uses within a landscape framework because: respondent's MIR submissions were given inadequate consideration; respondent undertook pre-application consultation with the community in September 2021 [1] and reflected feedback in a more detailed development framework [2]; the development can be phased supporting a more sustainable and community-led level of growth; the Plan doesn't allocate sufficient effective housing land to meet its stated housing requirements and these requirements are too low; Drumnadrochit is a relatively sustainable location as indicated by its Tier 2 status in the Plan's settlement hierarchy; the most northerly part of the respondent's land, immediately south west of the A82 Trunk road, is allocated in the 2015 aIMFLDP (reference DR7); the land is part serviced including a high capacity trunk road roundabout junction, is central to the community and its facilities and already has a health centre and pharmacy located on it, and there is planning permission for two business units on the south west side of the existing car park; the land is not identified as protected greenspace; the proposal is not speculative because there is community support for elements of it (as evidenced in the Community Action Plan survey conducted on behalf of the Glen Urquhart Rural Community Association); uniquely within Drumnadrochit because of its size it could deliver self and custom build housing in line with the Plan's General Policy 11; it could deliver other specialist housing accommodation; it can offer more diversity than the other 2 volume housebuilder controlled sites; the land is free from flooding and close to both Glen Urquhart Primary and High Schools and could provide unrestricted 'safe routes' to these schools; the land lies within the Settlement Development Area and is not safeguarded from development; landowner amenable to community uses raised during local consultation events and more tree planting; and, landowner could reserve a substantial buffer creating a green corridor between the site and existing houses which could link to other green networks through the village. Asserts that at the very least, that the current aIMFLDP DR7 site be reallocated for new community and commercial facilities.

Penny Beech (1312358)

Supports keeping development within village boundaries. Opposes development pressure overspilling into surrounding countryside especially at Bunloit because recent building at Bunloit has: created excessive traffic on a single track road network; eroded the beautiful countryside to the detriment of tourism; discouraged sustainable travel mode tourism (Great Glen Way trails); and, new development is using fossil fuel heating to the detriment of the climate.

**DR01: Former A82 Retail Units**

Glen Urquhart Community Council (1323049)

Opposes housing use on site because: contrary to aIMFLDP use mix for site; of rejection of recent housing application by councillors and Reporter at appeal; community consensus against recent application; location high profile and therefore more suitable for community/employment use; adverse impact on shinty club (including impact on public liability for club from potential stray shinty balls); and, restriction on expansion of community facilities at centre of village.

Glenurquhart Rural Community Association (GURCA) (1220765)

Opposes housing use on site because: contrary to aIMFLDP use mix for site; of rejection of recent housing application by councillors and Reporter at appeal; community consensus against recent application; adverse impact on shinty club (including impact on public liability for club from potential stray shinty balls); burden in the title which prevents retail use does not mean housing has to be the use; and, Blairbeg Park is owned by GURCA and is used as the main location for Shinty in Glen Urquhart and the community would like to see this site developed by the community to enhance shinty and sporting/fitness facilities including improvements to the currently inadequate in the vicinity (the current clubhouse and changing facilities are unsuitable for the volume of shinty fixtures and in terms of energy efficiency).

Glenurquhart Shinty Club per James Barr (1312280)



Objects to housing use because of: failure to adequately consult with local people, community organisations and immediate neighbours; adverse impact on shinty and therefore on cultural heritage because any private housing in this area will physically constrain, compromise and economically threaten the continued use of Blairbeg park for shinty; mitigation is impracticable (a 40 m by 14m high ball fence along the boundary which is expensive to erect (£50k), expensive to maintain /replace and will be downright ugly within the setting of Blairbeg Park); and, a central village site adjacent to a sports field, play park, public hall and schools, which has been zoned for communal use for 70 years and used for communal use for 70 years should be kept for such. Supplies amplified arguments [\*].

Hector Mackenzie (1312335)

Objects to housing use because of: failure to adequately consult with local people, community organisations and immediate neighbours; adverse impact on shinty because any private housing in this area will physically constrain, compromise and economically threaten the continued use of Blairbeg park for shinty; fencing mitigation is impracticable (as evidenced at Beauty and Ballachulish pitches) and expensive and there will be more conflict with future householders than the previous retailer; and, a central village site adjacent to a sports field, play park, public hall and schools should be reserved for community use to service new housing which can be adequately accommodated on other allocated sites.

Highland Housing Alliance per Turley (1323057)

Seeks increased capacity of 15 housing units because: further consultation and sensitive design could evolve an acceptable scheme; it will deliver much needed affordable housing; it will contribute to a currently inadequate affordable housing land supply; the previous application was recommended for approval by the case officer; the previous building was of a particularly poor architectural design; the site is previously developed and in a very central location; and, the reasons for refusal at committee and appeal didn't question the use of the site only its design and layout; the site is effective and deliverable.

James Barr (1311675)

Complains that the summary in Plan paragraph 164 that "DR01 is part permitted and part constructed. " is entirely misleading and prejudicial because there is neither planning permission for housing nor a residential allocation for the site. Objects to any housing use on site because: of the lack of any effective consultation on this proposal, particularly with near neighbours; of the failure to protect existing communal space from private development at a time when significant private residential building is ongoing and planned in other greenfield sites in the village of Drumnadrochit; the creation of a small private residential island within a sea of community activity will be to the detriment of the both the community users and the future private owners. Supplies amplified arguments [\*].

Laura Stoddart (1311249)

Existing allocations/permissions total circa 150 additional and much needed homes in the village in a 10 year period so there is no need for additional housing sites and all the extra people need land for community facilities. With both schools, the nursery, play park and the Blairbeg park/shinty field within the immediate vicinity/on the same side of the A82, the former shop site lends itself to being an ideal position for community use.

**DR02: Land Adjoining Supermarket**

Glenurquhart Rural Community Association (GURCA) (1220765)

Seeks that the path between the Glenurquhart Centre and the new shop is put in place in Phase 1 of this development, even if not in its final location.

SEPA (906306)

Recommends that requirements for alternative proposals are outlined, as is the case for most other allocations which already have an extant consent.

**DR03: Drum Farm**

Dwynwen Hopcroft (1311017)

Objects because: contradiction between Plan saying that the village is not a sustainable location for major growth and the size of the allocation; legacy allocations/permissions should not be

honoured without an explanation; local opposition to previous planning application and to Reporter's decision; loss of village character; and, development should be revisited to ensure its carbon neutral and energy efficient.

Glenurquhart Rural Community Association (GURCA) (1220765)

Requests additional developer requirements that: a community liaison group is set up at an early stage to involve the community in the construction phase, phasing etc; and, an archaeological survey is carried out to capture and record archaeological findings to add to the historic knowledge of the area.

Kerry Pocock (1324328)

Comments that permission already granted so unsure what concerns can be raised.

**DR04: Land West of Post Office**

Glenurquhart Rural Community Association (GURCA) (1220765)

Supports but queries reference to new or improved trunk road junction when there is currently no road junction into this site. Concerned that any new road junction at the field gate access point would be too close to the existing A82 road bridge, which is narrow with narrow pavements.

Woodland Trust (1312249)

Seeks developer requirement to safeguard adjacent Ancient Semi Natural Woodland on south west boundary including upland oakwood at NH506299 of approximately 0.75ha.

**DR05: Shinty Pitch and Adjoining Land**

Glenurquhart Rural Community Association (GURCA) (1220765)

Supports (no reasons stated).

Glenurquhart Shinty Club per James Barr (1312280)

Supports if only for recreational/community use because the village's major expansion will require more recreational/community facilities. Objects to private development adjacent that could prejudice these uses/facilities.

Laura Stoddart (1311249)

Supports allocation for community/recreational uses only because Blairbeg Park is: in the heart of the village; home of Glen Urquhart Shinty Club and the local Highland Games which are local cultural institutions; and, is used daily for recreation.

**DR06: Schools' Junction**

Glenurquhart Rural Community Association (GURCA) (1220765)

Supports (no reasons stated).

SEPA (906306)

Recommends deletion of "(no development in areas shown to be at risk of flooding)" because SEPA are unaware of any fluvial flood risk at this site.

**Modifications sought by those submitting representations:**

**Placemaking Priorities**

Glen Urquhart Community Council (1323049)

Addition of a Priority for any development to provide local facilities and employment and remove settlement's focus as a commuter location and also a Priority that all developments be considered in conjunction with Community Action and Place Plan (both assumed).

Glenurquhart Rural Community Association (GURCA) (1220765)

Addition of a Priority to improve public transport and to restrict development around Drumnadrochit especially at Bunloit and Grottaig (both assumed).

**Settlement Map**

Glen Urquhart Community Council (GUCC) (1323049)



Addition of a policy to reference Community Action Plan and its importance in making planning decisions.

Glenurquhart Rural Community Association (GURCA) (1220765)

Addition of greenspaces from aIMFLDP particularly between Lewiston and Drumnadrochit and riparian woodland areas (assumed).

John Fraser per GHJ (979522)

Addition of mixed use allocation on land South of the Medical Centre identified as DR07 in the Main Issues Report (MIR) for community, business and specialist housing uses. As a fall-back, that the current aIMFLDP DR7 site be reallocated for new community and commercial facilities.

Penny Beech (1312358)

Clarification that a restrictive approach will be taken to further development at Bunloit (assumed).

**DR01: Former A82 Retail Units**

Glen Urquhart Community Council (1323049)

Reallocate for mixed use as per aIMFLDP.

Glenurquhart Rural Community Association (GURCA) (1220765)

Reallocate for mixed use as per aIMFLDP (assumed).

Glenurquhart Shinty Club per James Barr (1312280)

Reallocate for mixed use as per aIMFLDP (assumed).

Hector Mackenzie (1312335)

Allocate only for community use (assumed).

Highland Housing Alliance per Turley (1323057)

Site capacity increased to 15 residential units (assumed).

James Barr (1311675)

Allocate only for community use (assumed).

Laura Stoddart (1311249)

Allocate only for community use (assumed).

**DR02: Land Adjoining Supermarket**

Glenurquhart Rural Community Association (GURCA) (1220765)

Additional developer requirement that the path between the Glenurquhart Centre and the new shop is put in place in Phase 1 of this development, even if not in its final location.

SEPA (906306)

Addition of developer requirements for alternative proposals.

**DR03: Drum Farm**

Dwynwen Hopcroft (1311017)

Deletion of allocation and repurpose land for carbon capture and public open space. Failing these reduce the development size, reduce the environmental impact with rigorous energy efficiency improvements, future proofing and waste and environmental mitigation actions (all assumed).

Glenurquhart Rural Community Association (GURCA) (1220765)

Additional of developer requirements: a community liaison group is set up at an early stage to involve the community in the construction phase, phasing etc; and, an archaeological survey is carried out to capture and record archaeological findings to add to the historic knowledge of the area.

Kerry Pocock (1324328)

None (assumed).

**DR04: Land West of Post Office**

Glenurquhart Rural Community Association (GURCA) (1220765)

Clarification that road access to the site will only be through the village car park (assumed).

Woodland Trust (1312249)

Addition of a developer requirement to safeguard adjacent Ancient Semi Natural Woodland on south west boundary including upland oakwood at NH506299 of approximately 0.75ha.

**DR05: Shinty Pitch and Adjoining Land**

Glenurquhart Rural Community Association (GURCA) (1220765)

None (assumed).

Glenurquhart Shinty Club per James Barr (1312280)

Clarification that land will be safeguarded only for recreational/community use.

Laura Stoddart (1311249)

Clarification that land will be safeguarded only for recreational/community use.

**DR06: Schools' Junction**

Glenurquhart Rural Community Association (GURCA) (1220765)

None (assumed).

SEPA (906306)

Deletion of "(no development in areas shown to be at risk of flooding)".

**Summary of responses (including reasons) by planning authority:****Placemaking Priorities**

Glen Urquhart Community Council (1323049)

Support noted. Drumnadrochit is not a viable location for significant future growth because it is not cost effective for the public or private sector to fund the investment in local infrastructure necessary to support that scale of growth. For example, significant improvements to public transport and strategic active travel connectivity to Inverness are cost prohibitive relative to the existing and additional population that would be served by those improvements. The Plan contains two mixed use land allocations that should generate additional local employment opportunities. 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 Glenurquhart community groups will be able to influence that plan at that time. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Glenurquhart Rural Community Association (GURCA) (1220765)

Support noted. See response to Glen Urquhart Community Council above regarding the economic viability of significant improvements to public transport connectivity. The aIMFLDP process changed the Hinterland boundary to include land at Bunloit and Grottaig because of the infrastructure and environmental constraints referenced by the respondent.

**Settlement Map**

Glen Urquhart Community Council (GUCC) (1323049)

See Placemaking Priorities response to Glen Urquhart Community Council above.

Glenurquhart Rural Community Association (GURCA) (1220765)

See Issue 8 GP4: Safeguarding Greenspace regarding the Council's general approach to the definition, identification and protection of greenspaces within all of the main settlements of the Plan area. The Greenspace Audit [\*\*] is a point in time (summer 2022) assessment of existing spaces to check whether they merit direct policy protection from development. Spaces that meet the criteria have been classified as protected greenspaces. The Council has adopted a narrow, stringent definition of what should be protected to increase the chances of these spaces being protected in planning application decision making. So, spaces need to be accessible to most of the general public and offer an obvious amenity and/or recreational value to the general public to merit protection under this policy. Other spaces may be green (or blue) and may offer biodiversity, other natural heritage, indirect amenity or other benefits but are not accessible to and used by most of the general public. Some of these other spaces are recognised as important in connectivity terms for the movement of people and wildlife and have been given a Green Network notation on the main settlement maps. They have a separate general policy with a different policy test as explained in Issue 9 GP5: Green Networks. Some spaces are indicated as protected in the Audit but the solid green notation doesn't appear on the Plan settlement mapping. These are solely where there is an overlapping Plan allocation that provides more prescriptive advice on how the space should be retained but also enhanced. The most typical example of this would be a recreational facility including a sports pitch where the pitch needs extension or additional changing or other complementary facilities.

Applying these underlying principles to Drumnadrochit, the protected greenspaces that have not been "rolled-forward" from the aIMFLDP to the Plan are: the narrow A82 trunk road grass verges and the River Enrick riparian woodland because they don't have an overt public recreational value; and, the fenced grazing land above the schools and at Lewiston which aren't accessible to and used by the majority of local residents. The absence from the settlement map of a protected greenspace notation does not necessarily mean it is suitable for development. For example, the land at Lewiston (see response to John Fraser below), is rejected as a village expansion area. As the respondent admits this land is locally important farmland, provides sheep grazing and is only walked around and therefore doesn't function as public open space.

The Plan's active travel networks as depicted on the settlement map are existing and are identified for widening or other improvement and in the case of the A82, also for safer crossings.

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

#### John Fraser per GHJ (979522)

See Issue 3 Housing Requirements regarding the Council's response in disputing the claimed shortfall of effective housing sites. Within the Inverness HMA the Plan's 10 year, all sector Housing Supply Target (HST) is 4,405 units and corresponding Housing Land Requirement (HLR) 5,726 units. The Council's 2022 Housing Land Audit (HLA) programmes 6,888 units over a similar 10 year period and this total doesn't include small windfall developments. Therefore, there is no quantitative deficiency argument for allocating additional housing land. Drumnadrochit is a Tier 2 settlement in the Plan's hierarchy because it has only modest capacity in its infrastructure and facility networks, limited local employment opportunities, and limited public transport and active travel connectivity to higher order centres and their facilities and opportunities. For example, the village sewage works is already over its design capacity [\*\*] and most potential development sites including this one rely upon access to an A82 trunk road that has safety and capacity issues most notably during the peak summer tourist season. See also the Placemaking Priorities response to Glen Urquhart Community Council above.

Notwithstanding the above, the Council accepts that the land has planning factor advantages. It is within active travel range of the wider community's facilities particularly its schools, it doesn't suffer from insurmountable physical or environmental constraints and has a constructed roundabout access to the A82. Other comments within this issue paper and at MIR stage [\*\*] demonstrate that there is not consensus community support for the development of the site. It is likely to be the next sensible expansion site for the village but is not required within this Plan period. Most of allocation DR7 in the aIMFLDP has been developed or benefits from an extant permission for two commercial / business units. As stated above, the balance of this allocation isn't notated as protected greenspace and therefore the Plan provides no impediment to the implementation of the permission. The offer to consider self and custom build housing or other specialist housing

accommodation is welcomed but is not a determining factor in deciding whether to allocate a large village expansion site. The landowner may wish to consider: advance structural planting; the creation of a green corridor between future new development and existing houses that will link to other green networks through the village; talking to Scottish Water regarding expanding sewage works capacity; and, designing how the site can best integrate with the community's active travel network. All of these measures would enhance the land's potential as the next village expansion site when the Plan is reviewed. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Penny Beech (1312358)

Support noted. The aIMFLDP process changed the Hinterland countryside policy boundary to include land at Bunloit and Grottaig because of the infrastructure and environmental constraints referenced by the respondent. The Plan directs most development to within main settlement boundaries. There are plentiful and sufficient housing component allocations within Drumnadrochit that should help divert pressure from the surrounding countryside.

**DR01: Former A82 Retail Units**

Glen Urquhart Community Council (1323049)

The aIMFLDP allocates the land under site reference DR8 for retail, business and community use. This allocation was first proposed at a time (2013) when the site accommodated a building occupied by going concern retail businesses. The allocation's purpose was to encourage redevelopment of the building which was a two storey, flat roofed, block building without any architectural merit and poorly related to the A82 frontage. Indeed, its appearance was seen by many local residents as an eyesore prominent in views from the adjoining tourist route. Despite this allocation there had been no progress in activating the site for the stated uses by the time the present Plan process started in 2019. In the interim, the Scotmid Coop retail store had committed to move across the A82 to larger, purpose-built premises. Faced with the prospect of a large, vacant, eyesore building close to a principal tourist route, the Council decided (in the 2021 MIR as site DR04) to diversify the use mix to include housing to increase the viability and therefore likelihood of a redevelopment proposal. An affordable housing agency purchased the site in March 2020 and lodged a planning application for 15 housing units in April 2021 [redacted] which was refused by the Council in September 2021 [redacted] and the appeal of this refusal was dismissed in March 2022 [redacted]. The Plan (and the Council's reasoning in rejecting the application) supports a housing redevelopment of the site but wishes the scale of that proposal to be similar to the previous building, of far better architectural design and layout and to safeguard adjoining public amenity interests. The previous building has now been demolished but the site remains prominent and unattractive. The site has been purchased by an affordable housing agency, could deliver 100% affordable unit provision and is in a sustainable location central to a Tier 2 settlement. Alternative retail, business and community proposals were invited (by the aIMFLDP and the previous site owner) during the period 2013-2021 but none proved viable. Other land is allocated in the Plan for these uses at sites DR03-DR06. The Council accepts that an adequate safety setback between the shinty pitch and the development should apply and the site's developer requirements already reference the need for a setback. If the Reporter is so minded then the Council would support a more explicit reference to setback from the adjoining shinty pitch. The height, width and design of any safety netting is best dealt with at planning application stage when the scale, height and positioning of the buildings is known.

Glenurquhart Rural Community Association (GURCA) (1220765)

See response to Glen Urquhart Community Council above. GURCA had the opportunity to purchase the site for shinty use but chose not to do so. Plan allocation DR05 supports expansion of shinty facilities within its boundary, which is widely drawn and should allow sufficient scope for the enhancements proposed.

Glenurquhart Shinty Club per James Barr (1312280)

See response to Glen Urquhart Community Council above. All stages of the Plan process have been subject to the required consultation and publicity as have the planning application and appeal processes for the site. The shinty pitch and the previous retail building coexisted for decades without prejudice to either use.

Hector Mackenzie (1312335)

See responses to Glen Urquhart Community Council, GURCA and the Shinty Club above. Fencing mitigation is common place for sports pitches in close proximity to houses, roads or other potentially incompatible uses. Indeed, many school pitches are fenced for other reasons such as security or simply for easier ball retrieval. The goal at the nearer end of the shinty pitch already has fencing erected. Existing trees if augmented could also provide a physical barrier to mitigate the issue.

#### Highland Housing Alliance per Turley (1323057)

See response to Glen Urquhart Community Council above. The Plan sets a lower 10 unit indicative housing capacity because it believes that the application proposal is/was an overdevelopment of the site. The Council accepts that delivery of a 100% affordable unit scheme would comply with particular Scottish Government and Council priorities and policies. The Council also recognises the investment to date in demolition of the previous “eyesore” building. The preparedness of the respondent to evolve a better scheme is welcomed but increasing the capacity to 15 housing units will not assist in this aim. The case officer recommended approval on balance but also recorded serious misgivings about the scale, design and layout of the proposal. These misgivings were shared by the Reporter at appeal.

#### James Barr (1311675)

See response to Glen Urquhart Community Council and GURCA above. The respondent points out a factual error in paragraph 149 of the PDF version of the Plan which refers to site DR01 which should have been updated to site DR02. The land described as adjoining the supermarket was site reference DR01 in the MIR and then became DR02 in the Proposed Plan. It is part permitted and part constructed. The factual error was the failure to update the site reference in paragraph 149 although there is no error in the development site tables. The Council would assert that no party has been prejudiced or disadvantaged by the factual error. The Council will correct it before the next Plan stage.

#### Laura Stoddart (1311249)

See response to Glen Urquhart Community Council and GURCA above. The Council agrees that the level of housing development supported by the Plan (including this site) is sufficient. This site could deliver 100% affordable unit provision and has had considerable public funding investment to date.

### **DR02: Land Adjoining Supermarket**

#### Glenurquhart Rural Community Association (GURCA) (1220765)

The planning applications [redacted] relevant to this land were granted permission in 2022. They include both a permanent solution and a temporary footpath requirement and route to avoid the fenced construction area.

#### SEPA (906306)

As of October 2022, full planning permissions have been granted for the remaining phases and are very likely to be implemented and therefore the Council sees no need to set out requirements for alternative proposals.

### **DR03: Drum Farm**

#### Dwynwen Hopcroft (1311017)

See Placemaking Priorities response to Glen Urquhart Community Council above regarding the appropriate scale of growth for the village. Extant permissions are very rarely revoked because of the compensation cost in doing so and the uncertainty it would create for all parties. Planning permission for this site was granted on appeal [redacted] in October 2021. The Council in making the prior refusal decision, rejected the capacity not the principle of housing and other development development proposed at this location. The latest planning permission for the housing component of the allocation [redacted] includes electric vehicle charging infrastructure. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

#### Glenurquhart Rural Community Association (GURCA) (1220765)

The latest planning permission for the housing component of the allocation [redacted] includes requirements for a community liaison group and archaeological evaluation.

Kerry Pocock (1324328)

Noted. See Drum Farm responses above.

**DR04: Land West of Post Office**

Glenurquhart Rural Community Association (GURCA) (1220765)

Support noted. The Council accepts that the existing field gate access is unlikely to prove a suitable point of improved vehicular access to the A82 trunk road. It has visibility splay issues, is within an existing bus stop layby, and is in close proximity to other junctions, accesses, the River Enrick bridge and the new flood bund. The allocation's developer requirements are not prescriptive as to from where vehicular access should be taken and the Council wishes to avoid such prescriptive detail until detailed feasibility work has been undertaken via a Transport Statement. Avoiding such a Plan commitment will also dampen down any ransom value associated with a better access point. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Woodland Trust (1312249)

An existing developer requirement references the need to retain and set development back from boundary planting. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

**DR05: Shinty Pitch and Adjoining Land**

Glenurquhart Rural Community Association (GURCA) (1220765)

Noted.

Glenurquhart Shinty Club per James Barr (1312280)

See the Council's response to DR01 above. The DR05 site is safeguarded only for recreational use and development ancillary to that recreational use. This accords with the respondent's wishes. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Laura Stoddart (1311249)

See response to Glenurquhart Shinty Club above.

**DR06: Schools' Junction**

Glenurquhart Rural Community Association (GURCA) (1220765)

Noted.

SEPA (906306)

The site is subject to significant pluvial flood risk on SEPA's published mapping because it forms a hollow. However, if the Reporter is minded to agree with SEPA's representation then the Council would accept that it would be sufficient solely to reference a Drainage Impact Assessment.

**Reporter's conclusions:**

**Reporter's recommendations:**



<b>Issue 31</b>	<b>Evanton</b>	
<b>Development plan reference:</b>	Section 4 Places, Evanton Settlement, PDF Pages 155-160	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Alpin MacDonald (1323213)  Highland Deephaven Ltd (1323073)  Highland Housing Hub (1154846)  Kiltearn Community Council (1323212)  Mr &amp; Mrs A McArthur per Bidwells LLP (1217486)  Network Rail (1312503)  William Shirran (1323119)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 13, Settlement Map 17 Evanton, Development Sites, PDF paragraphs 150-154	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Placemaking Priorities</b>  <u>Highland Deephaven Ltd (1323073)</u>  Supports specific reference being made to the re-opening of the rail-halt as a placemaking priority. Seeks inclusion of additional placemaking priority text which refers to a rail siding to serve industrial operations and to support the sustainable movement of freight.</p> <p><u>Network Rail (1312503)</u>  Supports the aspiration to open a rail halt with potential links to Highland Deephaven, and the recognition that it would be subject to STAG appraisal to assess the potential viability of the proposal.</p> <p><b>Settlement Map 13 Evanton</b>  <u>Highland Housing Hub (1154846)</u>  Objects to the non-inclusion of land at Culcairn (MIR site reference EV05). Land is currently allocated in the adopted plan and the Housing Hub is aware that a new application for housing will be submitted imminently that will reflect the permission previously granted in January 2019 (16/01842/PIP).</p> <p><u>Kiltearn Community Council (1323212)</u>  Asserts that the location of the Primary School is not considered sustainable because: current location has been in use for over 100 years and was appropriate when the village was smaller and more geographically balanced and when people were not accessing the school via cars; the village has grown substantially, and the school has been replaced and extended; lack of parking causes road safety issues at drop off and pick up times and drop-off parking in village centre does not resolve the issue. The time has come for a new school to be built in a more suitable location which would meet community needs now and in the future. Kiltearn Community Council would like the Plan amended to allow for land to be allocated for a new school on the western edge of the existing Teandallon Park, possibly on some of the land allocated for housing. This was proposed previously in the 1970s. Request that the land allocated for a new school includes the following requirements: more usable drop-off facilities, accompanied by traffic management which restricts traffic to "one way" during peak times; existing 30PMH speed limit is extended beyond the cross roads junction serving the burial ground, which would also alert road users to the village entrance and make the junction safer.</p> <p><u>Alpin MacDonald (1323213)</u>  Supports current location of Primary School because: suitable location for village; in good condition; easily extended; will last for many years; is an original community school with sports/community</p>		



centre. The B817/A9 junction at Drummond should be light controlled at busy times or have a round-about junction. It is unacceptably dangerous now. Queries the following: Where do the population figures come from; why is land not allocated at Culcairn; Why was the area safeguarded for commerce at Balconie altered to housing; what plans are there to make commercial development in the village centre possible and safe, they are not currently safe.

### **EV01 Teandallon**

Alpin MacDonald (1323213)

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

### **EV02 Southeast of Evanton Bridge**

Mr & Mrs A McArthur per Bidwells LLP (1217486)

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

William Shirran (1323119)

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

### **EV03 Drummond Farm**

Mr & Mrs A McArthur per Bidwells LLP (1217486)

Landowner supports the allocation of the site for housing, supports the housing capacity figures, confirms that the site remains effective and supports Evanton's place in the settlement hierarchy as an economically viable and environmentally sustainable place. Notes that the Proposed Plan forecast for future population and households indicates stability rather than rapid growth and as such

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

### **EV05 Evanton Industrial Estate**

Highland Deephaven Ltd (1323073)

Paragraph 151 of the Proposed Plan refers to opportunities for intensification/expansion at Highland Deephaven and that it is not included in the village map as it is included within the section on Economic Development Areas. Site EV05 is within Highland Deephaven's ownership and forms a key component of their overall masterplan vision for the wider Highland Deephaven site (allocation reference HD01). Request that paragraph 151 references this ownership and masterplan vision for Highland Deephaven Economic Development Area. Request that EV05 forms part of the Highland Deephaven Economic Development Area allocation (allocation reference HD01) rather than a separate allocation within the Evanton settlement. Alternatively, it is requested that cross-reference is made to allocation reference HD01: Highland Deephaven within the developer requirements. Agrees with the statement in Paragraph 154 regarding the re-opening of the rail halt. Request that text is included in relation to the proposed rail siding to serve industrial operations at Highland Deephaven (allocations HD01 and EV05) and the environmental benefits that this could create in relation to freight movement. This would be in accordance with the previous planning consent (now lapsed) and reference to the rail siding in the adopted Inner Moray Firth Local Development Plan 2015.

Developer requirements:

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

### **Modifications sought by those submitting representations:**

#### **Placemaking Priorities**

Highland Deephaven Ltd (1323073)

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

Network Rail (1312503)

None

#### **Settlement Map 13 Evanton**

Highland Housing Hub (1154846)

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

Kiltearn Community Council (1323212)

Seeks a site for a new Primary School on the western edge of the existing Teandallon Park and potentially on some of the land allocated for housing at EV01 Teandallon. Request that the land allocated for a new school includes the following requirements: more usable drop-off facilities, accompanied by traffic management which restricts traffic to "one way" during peak times; existing

30PMH speed limit is extended beyond the cross roads junction serving the burial ground, which would also alert road users to the village entrance and make the junction safer.

Alpin MacDonald (1323213)

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

#### **EV01 Teandallon**

Alpin MacDonald (1323213)

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

#### **EV02 Southeast of Evanton Bridge**

Mr & Mrs A McArthur per Bidwells LLP (1217486)

Increase capacity to 30 units.

William Shirran (1323119)

Seeks site to be allocated for Community/Mixed Use encompassing an inclusive community facility incorporating the Primary School, Community Hall, Sports Centre and Sports Pitches, parking and public toilets. Does not want site allocated for housing (assumed).

#### **EV03 Drummond Farm**

Mr & Mrs A McArthur per Bidwells LLP (1217486)

Increase capacity to 15 units.

#### **EV05 Evanton Industrial Estate**

Highland Deephaven Ltd (1323073)

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

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

#### **Placemaking Priorities**

Highland Deephaven Ltd (1323073)

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

Network Rail (1312503)

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

#### **Settlement Map 13 Evanton**

Highland Housing Hub (1154846)

Culcairn is an allocated site (EV3) for Mixed Use (160 homes, business and community) in the aIMFLDP. Planning in Principle (16/01842/PIP) was granted on 15/01/2019 for a mixed use development comprising 160 houses and business/community uses. There were no comments received on the site during the Call for Sites. In the MIR the site was shown as two separate sites

EV01 Culcairn Phase 1 as a preferred site and EV05 Culcairn as an alternative site. No comments were received on either site. In the MIR, EV01 was based on the approved masterplan which showed this area as Phase 1 providing 40 houses. As was set out in the report to the Easter Ross Committee in November 2021 [1], it is no longer clear if there is active developer interest in the site. There is sufficient viable housing land in other allocated sites including at EV01 Teandallon which benefits from planning permission and phase 1 of development is underway. The Housing Hub indicates that they are aware that a new application for housing is imminent, however at present no formal pre-application advice has been sought and no PAN has been submitted.

#### Kiltearn Community Council (1323212)

Education infrastructure needs are based on a combination of factors, but most importantly the School Roll Forecasts and Housing Land Audit. Both these sources of data are reviewed on an annual basis and the pressures can change over time and even from year to year. It is acknowledged that Kiltearn Primary School requires a major extension/new school as outlined in the Delivery Programme [2] however as set out in the 'Medium Term Financial Plan – Capital Strategy and Capital Programme to 2036/37' report which was approved by the Highland Council in December 2021 [3], there is no commitment made to providing a new school. IMFpLDP2 recognises in paragraph 150 that the school has limited capacity and one of the Placemaking Priorities is to address limited capacity at Kiltearn Primary School. EV03 Drummond Farm is allocated for Mixed Use for Housing and Community Uses. The community use is to allow for possible future expansion of the Primary School. Teandallon Park is greenspace and the land to the west of it suggested as a site for a new school is allocated for housing (EV01) and benefits from planning permission for housing. Accordingly, the Council believes the allocation at EV01 should be retained without modification.

#### Alpin MacDonald (1323213)

Support for current location of Primary School is noted. During the IMFpLDP2 consultation there has been no concerns raised by Transport Scotland in relation to the B817/A9(T) junction. Population figures come from the 2011 Census which gave the population of Evanton as 1379 [4]. With regards to land at Culcairn, as was set out in the report to the Easter Ross Committee in November 2021 [THC\*\*\*], it is not allocated as it is no longer clear if there is active developer interest in the site. There is sufficient viable housing land in other allocated sites including at EV01 Teandallon which benefits from planning permission and phase 1 of development is underway. Allocations beside Balconie Street in the aIMFLDP are EV2 Southeast of Evanton Bridge (housing) and EV4 Drummond Farm (Mixed Use – Housing and Community). In the IMFpLDP2 they are allocated at EV02 and EV03 respectively for the same uses. Commerce was not an identified use for either site, so it is unclear why the representee is suggesting that an area allocated for commerce has been changed to housing. IMFpLDP2 recognises the importance of town centres and seeks to reinforce the role of town centres as the heart of our communities (paragraph 55), however Evanton is not identified as one of the settlements covered by Policy 6 Town Centre First.

#### **EV01 Teandallon**

##### Alpin MacDonald (1323213)

Development is already underway at Teandallon via a phased approach in accordance with planning permission 19/05404/FUL for 140 units [5]. A bridge crossing providing a link to Drummond Road over the River Sgitheach is a developer requirement for this site in the aIMFLDP. However, it did not form part of the proposal set out in 19/05404/FUL. In the Committee Report for the planning application [6], it was stated that whilst a new road crossing would be desirable it was recognised in the Committee Report that the costs of providing one would be substantial and that instead the focus should be on improving the active travel link to the village and a safe route to school. It also noted that a future footbridge would serve the Primary School but would have limited benefit to the wider community. A Transport Assessment prepared for the application concluded that a road bridge was not required to support the development of the Teandallon site.

Paragraph 153 of IMFpLDP2 states that there remains a desire to achieve a bridge over the River Sgitheach between Teandallon and Drummond Road and it would primarily support an active travel link but may also provide a road link and could alleviate internal road capacity issues. Equally Placemaking Priorities 13 state that there is support for active Travel links over the River Sgitheach. The developer requirements for EV01 state that any alternative proposals to 19/05404/FUL must address improving active travel linkages out with the site, especially towards the Primary School over the River Sgitheach and a Transport Assessment including new access road and bridge

crossing linking Drummond Road over the River Sgitheach. In reference to the claim that no pre-development consultation was undertaken for the site, as part of the Development Management process, a Proposal of Application Notice (PAN) 18/01209/PAN [\*] was submitted in March 2018 to the Council. There was also consultation carried for the planning application. Accordingly, the Council believes the allocation should be retained without modification.

### **EV02 Southeast of Evanton Bridge**

Mr & Mrs A McArthur per Bidwells LLP (1217486)

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

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

The allocations in Evanton are of a scale that provides a generous supply of housing land to meet the requirement in the East Ross Housing Market during the Plan period. As per paragraph 30 of IMFpLDP2 the housing requirements for East Ross have been increased by 10% to allow for employee need/demand associated with the likely expansion of renewables and other 'green' industries in the area. Comments made regarding the housing land supply within the Plan are addressed within Issue 3: Housing Requirements.

Teandallon has planning permission for 140 units. Phase 1 is for 40 units and this is currently on site. Phase 2 is for 16 units and it is considered that this is feasible over the 10 year plan period. Accordingly, the Council believes the allocation should be retained without modification.

William Shirran (1323119)

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

### **EV03 Drummond Farm**

Mr & Mrs A McArthur per Bidwells LLP (1217486)

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



sustainable. In the settlement hierarchy Evanton is a Tier 2 settlement; Tier 2 settlements are identified as a sustainable location suitable for a modest scale of growth.

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

The allocations in Evanton are of a scale that provides a generous supply of housing land to meet the requirement in the East Ross Housing Market during the Plan period. As per paragraph 30 of IMFpLDP2 the housing requirements for East Ross have been increased by 10% to allow for employee need/demand associated with the likely expansion of renewables and other 'green' industries in the area. Comments made regarding the housing land supply within the Plan are addressed within Issue 3: Housing Requirements.

Teandallon has planning permission for 140 units. Phase 1 is for 40 units and this is currently on site. Phase 2 is for 16 units and it is considered that this is feasible over the 10 year plan period. Accordingly, the Council believes the allocation should be retained without modification.

### **EV05 Evanton Industrial Estate**

Highland Deephaven Ltd (1323073)

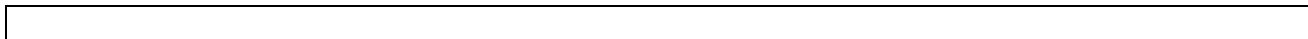
It is noted that Site EV05 is within Highland Deephaven's ownership and forms a key component of their overall masterplan vision for the wider Highland Deephaven site (allocation reference HD01). If the Reporter is so minded, it is suggested that the following statement replaces the final sentence of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

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

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

**Reporter's conclusions:**

**Reporter's recommendations:**





<b>Issue 32</b>	<b>Fortrose and Rosemarkie</b>	
<b>Development plan reference:</b>	Section 4 Places, Fortrose and Rosemarkie Settlements, PDF Pages 165-168	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>David and Margaret Birkbeck (1311936)  Fortrose &amp; Rosemarkie Community Council (1323255)  Jan Fazakerley (1312268)  Katy Grant (1323125)  Northquest per Ryden (1290338)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 15, Settlement Map 19 Fortrose and Rosemarkie Development Sites, PDF paragraphs 158-161	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Settlement Map</b>  <u>Fortrose &amp; Rosemarkie Community Council (1323255)</u>  Expresses concern over any significant further development on site FR02 and more generally because: high density housing development not appropriate to the area; small and affordable starter homes for local young people is the only legitimate demand/need that should be met; it will generate more traffic through the narrow and congested high streets of Fortrose and Rosemarkie and the villages to the west through to the A9; of the lack of a local primary school and the inadequate capacity of and transport to the school at Avoch; Fortrose Academy desperately needs investment to provide additional classroom facilities and is in very poor physical condition; and, developer contributions have not been adequate in terms of amount and local ringfencing/control.</p> <p><u>Northquest per Ryden (1290338)</u>  Seeks allocation of land at Ness Road for a new local foodstore because: of pending application jointly supported by Co-op; it will allow the Black Isle to benefit from a larger, modern, local convenience store; the Co-op existing premises are inadequate in terms of sales and storage floorspace, staff facilities and servicing arrangements; greater stock range will provide more choice to local customers; the current shopping experience is poor (aisles are tight, tills become overly busy generating queues and the store cannot accommodate the modern refrigerated units to meet need); a better local choice of food shopping will reduce unsustainable travel to distant centres and increase active travel for those able to the local store; it will create additional employment opportunities and secure the jobs within the current store (a store of the size proposed would employ 12 full and 14 part time staff); it will retain spending within Fortrose reducing leakage to other settlements beyond the catchment of the Black Isle; it will encourage linked trips to others shops and business within the town and the local area; and, jobs will be created during the construction process. Asserts that the Plan's suggested alternative site at Ness Gap is in a poor location because it: is not well located for customers travelling from throughout the Black Isle (by public transport or by private vehicle); would introduce unnecessary heavy commercial vehicles into a non-commercial area; would introduce unnecessary general (customer) traffic onto the residential streets; is less-well related to the 'centre' of Fortrose than the site at Ness Road.</p> <p><b>FR02: Ness Gap</b>  <u>David and Margaret Birkbeck (1311936)</u>  Objects to any significant further housing development because: 12 houses will generate 16,000 to 25,000 traffic movements a year, adding to the 72,000 to 85,000 movements from the Greenside development, totalling 88,000 to 110,000 extra annual traffic movements through the narrow main street of Fortrose; might be better to access this site from Wester Greengate/Academy Street to allow all the traffic to miss the High Street; new houses are too big</p>		

(should be bungalows or of a similar scale in keeping with surrounding properties; adverse impact on safety of school pupils walking to Academy along Dolphin Drive which has no pavement; and, lack of consultation on previous planning application.

Jan Fazakerley (1312268)

Objects to: proposed house types (bungalows for the aged are needed and would be more appropriate); increased vehicle use of Dolphin Drive which is a highly pedestrianised cul-de-sac used by the nursery, school, leisure centre, dog walkers, families and general access to the village; and, traffic on Fortrose High Street which is already at dangerous levels is only going to get worse.

Katy Grant (1323125)

Objects because of: extra vehicular traffic on Dolphin Drive which is currently a very quiet and safe cul-de-sac but without a formal pavement and is used for informal children's play and as a route to school and nursery; extra construction traffic; other pedestrians safety reduced; increased traffic volumes (an extra 16,000 to 25,000 traffic movements along Dolphin Drive each year); construction disturbance and pollution; and, adverse mental health impact.

**Modifications sought by those submitting representations:**

**Settlement Map**

Fortrose & Rosemarkie Community Council (1323255)

Amendment to FR02 allocation to only support small and affordable starter homes for local young people; and, more generally, increased developer contributions with local ringfencing/control (all assumed).

Northquest per Ryden (1290338)

Seeks new allocation of land at Ness Road for a new local foodstore.

**FR02: Ness Gap**

David and Margaret Birkbeck (1311936)

Reduction in site capacity to 8 or 9 bungalows and an alternative to the Dolphin Drive road access.

Jan Fazakerley (1312268)

Deletion of allocation (assumed).

Katy Grant (1323125)

Deletion of allocation (assumed).

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

**Settlement Map**

Fortrose & Rosemarkie Community Council (1323255)

The Plan only allocates two sites with a combined housing capacity of 62 units across both villages. FR01 is under construction and FR02 has a planning permission. An average of 6 units per annum over an assumed 10 year Plan lifespan doesn't represent a significant or excessive level of growth. Similarly, FR01 has a site density of 19 dwellings per hectare and FR02 17 dwellings per hectare. Typical, large Highland village densities are around 20 dwellings per hectare and there are environmental sustainability and economically viability arguments for making these densities far higher. There is no effective way to reserve or safeguard allocated land solely for the affordable sector unless a landowner supports such provision. 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. One of the reasons that the number, scale and capacity of Plan allocations has been kept to a minimum across the eastern end of the Black Isle is the referenced additional traffic generation through the narrow and congested high streets of Fortrose and Rosemarkie and the villages to the west through to the A9. The Council's detailed response in terms of Avoch Primary School's capacity is given within Issue 22 Avoch. The Council's capital programme includes monies for internal refurbishment of Fortrose Academy but this won't increase the physical capacity of the school. See Issue 13 GP9 Delivering Development and Infrastructure for the

Council's response to community council comments on the collection, ringfencing and use of community facility and other developer contributions.

Northquest per Ryden (1290338)

This representation mirrors a pending planning application proposal [X] for a foodstore on the same site. The Council's planning policy comments on this application [X] provide the detail of the Council's case. A similar retail application on the same site [X] was refused planning permission in June 2020. In summary, the Council supports the principle of the Coop expanding its existing store to provide better local shopping range/choice and therefore potentially to reduce convenience expenditure leakage and unsustainable mode travel to other centres. The proposal would create a marginally bigger foodstore and marginally more local employment. The balance of the site would be available for other, undefined, speculative units. However, the Council disagrees that this is a suitable site for a larger foodstore. The proposal is speculative rather than operator led and on a prime farmland site, outwith the settlement boundary and prominent in views from the A832 tourist route. The site would further erode the undeveloped wedge of land between Fortrose and Rosemarkie. The adjoining care home was granted planning permission contrary to a majority expressed local opinion opposing encroachment into this wedge. The Council believes that land at Ness Gap (between Ness Road and Ross Crescent), should it prove surplus to educational requirements, is more suitable for a relocated and expanded foodstore. Contrary to the respondent's arguments the Ness Gap site is close to Ness Road and the A832 albeit lacking the commercial prominence of the objector's site. Depending upon the layout it also need not introduce commercial vehicles or unnecessary customer traffic into a residential area. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

**FR02: Ness Gap**

David and Margaret Birkbeck (1311936)

The allocation benefits from a planning permission in principle for 12 houses granted in March 2019 [X] but extended under pandemic provisions to March 2023. It has not been progressed to date because of a ransom issue and an impasse in negotiations. The additional traffic generation was considered in determining the application and considered not to be sufficient to refuse the application. An alternative vehicular access from Academy Street is open to the landowner but this would compromise the quality if not safety of the Easter Greengate pedestrian route and may require a reduction in site capacity. The permission is in principle only and therefore, to date, no house types and designs have been specified. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Jan Fazakerley (1312268)

See response to the Birkbecks above. The original aIMFLDP Ness Gap allocation and planning permission always envisaged residential development of this land and the design and capacity of the internal road network reflects this.

Katy Grant (1323125)

See other FR02 responses above.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 33</b>	<b>Invergordon</b>	
<b>Development plan reference:</b>	Section 4 Places, Ardersier Settlement, PDF Pages 169-176	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Bannermans Group (1312019)  David Charnley (1310765)  Highland Housing Hub (1154846)  Port of Cromarty Firth (1178440)  Roderick &amp; Christopher Mackenzie per GHJ (1219491)  Scottish Government (Transport Scotland) (1324298)  Stephen Smith (1323108)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 16, Settlement Map 20 Invergordon, Development Sites, PDF paragraphs 162-168	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Settlement Map</b>  <u>Roderick &amp; Christopher Mackenzie per GHJ (1219491)</u>  Objects to the non-inclusion of 'Castle Grounds, Rosskeen' within the Plan, which is currently allocated in the adopted IMFLDP as site reference IG4: House of Rosskeen, for the following reasons:</p> <ol style="list-style-type: none"> <li>1) the Housing Land Supply assumptions are unlikely to be sufficient to deal with the needs and demand presented in Invergordon, Easter Ross and the wider Inner Moray Firth area over the coming plan period;</li> <li>2) the site is extremely well positioned in sustainable and location terms giving access to the path network, employment opportunities, education, recreation/leisure, community and public transport provision and is within a 20 minute walk of the town centre;</li> <li>3) other housing sites being proposed for allocation in the Plan are not as effective: <ol style="list-style-type: none"> <li>a. IG01: Cromlet has no private development potential and contamination issues</li> <li>b. IG02: Invergordon Mains is not understood to be available for development, is important farmland and close to Listed Buildings;</li> <li>c. IG03: Land south west of Railway Station has been allocated for 30 years, requires assembly, existing uses relocated, decontamination and viable house types likely to be limited to flats;</li> <li>d. IG04: Disused fuel tank farm will require high costs to remove the tanks, decontaminate and redevelop the site, the proximity to the distillery bonded warehouses pose a health and safety hazard and potentially undeliverable foul/surface water drainage infrastructure.</li> </ol> <p>Whereas the proposed site has been actively marketed since 2015, attracting a number of interested developers including one that initiated formal Pre-application procedures for circa 70 houses on the site in 2017. Proposal of Application Notice and Screening Opinion request processes followed with more detailed assessment/planning thereafter, all of which remains relevant. This work highlights that up to 60 homes could be suitably accommodated rather than the 30 identified in the adopted IMFLDP. The site offers opportunities for smaller houses, self-build plots and affordable housing all within a high quality environmental setting;</p> </li> <li>4) The town is well placed for development as it benefits from a wide range of facilities, good transport links and employment opportunities. The site is well contained in the landscape and secluded by mature woodland limiting the landscape and visual impact. The condition of the site including the mature woodland will be better safeguarded and ultimately enhanced as part of the site's development and further masterplanning; and,</li> <li>5) the respondent's representations made during previous stages have not been carefully or properly considered. Misleading information was given to the Easter Ross Area Committee</li> </ol>		

on 18 November 2021 about the status of the site being 'Hinterland', when it still lies within the Settlement Development Area boundary of Invergordon, as defined in the 2015 adopted Plan.

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

Highland Housing Hub (1154846)

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

Scottish Government (Transport Scotland) (1324298)

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

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

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

The reasons for these changes are:

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

**IG01: Cromlet**

David Charnley (1310765)

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

**IG02: Invergordon Mains**

David Charnley (1310765)

Objects to more built development and the reduction of farmland.

**IG03: Land south west of Railway Station**

David Charnley (1310765)

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

**IG04: Disused fuel tank farm**

David Charnley (1310765)

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

**IG05: Invergordon Harbour**

Port of Cromarty Firth (1178440)



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

#### **IG06: Inverbreakie Industrial Estate**

Stephen Smith (1323108)

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

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

Bannermans Group (1312019)

Landowner of the allocation requests that it is expanded for industrial development as outlined in their attached map [\*] for the following reasons: 1) strong commercial interest from a range of sectors. The area to the west of the Cromarty Firth Industrial Park has had interest for both solar energy generation and for whisky warehousing – both will bring employment, green energy and increased non-domestic rates. The area to the east of Cromarty Firth Industrial Park is included in the OCF Green Freeport bid and could be used for renewable energy and associated business. Whilst the area at Saltburn is closer to housing, it has had previous industrial uses, the top soil has very little depth and can be reinstated a little expense and the rail line runs through the site which is of particular interest to industry; 2) aligns with the Governments & The Highland Council's objectives; 3) best transport links into and out of Invergordon with significant potential for the 'Hydrogen Northern Line Train Link'; 4) separated from residential areas, low lying and bounded by trees ensures any potential noise disruption is minimised. Additional/replacement tree planting can be delivered on more suitable land; 5) adjoins existing industrial sites and benefits from its own direct link to the piers and harbours; 6) part of the existing allocation site IG12: Delny is in Bannerman's ownership, but it was not suitable for development.

Port of Cromarty Firth (1178440)

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

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

## Modifications sought by those submitting representations:

### Settlement Map

#### Roderick & Christopher Mackenzie per GHJ (1219491)

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

#### Highland Housing Hub (1154846)

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

#### Scottish Government (Transport Scotland) (1324298)

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

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

### IG01: Cromlet

#### David Charnley (1310765)

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

### IG02: Invergordon Mains

#### David Charnley (1310765)

Remove the allocation from the Plan.

### IG03: Land south west of Railway Station

#### David Charnley (1310765)

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

### IG04: Disused fuel tank farm

#### David Charnley (1310765)

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

### IG05: Invergordon Harbour

#### Port of Cromarty Firth (1178440)

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

### IG06: Inverbreakie Industrial Estate

#### Stephen Smith (1323108)

Remove the allocation from the Plan

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

#### Bannermans Group (1312019)

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

#### Port of Cromarty Firth (1178440)

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

## Summary of responses (including reasons) by planning authority:

### Settlement Map



#### Roderick & Christopher Mackenzie per GHJ (1219491)

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

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

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

#### Highland Housing Hub (1154846)

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

#### Scottish Government (Transport Scotland) (1324298)

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

Nevertheless, in order that the Plan can address Transport Scotland's concerns about the potential for cumulative impacts from development on Tomich Junction, if the reporter was so minded, the Council would be content to amend paragraph 179 to read: "Transport Scotland is currently investigating options to address existing road safety issues at Tomich Junction." In addition, amend Placemaking Priority 6 to read: "Development in Invergordon may have the potential to cumulatively impact the A9 Tomich Junction. Following Transport Scotland's Strategic Transport

Appraisal Guidance, an appraisal of the impacts and potential solutions to address them maybe required to be undertaken by applicants of any major-scale planning application in Invergordon.”

#### **IG01: Cromlet**

David Charnley (1310765)

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

#### **IG02: Invergordon Mains**

David Charnley (1310765)

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

#### **IG03: Land south west of Railway Station**

David Charnley (1310765)

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

#### **IG04: Disused fuel tank farm**

David Charnley (1310765)

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

#### **IG05: Invergordon Harbour**

Port of Cromarty Firth (1178440)

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

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

of the harbour, there is believed to be merit in the allocation boundary being enlarged to at least help raise awareness of these plans.

As set out in the Renewable Energy section of the Plan, the Council is open and willing to preparing Masterplan Consent Areas for sites within a Green Freeport – as indicated by the Scottish and UK governments in the joint prospectus [1] - as a means of front loading the planning system. If such a framework taken forward for this site, it would provide another, more formal opportunity for stakeholders (such as key agencies) to input and for further public scrutiny. If awarded Green Freeport status and the benefits and development opportunities are accelerated, the Council will monitor whether there is value in a review of the Local Development Plan within the next 5 years to reassess the strategy and supply and demand land use pressures. However, with crucial investment decisions relating to ScotWind being made in the short term – including the location of necessary manufacturing hubs – the Plan is expected to have significant influence in shaping the future of the area. It is apparent that the misalignment of the Development Plan with industry needs may risk such investment being lost from Scotland altogether.

Taking into account the above response (and that within Issue 11: Renewable Energy & Policy 7 Industrial Land) and noting the clear support provided by the Full Council Committee [1] for the proposals set out by OCF, the Council suggests to the Reporter that the boundary of the allocation is amended to reflect that of the Green Freeport bid [1]. If the Reporter is so minded to amend the allocation boundary, it is suggested that a Developer Requirement is added to ensure that further assessment and engagement is undertaken to determine suitable developable areas. This could be along the lines of: “exact developable areas to be determined through a masterplanning process with further input from and early engagement with key agencies and other stakeholders”. In addition, and as outlined in greater detail within Issue 11: Renewable Energy & Policy 7 Industrial Land, to ensure that the Plan can best align with the priorities in the most appropriate way, including in relation to the key site allocations, the Council would welcome the opportunity to engage with the Reporter during the Examination process when the announcement is expected to have been made and further information becomes available on the implications for the area.

#### **IG06: Inverbreakie Industrial Estate**

Stephen Smith (1323108)

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

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

Bannermans Group (1312019)

The respondent, Bannerman Group, is a member of OCF and is one of the key landowners within the consortium. Bannerman Group request that a single allocation for industrial uses is created extending to approximately 253ha to the north of Invergordon. It would incorporate two existing allocations IG06 and IG07, which are both owned by the Bannerman Group. The response provided above (IG05: Invergordon Harbour) and that set out within Issue 11: Renewable Energy & Policy 7 Industrial Land, recognises the transformational potential which the green energy industry can have for the region, and justifies the Council’s support for the work of OCF and its bid for Green Freeport status. As set out in the OCF Green Freeport bid [1], the proposed expansion extends beyond what has been submitted as part of the Green Freeport bid.

It is acknowledged that the land put forward has planning merit. It is generally flat, with few neighbouring residential properties and natural constraints and would be relatively easy to develop. It also lies within close proximity to the A9 trunk road, Far North Line and Invergordon Harbour, giving potential access to trunk road, rail and marine connections. Parts of the site, beyond what is proposed for allocation within the Plan, are allocated in the adopted IMFLDP. Approximately 12ha of land to the west of Cromarty Firth Industrial Estate is allocated in the adopted IMFLDP for Mixed Use (site reference IG8: Invergordon Mains North). In addition, parts of the 150ha industrial allocation IG12: Delny located to the east of Invergordon, which was allocated in the adopted IMFLDP for a proposed wood processing plant. The allocations were not taken forward as part of

the Plan review as the landowner did not promote them for reallocation during previous stages and there was no known developer interest at that time. It is understood that the interest in developing the wood processing plant fizzled out shortly after the plan was adopted.

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

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

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

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

Port of Cromarty Firth (1178440)

See the response above.

**Reporter’s conclusions:**

**Reporter’s recommendations:**

<b>Issue 34</b>	<b>West Inverness</b>	
<b>Development plan reference:</b>	Section 4 Places, West Inverness, PDF Pages 183-194	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Aileen Rore (1323128)  Alison Matheson (1323245)  Ballifeary Community Council (1312380)  Carol Farquhar (1310330)  Carolyn Thain (1312390)  Catriona Mandica (1312543)  Craig Simms (1312364)  Dean Morrison (1310117)  Iain Nelson (1323043)  Ian Henderson (1312437) per Ness Planning  Ian Stuart (1311449)  Inverness West Community Council (1312441)  Jayant Patel (1312233)  Joanne Provan (1310424)  Jonathan Bircumshaw (1310586)  Katie Walter (1323046)  Kerstine Simleit (1310360)  Lochardil and Drummond Community Council (1270300)  Marcus Morrison (1310543)  <i>Merkinch Community Council (1324048)</i>  NatureScot (1266529)  Port of Inverness per G&amp;S (1220786)  Roberston Homes Ltd per BWP (1266646)  Scottish Environment Protection Agency (906306)  Stewart Thain (1312401)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 18, Settlement Map 22, Development Sites, PDF Paragraphs 176-180	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Placemaking Priorities 18 West Inverness</b>  <u>Port of Inverness (1220786)</u>  Generally supportive of specified Placemaking Priorities for the West Inverness area. However, requests that the third bullet point also recognises the importance of the local nature reserve and planned community use at Merkinch (allocation INW14) and the role these play in creating a distinctive place and providing interaction with the waterfront.</p> <p><u>Robertson Homes (1266646)</u>  Requests the reference to restricting development to the current built up area of Westercraigs within the first Placemaking Priority is removed to reflect the requested allocation of additional sites east and west of existing development at Westercraigs.</p> <p><b>Settlement Map 22 West Inverness</b>  <u>Ballifeary Community Council (1312380)</u>  Considers Bught Park should be allocated given there are ambitions for its development. Wishes it to be ensured that there are no adverse effects on residents as a result of noise and increased pressure on the road network and parking.</p>		



Ballifeary Community Council (1312380)

Considers the Northern Meeting Park should be allocated given there are ambitions for its development. It must be ensured that there are no adverse effects on residents as a result of noise and increased pressure on the road network and parking. Should also recognise the outcome of the Park's User Group public consultation that found the need to safeguard and increase recreational access was a priority. It should also provide scope for developing the Park sensitively as a heritage attraction and to provide community facilities including meeting space and childcare facilities.

Craig Simms (1312364)

Supports Dalneigh Primary School playing field being identified as protected green space.

Iain Nelson (1323043)

Supports principles of future development and welcomes opportunities for improvements to the area. However, considers that Merkinch and South Kessock are relatively small areas so there are limited opportunities for new development and focus should be on protecting and improving the existing environment. Has some concerns about potential detrimental social and environmental effects of development, including impacts on the local nature reserve and Carnac Point, coastal wildlife and exacerbation of existing traffic issues. Feels it is important that community consultation is undertaken throughout any development.

Ian Henderson per Ness Planning (1312437)

Objects to land to the west of the former Clachnaharry Care Home [\*\*] being identified as greenspace as it does not fit the defining criteria set out in the IMFpLDP2 or its associated greenspace audit or the definition of 'green infrastructure' as set out in section 3G of the Town and Country Planning (Scotland) Act 1997, in particular: it does not help define the character of the area as it cannot be viewed from the east or west as it is a housing area intercepted with amenity ground and play areas, it is distinct from the north west area that presents as a wooded scarp; constraints mean it does not improve local connectivity, in particular due to the presence of the steep sided quarry; it provides no amenity value other than trees to the north of the site which can be viewed from Clachnaharry Road; not visible and makes no contribution to neighbourhood; there is no easy access for local people as it comprises unmaintained rough ground and overgrown vegetation; it is not suitable for sport or recreation; it has no potential for community food growing as it is private land not within the ownership of the local community and has no potential to give locals access to diverse flora and fauna.

Requests for land to be shown as grey land within the settlement area for the following reasons: meets the objective of 'encouraging the creation of more walkable communities by supporting infill development in existing neighbourhoods'; former care home adjacent had planning permission for tourist accommodation and informal pre-application advice provided support for change of use to flatted accommodation which would bring much needed affordable homes to Inverness; a sensitive low density development would enable a network of paths that the public could access and enjoy views; appropriate layout and design can be achieved through development management process; would also bring benefit of public access to former care home and compliant with IMFpLDP2 policies 1,8,9,10,13 and 14.

Kerstine Simleit (1310360)

Agrees with safeguarding of key green areas and the open space and education plan at Charleston Academy.

Lochardil and Drummond Community Council (1270300) and Alison Matheson (1323245)

Wishes allocated development sites to be consistent with protecting the defining landscape and manmade features of the city as specified in the West Inverness section of the Plan. Considers land to the west of the River Ness is a prime area of the city for residents and visitors. Wishes development of strategic areas for cycling and recreation at canal and Torvean Quarry which are already widely used for exercise as this would benefit younger people.

Merkinch Community Council (1324048)

Expresses some concerns about the Merkinch and South Kessock areas, in particular the need for an improved bus service, road and house repairs and solutions to current parking issues.

Roberston Homes per BWP (1266646)

Objects to the non-allocation of land to the south of Great Glen Place for 40 self-build house plots [\*] and land to the west of Westercraigs, up the hill on land around Dunain Woods and the reservoir for tourism/leisure use [\*] for the following reasons: the respondent has successfully delivered the planned, strategic expansion of Westercraigs for a significant period of time and is committed to completing the expansion area; requested allocations were within the settlement boundary in the aIMFLDP; requested amendments and additional allocations throughout the preparation of the emerging Plan; additional allocations would further improve the overall success and benefit of the expansion area; Plan should specify a higher housing land requirement than that currently set out.

Respondent additionally objects to the non-allocation of land to the south of Great Glen Place for 40 self-build house plots for the following specific reasons: disagrees with reasons for not allocating site set out in the report to the City of Inverness Area Committee on 18 November 2021; would be an integral part of the wider expansion area; would enhance the range and offer of building types; contribute towards meeting aims of Proposed Plan Policy 11 Self and Custom Build Housing; would provide effective site that would contribute to meeting housing land requirement and topography and existing vegetation enclose and screen most views into the site and planting and appropriate design and layout could minimise any visual impacts.

Respondent additionally objects to the non-allocation of land for tourism / leisure use to the west of Westercraigs, up the hill on land around Dunain Woods and the reservoir for the following specific reasons: community woodland would be retained and enhanced whilst sensitively integrating new high quality tourism/leisure facilities in a sensitive environment; development would avoid most sensitive areas; opportunity to realise ambition of establishing area as a destination for communities and visitors; enable Plan to realise important role of tourism, including Inverness and Loch Ness 'Sustainable Tourism Potential Growth Area'; potential to improve footpath network in the area, including to Westercraigs development and encourage greater usage of Great Glen Way which runs through the site and potential for its improvement by means of developer contributions and site is close to public transport links that development may provide an opportunity to improve.

Roberston Homes per BWP (1266646)

Objects to the contraction of the settlement development area (SDA) on the western edge of Inverness in comparison to the aIMFLDP to exclude the south eastern edge of the Westercraigs development from the settlement boundary [\*] because: it creates an irregular shape, offers a less defensible boundary than SDA in aIMFLDP; land does not form part of the setting of Inverness and appropriate forms of development would not have a detrimental visual impact on the setting of Inverness; topography and existing vegetation enclose and screen most views into the site and specification of requirements for planting and appropriate design and layout could minimise any visual impacts.

Objects to the contraction of the SDA on the western edge of Inverness in comparison to aIMFLDP to exclude land adjacent to Westercraigs to the east and to the west / encompassing Dunain Woods [\*] because: considers aIMFLDP boundary is appropriate and forms an established and successful existing edge to this part of the City; no clear justification for SDA boundary now being limited to edge of built up areas; retention of land sets a clear emphasis that Dunain Woods is an asset for the Inverness and Westercraigs; retention within the settlement boundary enhances potential for limited development which could provide wider benefits.

Asserts that inclusion of both the above areas within the SDA will allow for valuable, well designed and appropriately planned new developments that will contribute to the offer both the Westercraigs City Expansion area and to the City of Inverness as a whole.

**INW01: East of Stornoway Drive**

Aileen Rore (1323128), Carol Farquhar (1310330), Catriona Mandica (1312543), Carolyn Thain (1312390), Ian Stuart (1311449), Inverness West Community Council (1312441), Jayant Patel (1312233), Jonathan Bircumshaw (1310586), Marcus Morrison (1310543), Stewart Thain (1312401) and Dean Morrison (1310117)



Object for one or more of the following reasons: local road network cannot accommodate additional traffic, particularly Leachkin Road, including its junction with Kirkwall Brae which is current not fit for purpose; Kirkwall Brae is liable to icing in the winter months; unclear where access will be taken; issues will be exacerbated by further housing; future development would require a junction upgrade, including a safe crossing point for children and other traffic calming measures; development capacity already reached in West Inverness given impacts of housing and other development in recent times, further development would continue to erode landscape character of the area and result in adverse visual and landscape impacts; impact on amenity of existing residents, particularly at Millerton Avenue, including overlooking and overshadowing; existing development has resulted in localised flooding within resident's gardens, concern additional development cause further flooding issues; loss of longstanding area of accessible green space that is used regularly by residents for walking and that provides a safe place for children to play; loss of last 'green lung' in Westercraigs area; will result in residents travelling by car to reach alternative green areas which is contrary to tackling environmental issues and encouraging sustainable modes of travel; allocation includes only play area in the whole of Westercraigs; area currently used by young residents to get fresh air, exercise and socialise; impact on amenity of the Great Glen Way and Caledonian Canal cruises due to widespread built development resulting in a loss of its natural beauty; impact on wide variety of wildlife including frogs, rabbits, pheasants, deer, geese, buzzards, field mice, pine martin, hedgehog, various small birds and bats that currently flourish in their natural habitat throughout the year; catchment schools Charleston Academy and Kinmylies Primary School are both over capacity and will need to accommodate pupils generated by several developments in the area that are currently under construction as well as the proposal site; temporary classrooms have already been installed to increase capacity and resulted in a reduction in size of the school playing field and therefore it may be challenging to increase capacity further; Kinmylies Medical Practice is at maximum capacity and no longer accepting new patients, questions where new residents could be accommodated; other existing facilities, including pharmacy, post office and local shop are already under pressure from increasing demand from new large scale housing developments; no planned additional shops, services or recreation facilities have been provided to accommodate an increasing local population; limited facilities for youths have resulted in an uplift in crime and concerned development will have negative influence on future valuation of nearby properties.

Requests the required development brief must provide residents with an indicative overall plan for whole the area, including committing to delivering infrastructure such as wildlife corridors, amenity provision, circular walks tree/hedge planting and long term drainage in early phases of development.

Request for clarity on what the true intention for housing is in the proposed area. The key on the public notification shows the entire area allocated for housing with a smaller area overlaid for green networks. Concerned this may suggested that area will also become housing. Wishes the area shown as green network to be changed to green space as the current developments did not provide required provision of green space. Also suggestion area is shown as greenspace as housebuilders have not provided required minimum amount in surrounding developments.

Request for area to be allocated as green space to be used as a park for nature by including the already established suds pond, would result in saving a well used and enjoyed green space in the area.

Request for impact assessment on local wildlife pre and post development.

Suggests alternative sites should be considered on the city boundary to allow Inverness city residents to still enjoy green space, within walking distance of their homes, and enjoy the area where they live.

Roberston Homes Ltd per BWP (1266646)

Requests indicative capacity is increased to 400 units all within the first 10 years of the Plan but with the text of the allocation establishing that the overall site capacity should be aligned with the approved Torvean and Ness-side Development Brief (TNDB) for the following reasons: to reflect the long standing TNDB that is now included within IMFpLDP2; TNDB informed respondent's site assembly decisions and the plan making process of the local area for a considerable period of

time; capacity of Torvean area allocations falls significantly short of the number of mainstream residential units outlined in the TNDB, particularly taking into account policy requirements set out in the IMFpLDP2 which requires specified proportions of housing sites to provide affordable housing, wheelchair liveable housing and self-build provision; aIMFLDP allocates IN24 Torvean and Ness-side (Northern Part) for mixed uses including 535 homes, the total indicative capacity of the several sites the aIMFLDP site has been split in to in the aIMFLDP total would amount to less than the aIMFLDP allocation, no reason for the significant decrease has been provided and significantly greater than 90 homes can be delivered during the 10 year Plan period as the respondent is in control of the site and currently active on the adjacent Westercraigs Expansion area sites.

Also requests deletion of the developer requirements relating to no development at the southern, steeper part of the site as the extent of this potential area is difficult to define within allocation text and would be better defined within the required development brief that will be based on the findings of supporting studies.

#### **INW04: West of St Valery Avenue**

Joanne Provan (1310424)

Objects for the following reasons: potential for change in character of area which is currently quiet and secluded; increase in noise levels; reduction of privacy and security all of which will impact on the health of the respondent who lives close by and would be particularly affected because of her medical history. Proposal would also adversely impact on respondent's rescue cat who does not respond well to loud noises. Also objects to the loss of green space as children regularly play football and partake in general recreation within this space.

#### **INW05: Westercraigs North**

Lochardil and Drummond Community Council (1270300) and Alison Matheson (1323245)

Objects for the following reasons: adverse impact on area of significant value to wildlife and the community as a recreational resource and development will require a significant level of felling which is not consistent with the climate change policies in the IMFpLDP2. Asserts that the change in priorities should be used to reduce scale of development to give increased protection to the existing green space.

#### **INW07: Torvean Quarry**

Katie Walter (1323046)

Preference for preservation of site as green, recreational and active health space to ensure current uses are not lost by presence of business and industrial development.

Lochardil and Drummond Community Council (1270300) and Alison Matheson (1323245) Objects to the inclusion of business and industry uses on the site for the following reasons: area is environmentally sensitive; adverse impact on vegetation, trees and wildlife inconsistent with climate emergency; inconsistent with Loch Ness 'Area of Outstanding Tourist Development' as will devalue the landscape character of the Caledonian Canal; area not suitable for development; currently popular area for walking and cycling and has potential for further recreational development. For these reasons considers uses should be limited to greenspace or community.

NatureScot (1266529)

Recommend developer requirements restrict development to existing quarried area of the site to ensure no damage to the Torvean Geological Conservation Review site and are compatible with the management requirements of the Torvean Landforms SSSI, and in particular ensure the objectives of the designation and the overall integrity of the site will not be compromised.

#### **INW08: Torvean North**

Katie Walter (1323046)

Preference for land to be retained for green space, health and recreation as this would be a significant asset for Inverness. Concerned education and health infrastructure to support additional homes may not be provided and therefore opportunity to provide significant asset could be a wasted opportunity.

Kerstine Simleit 1310360

Objects to inclusion of 30 homes within uses as considers entire site should be retained for green space, recreation and school expansion.

Scottish Environment Protection Agency (906306)

Requests the following additional developer requirement: 'Flood Risk Assessment required (no development in the area shown to be at risk of flooding)' as SEPA has records of flooding on the road adjacent to this site.

**INW09: Torvean South**

Katie Walter (1323046)

Considers focus for this area should be green space and active health rather than housing.

Kerstine Simleit (1310360)

Objects to allocation for the following reasons: area was purposely developed for nature; impact on popular area for runners and walkers, including 'Parkrun' on Saturdays which would not be able to operate any longer; development of houses and other buildings would result in a conflict of land use in already small area.

Lochardil and Drummond Community Council (1270300) and Alison Matheson (1323245)

Objects to development on the site for the following reasons: proposed uses not compatible with the sensitive nature of the site in terms of landscape value, archaeology and nearby SSSI; adverse impact on this key gateway to Inverness that features the Caledonian Canal and provides one of the most scenic views in Inverness and incompatible with a 'gateway vision' for corridor and Loch Ness 'Area of Outstanding Tourist Development'.

**INW14: Merkinch Shore**

Merkinch Community Council (1324048)

Concern with regards any development at Carnarc Point. Questions levels of car parking, how much of the shore will be fenced off, impact on mud flats and wildlife, need for storage, who the development is for and ways it may benefit the community and if such a development could work in Inverness. Seeks further information.

NatureScot (1266529)

Welcomes developer requirement for a Recreational Access Management Plan (RAMP) that considers water-based activities. Strongly recommends specifically referring to the need to avoid disturbance to the Moray Firth SAC bottlenose dolphin interests, and the bird interests of the Moray firth SPA as part of the RAMP and that the RAMP should also include measures such as adherence to the Scottish Marine Wildlife Code, and the WiSE scheme to help avoid, for example, rafts of birds on the water surface.

Port of Inverness per G&S (1220786)

Explains that Port of Inverness is proposing to develop a community based leisure and recreation development at this location with the intention of providing water-based activities for residents and tourists. Intends to engage with local community to provide a facility that meets local needs and provides outdoor recreation that links with and complements Merkinch Nature Reserve, Caledonian Canal and the Port of Inverness and Scottish Canals proposals at Muirtown Basin which will create employment, community and an outdoor waterside hub at the Caledonian Canal.

Supports allocation but requests less onerous developer requirements given scale and low intensity uses proposed and that proposal does not merit the same level of assessment as INC06 Harbour Gait which proposes a larger mixed use development. Specific requests are set out in the paragraphs below:

Requests following text is removed from developer requirements '...by public sewer connection and comprehensive sustainable urban drainage system to deal with surface water run-off to avoid sedimentation and pollution reaching the Firth and River Moriston' because whilst respondent understands there is a need to protect Merkinch Nature Reserve and listed SSSIs and European Sites the exact infrastructure requirements (e.g. sewer connections) will be dependent on the nature and scale of community use proposal brought forward.

Request following text is removed from developer requirements 'satisfactory submission of a Construction Environmental Management Plan and Operational Environmental Management Plan both including prevention of sedimentation, pollution and disturbance, maintaining water quality and flow and controlling disturbance, piling, dredging and disposal sourcing of materials for land raising/reclamation, hydro-dynamic assessment of impacts of altered flows on sediment movement in relation to sub-tidal sandbanks' because the use of the site is restricted to community use only and no land reclamation, piling or dredging works will be undertaken.

Request following text is removed from developer requirements 'Noise and Vibration Mitigation Plan (including construction and operational phases and disturbance effects), Oil Spill Contingency Plan, Boat Traffic Management Plan, Hydro-Dynamic study to assess the impact of altered flows on sediment movements in the firth in relation to subtidal sandbanks, full compliance with appropriate regulatory frameworks for ballast water discharge, dredging and disposal and ship-to-ship transfers including Marine Scotland dredging and disposal guidance (both for capital and maintenance spoil) and JNCC piling guidance' because the allocation is purely for community use for water-based activities these assessments are not necessary.

Scottish Environment Protection Agency (906306)

Objects unless reference to land reclamation is removed from the developer requirements as the shape of the allocation show that all works must occur above high water springs.

Recommends that consideration is given to whether other aspects of the development requirements such as those relating to ballast water discharge and ship to ship transfer are relevant to this allocation and whether they could be removed.

**Modifications sought by those submitting representations:**

**Placemaking Priorities 18 West Inverness**

Port of Inverness (1220786)

Third bullet point to recognise the importance of the local nature reserve and planned community use at Merkinch (allocation INW14) and the role these play in creating a distinctive place and providing interaction with the waterfront.

Robertson Homes (1266646)

Reference to restricting development to the current built up area of Westercraigs within the first Placemaking Priority is removed to reflect the requested allocation of additional sites east and west of existing development at Westercraigs.

**Settlement Map 22 West Inverness**

Ballifeary Community Council (1312380)

Allocation of Bught Park to reflect development ambitions.

Ballifeary Community Council (1312380)

Allocation of Northern Meeting Park to reflect development ambitions.

Craig Simms (1312364)

None.

Iain Nelson (1323043)

Greater focus on protecting and improving the existing environment.

Ian Henderson per Ness Planning (1312437)

Delete greenspace allocation at land south and west of former Clachnaharry Care Home.

Kerstine Simleit (1310360)

None.

Lochardil and Drummond Community Council (1270300) and Alison Matheson (1323245)

Development of strategic areas for cycling and recreation at Caledonian Canal and Torvean Quarry.

Merkinch Community Council (1324048)

Unclear.

Roberston Homes per BWP (1266646)

Allocation of land to the south of Great Glen Place for 40 self-build house plots and land to the west of Westercraigs, up the hill on land around Dunain Woods and the reservoir for tourism/leisure use.

Roberston Homes per BWP (1266646)

Expansion of SDA to include land to the south of Great Glen Place and land to the west of Westercraigs, up the hill on land around Dunain Woods and the reservoir.

**INW01: East of Stornoway Drive**

Aileen Rore (1323128), Carol Farquhar (1310330), Catriona Mandica (1312543), Carolyn Thain (1312390), Ian Stuart (1311449), Inverness West Community Council (1312441), Jayant Patel (1312233), Jonathan Bircumshaw (1310586), Marcus Morrison (1310543), Stewart Thain (1312401) and Dean Morrison (1310117)

Removal of allocation and/or allocate entire site as protected greenspace. Allocate alternative sites on city boundary. Alternatively one or more of the following changes: provide clarity of overlapping housing and green network allocation; change green network area to greenspace allocation; amend developer requirements to specify provision of additional detail within development brief and impact assessment on local wildlife pre and post development.

Roberston Homes Ltd per BWP (1266646)

Increase capacity to 400 units all within the first 10 years of the Plan. Developer requirements state that the overall site capacity should be aligned with the approved TNDB. Deletion of the developer requirement relating to no development at the southern, steeper part of the site.

**INW04: West of St Valery Avenue**

Joanne Provan (1310424)

Removal of site and allocation for greenspace (assumed).

**INW05: Westercraigs North**

Lochardil and Drummond Community Council (1270300) and Alison Matheson (1323245)

Reduce scale of development and give greater protection to existing green space (assumed).

**INW07: Torvean Quarry**

Katie Walter (1323046)

Allocate for greenspace (assumed).

Lochardil and Drummond Community Council (1270300) and Alison Matheson (1323245)

Allocate for greenspace or community.

NatureScot (1266529)

Developer requirements restrict development to existing quarried area of the site.

**INW08: Torvean North**

Katie Walter (1323046)

Allocate for greenspace (assumed).

Kerstine Simleit (1310360)

Allocate for green space, recreation and school expansion.

Scottish Environment Protection Agency (906306)

Additional developer requirement: 'Flood Risk Assessment required (no development in the area shown to be at risk of flooding)'.

**INW09: Torvean South**

Katie Walter (1323046)

Allocate for greenspace (assumed).



Kerstine Simleit (1310360)  
Delete allocation (assumed).

Lochardil and Drummond Community Council (1270300) and Alison Matheson (1323245)  
Delete allocation (assumed).

**INW14: Merkinch Shore**

Merkinch Community Council (1324048)

Provide clarity on car parking, how much of the shore will be fenced off, impact on mud flats and wildlife, need for storage, who the development is for and ways it may benefit the community.

NatureScot (1266529)

Reference to the need to avoid disturbance to the Moray Firth SAC bottlenose dolphin interests, and the bird interests of the Moray firth SPA as part of the RAMP and RAMP to include adherence to the Scottish Marine Wildlife Code, and the WiSE scheme to help avoid, for example, rafts of birds on the water surface.

Port of Inverness per G&S (1220786)

Following text removed from developer requirements ‘...by public sewer connection and comprehensive sustainable urban drainage system to deal with surface water run-off to avoid sedimentation and pollution reaching the Firth and River Moriston’.

Following text is removed from developer requirements ‘satisfactory submission of a Construction Environmental Management Plan and Operational Environmental Management Plan both including prevention of sedimentation, pollution and disturbance, maintaining water quality and flow and controlling disturbance, piling, dredging and disposal sourcing of materials for land raising/reclamation, hydro-dynamic assessment of impacts of altered flows on sediment movement in relation to sub-tidal sandbanks’.

Following text removed from developer requirements ‘Noise and Vibration Mitigation Plan (including construction and operational phases and disturbance effects), Oil Spill Contingency Plan, Boat Traffic Management Plan, Hydro-Dynamic study to assess the impact of altered flows on sediment movements in the firth in relation to subtidal sandbanks, full compliance with appropriate regulatory frameworks for ballast water discharge, dredging and disposal and ship-to-ship transfers including Marine Scotland dredging and disposal guidance (both for capital and maintenance spoil) and JNCC piling guidance.’

Scottish Environment Protection Agency (906306)

Remove reference to land reclamation, ballast water discharge and ship to ship transfer from the developer requirements.

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

**Placemaking Priorities**

Port of Inverness (1220786)

The Placemaking Priorities for West Inverness provide context and outline key opportunities for growth, sustainable travel and green and blue networks in the area. It is accepted that there may be merit in specifically recognising opportunities at Merkinch Shore within the Placemaking Priorities given the nature of the proposal and its role in the regeneration of the area. Accordingly, if the Reporter is so minded, the Council would be supportive of the third bullet point of the Placemaking Priorities being amended to read: “Promote the regeneration of Muirtown and South Kessock into vibrant mixed use and distinctive neighbourhoods centred on new waterside destinations that fulfil green and blue network opportunities and serve locals and visitors to the City”. This statement widens the scope of the Placemaking Priority to recognise ‘waterside opportunities’ that include the Caledonian Canal and the Firths and outlines the role of green and blue networks in these areas. Accordingly, if the Reporter is so minded, the Council would also be supportive of the first sentence of paragraph 178 of the pre-ambule to West Inverness being amended to read “Redevelopment and green and blue network opportunities at South Kessock

and Muirtown Basin will support the regeneration of this area to provide distinctive places that interact with new waterside destinations.”

#### Robertson Homes (1266646)

The Council does not support additional allocations or expansion of the SDA at the locations requested by the respondent. Reasons for not supporting these changes are explained in detail in the response to the same respondent below. Accordingly, the Council believes the Plan’s content should remain unaltered in respect of this issue.

#### **Settlement Map**

##### Ballifeary Community Council (1312380)

A successful bid by the Council was made to the Government’s Levelling Up Fund for its ‘Inverness Zero Carbon Cultural Regeneration’ project in 2021[\*]. The Council was awarded almost £20 million for the delivery of three independent but complementary projects at Inverness Castlehill, Northern Meeting Park and Bught Park. It was envisaged that combined the projects would drive the environmental, cultural and economic regeneration of Inverness.

Bught Park forms an integral part of a suite of sports and leisure facilities in west Inverness. It comprises a number of sports pitches and a grandstand with spectator seating and changing rooms. It is also used as the principal venue for outdoor concerts and other major events in the city. The project at Bught Park was awarded £7.1 million to refurbish its grandstand, develop a museum of shinty and provide improved infrastructure for large-scale outdoor events. These projects will allow Bught Park to develop its role as a hub for sports and leisure facilities and develop the home of the Highland’s indigenous sport, shinty. A planning application (reference: 22/03916/FUL) for these projects is under consideration at the time of writing [\*].

In the IMFpLDP2 Bught Park, including its pitches and grandstand, is shown as protected greenspace. The updated Greenspace Audit (summer 2022) continues to recommend Bught Park is shown as protected greenspace [\*]. See Issue 8 GP4: Safeguarding Greenspace regarding the Council’s general approach to the definition, identification and protection of greenspaces within all of the main settlements of the Plan area.

Any development on areas identified as greenspace would be assessed against HwLDP Policy 75 Open Space and Policy 76 Playing Fields and Sports Pitches and IMFpLDP2 Policy 4 Greenspace. The proposals are expected to be consistent with these policies as they are unlikely to affect the sports pitches themselves and would result in improved facilities. Therefore, given that current and future policies allow for current proposals to be implemented it is not considered that a specific allocation at Bught Park is necessary to allow proposals to be implemented. However, given the level of investment now being directed to Bught Park and the Northern Meeting Park there may be merit in recognition of this in the Plan. Accordingly, if the Reporter is so minded, the Council would be supportive of an additional bullet point to the Placemaking Priorities that reads, ‘Investment in infrastructure at Bught Park and the Northern Meeting Park to provide state of the art sports and leisure facilities that will drive environmental, cultural and economic regeneration of the City’. To reflect this, if the Reporter is so minded, the Council would be supportive of an additional sentence before the last sentence of paragraph 177 of the pre-amble to West Inverness to read, ‘The Council’s successful bid from the Government’s Levelling Up Fund for its ‘Inverness Zero Carbon Cultural Regeneration’ project will allow key green spaces at Bught Park and the Northern Meeting Park to realise ambitions of providing improved sports and leisure facilities that serve City and further afield’.

In terms of avoidance of adverse effects on residents, the development management process for planning applications for elements of the redevelopment will consider impacts on residential amenity. Furthermore, in terms of traffic, a new car and coach parking facility was provided off the new West Link Road south of the Bught that was intended to serve as a ‘Park and Stride’ for major events at Bught Park. A benefit of this was that it would limit additional demand on the road network around the Bught and Ballifeary areas which would assist to minimise congestion issues and amenity impacts to local residents. It is therefore considered that it is not necessary for the Plan to make any reference to impacts on residential amenity as a result of proposals at Bught Park.



Ballifeary Community Council (1312380)

As outlined in the response above, the Council made a successful bid to the Government's Levelling Up Fund project 'Inverness Zero Carbon Cultural Regeneration' project in 2021. The project at the Northern Meeting Park was awarded £5.2 million to refurbish the existing B listed historic grandstand, the creation of a new pavilion within the grounds of the park with a large function room suitable for a wide range of activities by local user groups and improved infrastructure for events, supported by ground source heating. A planning application (reference: 22/03954/FUL) for this project is under consideration at the time of writing [\*].

In the IMFpLDP2 the Northern Meeting Park, including its pitches and grandstand, is shown as greenspace. The updated Greenspace Audit (summer 2022) continues to recommend the Northern Park is shown as protected greenspace [\*]. See Issue 8 GP4: Safeguarding Greenspace regarding the Council's general approach to the definition, identification and protection of greenspaces within all of the main settlements of the Plan area.

Any development on areas identified as greenspace would be assessed against HwLDP Policy 75 Open Space and Policy 76 Playing Fields and Sports Pitches and IMFpLDP2 Policy 4 Greenspace. The proposals are expected to be consistent with these policies as they are unlikely to affect the use of the greenspace and would result in improved facilities. Therefore given that current and future policies allow for current proposals to be implemented it is not considered that a specific allocation at the Northern Meeting Park is necessary. However, given the level of investment now being directed to Bught Park and the Northern Meeting Park there may be merit in recognition of this in the Plan. As such the Council's suggestion, if the Reporter is so minded, for additional pre-able text and Placemaking Priority bullet point outlined in its response to the comment above from the same respondent that makes reference to the Northern Meeting Park and Bught Park is recommended.

The need to safeguard and increase recreational access and provide community facilities was recognised within the funding bid and is being progressed as part of the current planning application. The proposals intend to provide indoor and outdoor areas for exhibitions, community meetings and events, education and performances. The sensitive redevelopment of the Northern Meeting Park as a heritage attraction is also being taken forward as part of the detailed planning application and associated listed building consent application. In terms of avoidance of adverse effects on residents, the development management process will consider impacts on residential amenity.'

Craig Simms (1312364)

Support noted.

Iain Nelson (1323043)

The Council consider that the parts of IMFpLDP2 relevant to the Merkinch and South Kessock areas of Inverness strike a reasonable balance between promoting development and safeguarding the existing environment. The environmental impact of allocations have been assessed through the Plan's Strategic Environmental Assessment and Habitats Regulation Appraisal. Developer requirements for each allocation specify mitigation required to minimise environmental impacts and further requirements may arise through the development management process. The IMFpLDP2 as required by legislation has been subject to several rounds of community consultation, there will be an opportunity for communities to comment on future planning applications and dependent on the scale of any future applications applicants may also require to undertake community consultation prior to submitting a planning application. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.


Ian Henderson per Ness Planning (1312437)

See Issue 8 GP4: Safeguarding Greenspace regarding the Council's general approach to the definition, identification and protection of greenspaces within all of the main settlements of the Plan area.

In the aIMFLDP and the IMFpLDP2 land to the west of Clachnaharry Care Home is shown as protected greenspace. The updated Greenspace Audit (summer 2022) is a point in time assessment of existing spaces to check whether they merit direct policy protection from

development. Spaces that meet the criteria have been classified as protected greenspaces. The Council has adopted a narrow, stringent definition of what should be protected to increase the chances of these spaces being protected in planning application decision making. So, spaces need to be accessible to most of the general public and offer an obvious amenity and/or recreational value to the general public to merit protection under this policy.

A reassessment of land to the west of Clachnaharry Care Home as part of the updated Greenspace Audit found that it did not meet the criteria described above to warrant classification as a protected greenspace. This was for a number of the reasons, including some detailed in the respondent's representation. It was found that it fitted better with a green network classification whereby it may offer biodiversity, other natural heritage, indirect amenity or other benefits, including being important in connectivity terms for the movement of wildlife. Green networks have a separate general policy with a different policy test as explained in Issue 9 GP5: Green Networks.

Given findings of the Greenspace Audit that the site meets the criteria for green network classification it would be inappropriate for the site to be shown as grey land within the SDA in the Plan. The Plan explains that development can be flexibly accommodated within or adjacent to a green network as long as the network's connectivity and integrity is maintained and it is incorporated into a development as a positive landscape and design feature. Whilst green network classification may allow for some development potential, other constraints may limit any development potential at this location, in particular: the presence of a Tree Preservation Order  on land directly west and south of the former care home, any loss of trees has the potential to have an adverse effect on the amenity and biodiversity of the site and may be inconsistent with HwLDP and IMFpLDP policies; impact on the amenity and privacy currently enjoyed by residents on Swanston Avenue and difficulties in safely accessing the site by vehicle. It would be for the development management process to explore any potentially acceptable design and layout of development on site, within the confines of the constraints outlined.

The site is located within an existing residential area which is close to a number of local facilities, including a recreation ground and equipped play area directly adjacent to the site's southern boundary and the Caledonian Canal close by to the east. Its development may improve the accessibility of the site and the wider area by sustainable means for the general public. Both these factors support the creation of walkable communities within the site, however this does not negate a number of development constraints on the site that may ultimately limit its development potential.

The former Clachnaharry Home is a substantial building which has lain vacant for a number of years. In the aIMFLPD and IMFpLDP2 (including the updated Greenspace Audit) it lies on grey land within the SDA. A number of proposals for the conversion of this building have been explored in recent years and the principle of its redevelopment has been consistently supported by the Council. The redevelopment of this building could satisfactorily take place independently of any new development of the greenspace to the west.

Kerstine Simleit (1310360)

Support noted.

Lochardil and Drummond Community Council (1270300) and Alison Matheson (1323245)

The Council consider that the development and greenspace safeguards in West Inverness are consistent with protecting the defining landscape and manmade features of the city. Many of the allocations in West Inverness are generally long standing allocations that have been carried forward from previous local development plans and for some areas detailed development briefs and/or masterplans are in place that help to guide the appearance of development. There are no new large scale allocations in West Inverness.

In terms of the development of strategic areas for cycling and recreation, active travel opportunities in the area have been improved through the redevelopment of the Torvean and Ness-side areas, including the new Torvean Park close to the Canal. Opportunities for further development of an active travel network throughout West Inverness are outlined in its Settlement Map, the TNDB and a developer requirement for INW07 Torvean Quarry is for an active travel connection to the site from the Caledonian Canal Towpath.

At the 24 November 2022 City of Inverness Area Committee councillors agreed [\*] that an additional placemaking priority for West Inverness should reference support for the Inverness to Beauly active travel route. Accordingly, if the Reporter is so minded, the Council would be supportive of an additional Placemaking Priority that reads as follows:

- Support the provision of an active travel route between Inverness and Beauly

#### Merkinch Community Council (1324048)

Many of the issues raised in this response are out with the scope of the development plan to address, in particular road and house repairs and current parking issues. However, there is potential for improved bus services as part of the delivery of development allocations and this would be explored during the development management process inline with the Council's Developer Contributions Supplementary Guidance.

#### Roberston Homes per BWP (1266646)

It is accepted that the respondent has been delivering the permitted Westercraigs Masterplan [\*] for 550 homes, including completing the redevelopment of the Category B Listed former Craig Dunain Hospital, for a significant period of time. The residential element of INW06 Westercraigs South is nearing completion and planning applications for INW05 Westercraigs North have been permitted [\*] (subject to the successful conclusion of a legal agreement). It is therefore accepted that the respondent is committed to completing the Westercraigs Masterplan.

The SDA in the aIMFLDP enclosed the requested allocations. Land to the south of Great Glen Place was shown as grey land whereas land to the west of Westercraigs, up the hill on land around Dunain Woods and the reservoir was shown as a community allocation (IN29 Dunain Woodland). The methodology for drawing the SDA for the IMFpLDP2 took a revised approach whereby the boundaries were intended to reflect built up areas of the city and allocated sites. The reasons behind this were to provide additional control over development out with allocations to help reduce unplanned, piecemeal development and to maintain the setting and character of settlements. This resulted in the land to the south of Great Glen Place being excluded from the SDA. The Dunain Woodland allocation was excluded as it is not essential for a community woodland allocation to gain support and to limit development at this location in the interests of preserving the landscape assets that define the city, including Dunain Hill.

The respondent asserts that the requested allocations were sought throughout the preparation of the emerging Plan. However, the sites were not suggested during the Plan's Call for Sites exercise that took place in 2019. As a result the requested allocations were not included in the Main Issues Report as development options. The respondent's requests were first suggested in response to the Main Issues Report. It is beneficial for sites to be submitted for consideration during the earlier Call for Sites stage of the Plan to ensure the planning authority is able to properly assess the merits of the proposal, particularly in terms of inclusion in the Strategic Environmental Assessment (including input from the consultation authorities) and to allow for public engagement. As far as the Council is aware the respondent has not undertaken any form of community engagement for the proposals. This makes it challenging to undertake a full assessment of the sites.

The Council does not agree that additional allocations are required to further improve the overall success and benefits of the expansion area. Developments at Westercraigs represent a strategic expansion to West Inverness of over 850 new homes. A number of phases are yet to be built out within the expansion area and it is expected that it will continue to contribute to the city's housing supply throughout the Plan period. The limits of the expansion area have been defined for a significant period of time and reflect landscape factors to ensure the rolling farmland and wooded slopes integral to the setting of the city are preserved. Furthermore, there is limited infrastructure capacity to accommodate additional development.

In terms of contributing towards the effective housing land supply there is no backlog of pent-up housing demand that justifies a further increase in the Council's already generous housing land supply in the Inverness Housing Market Area. Further information on this aspect is provided within the Schedule 4 Issue Number 3 Housing Requirements.

Responses to the specific objections for the non-allocation of land to the south of Great Glen Way follow. The report to the City of Inverness Area Committee on 18 November 2021 asked Members,

*inter alia*, to note the issues raised by respondents to the consultation on Local/City committee specific matters and agree the recommended responses to the issues. With reference to this the reasons given in this committee report for exclusion of the site were as follows '...would result in detrimental visual impact to the farmed slope that forms part of the setting of the city and additional housing sites are not required to meet the housing land requirement'. These reasons for not supporting the additional allocation remain valid and have been explained in further detail above.

In terms of the site forming an integral part of the expansion area, this is disputed as its development would interrupt an otherwise undeveloped 'green finger' of the city that forms part of the setting of the B Listed Craig Dunain Hospital (now known as Great Glen Hall or Glean Mor House) and would represent an illogical expansion location.

Paragraph 81 of the IMFpLDP2 explains that the Council and the Scottish Government are keen to increase the supply of self and custom build plots in sustainable locations. Policy 11 Self and Custom Build Housing aims to help achieve this. However, the policy limits the maximum number of serviced plots to be provided on any site required by the policy to 10 plots to avoid over-supply within any development of area. As such it is considered that 40 self-build plots would represent an oversupply that would be more appropriately delivered within a housing site that provides a range and mix of house types of differing tenures. For further information on this Policy, see Issue Number 15, Self and Custom Build Housing. In terms of visual impacts, whilst certain mitigation is suggested, concerns remain that development at this location could adversely affect the landscape setting of the city. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Responses to specific objections for the non-allocation of land to the west of Westercraigs, up the hill on land around Dunain Woods and the reservoir for tourism/leisure uses follow. A tourism/leisure development is not essential to ensure that Dunain Woodland is retained and enhanced as a community woodland. The Council understands that Dunain Woodland is under the control of the respondent and Dunain Community Woodland coordinates activity within the woods under permission from the respondent. It has not been demonstrated how the community woodland would successfully integrate with a tourism/leisure development. Whilst the provision of additional quality tourism attractions and accommodation is supported in Highland there is insufficient detail on the nature, scale and location of the proposal to properly assess its suitability for inclusion in the Plan. As such, it is considered more appropriate for any future proposal to be assessed against relevant policies of the HwLDP.

A drawing included in the representation indicates that the tourism/leisure use allocation is proposed to be located on the western and northern fringes of an expanded SDA. The response explains that development would avoid the most sensitive areas. However, without any detail of the nature, scale and more accurate location of any tourism/leisure proposal it is difficult to assess potential impacts of the proposal.

The IMFpLDP2 (paragraph 37) recognises that tourism is an increasingly important part of the Inner Moray Firth economy that is helping to sustain employment and economic activity in both urban and rural communities. The Plan's Spatial Strategy identifies the Loch Ness corridor as a 'Sustainable Tourism Potential Growth Area'. Paragraph 38 explains that the Council will continue to work with partners including Visit Inverness Loch Ness Bid and HIE to deliver a shared vision and coordinated strategy for Loch Ness, and to consider its connections with the city. The purpose of the recognition of the current and future importance of tourism is part of the Plan's high level strategy and support for tourism related growth. The sustainable tourism potential growth area stretches from Inverness to south of Fort Augustus. It represents a vast area of sensitive landscapes and environments, its recognition was as much to highlight sustainable tourism opportunities as well as opportunities for suitable new tourism developments. HwLDP policies support tourism developments subject to detailed considerations and therefore it is not considered appropriate to allocate sites where there is little certainty of the scale, nature and location of development proposals.

The long distance trail, the Great Glen Way, runs through the site. A core path and a number of other paths contained on the Council's Wider Record also fall within the site. Bus stops are present on Forester's Way which is within 400m of the site. Whilst the site is accessible by sustainable



means and may provide an opportunity to further improve accessibility these are not sufficient reasons to support an allocation at this location. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### Roberston Homes per BWP (1266646)

See response to Robertson Homes above with regards to methodology for defining the SDA and impacts on the setting of the city. With regards to land to the south of Great Glen Place the creation of an irregular shape by the exclusion of the area from the SDA is not significant. The SDA is largely defined to inform the future development of the city, the creation of a regular shape is not necessary. It is considered that by excluding the area from the SDA that a more defensible boundary is being created as it will limit development potential and ensure mature landscape features are retained.

With regards to land to the west of Westercraigs, up the hill on land around Dunain Woods and the reservoir it is not considered necessary for the land to be included within the SDA for it be recognised as an asset for the area. In terms of enhancing development potential, given the sites sensitive location, it is considered that an allocation is not appropriate, rather any future proposal could be considered against HwLDP policies.

#### **INW01: East of Stornoway Drive**

Aileen Rore (1323128), Carol Farquhar (1310330), Catriona Mandica (1312543), Carolyn Thain (1312390), Ian Stuart (1311449), Inverness West Community Council (1312441), Jayant Patel (1312233), Jonathan Bircumshaw (1310586), Marcus Morrison (1310543), Stewart Thain (1312401) and Dean Morrison (1310117)

This site is located in a central part of the Westercraigs expansion area. The principle of development on this site is long established by the allocation of the wider area in the HwLDP and aIMFLDP. Further detail on the principles of its development were also provided within the TNDB (first adopted in 2013 and subsequently updated in 2019).

In terms of the impact on the local road network a Transport Assessment will be required to be submitted to support any future planning application. The scope of the Transport Assessment will be agreed with the Council's Transport Planning Team and where required Transport Scotland. As shown on the 'Indicative Torvean and Ness-side Masterplan' contained within the TNDB access to the site is proposed to be taken from a new road off Golf View Road close to its junction with Golf View Terrace [\*]. This road will serve as the distributor road for the site and connect with the eastern end of Kirkwall Brae. With regards to the junction of Kirkwall Brae with Leachkin Road, a Transport Assessment would determine the capacity of this junction and what mitigation may be required, alongside any additional traffic calming and other road safety mitigation.

With regards to landscape capacity, as explained above, the development of the site is a part of the long established development strategy in Inverness. The site is enclosed by development to the north, east and west. Its development does not compromise the setting of the city in the west and south west afforded by the wooded and farmed slopes. The sites developer requirements include a holdback distance from existing trees, this will help to limit the visual impact of the development. Further requirements that help to limit landscape impact and integrate the development with the surrounding area are likely to be required within the development brief and any future planning application.

In terms of adverse impacts on the amenity of nearby residents no precise detail is known for the housing layout to the rear of Millerton Avenue but the 'Indicative Torvean and Ness-side Masterplan' contained within the TNDB suggests some public open space set-back and the need for large water drainage devices. This would provide a substantial set back from existing homes at this location. Furthermore, all development will require to be compatible with Policy 28 Sustainable Design of the HwLDP which, *inter alia*, assesses proposals impact on individual and community residential amenity.

It is understood that there have been localised flooding incidents within existing development at Westercraigs. Any past and current drainage problems are enforcement issues related to past planning applications and cannot be dealt with through the local development plan process. Despite this, the Council is aware that surface water drainage presents a challenge for the

development of site, in particular land to the west of Millerton Avenue. Sufficient land is available for the creation of sustainable drainage systems, and the topography allows for water to be channelled to the south of the site. Detailed design can be addressed at the development brief and development management stage.

As explained previously the principle of development on this site has been long established through previous development plans and the existing TNDB. The site is allocated in the aIMFLDP and not contained within the Council's Greenspace Audit as protected greenspace, it therefore has no policy protection as a greenspace. It currently comprises rough grass intersected by a number of recognised and informal paths. As indicated in its developer requirements a significant portion of the site will require to be retained for green network purposes. Open space provision within the development will be required in line with HwLDP Policy 75. The required development brief will provide a masterplan that indicates the most suitable areas for attractive open spaces and green networks that provide opportunities for recreation and wildlife.

A planning application for the approval of matters specified in conditions (reference: 20/03555/MSC) was permitted in March 2022 for a number of path links and play areas within the Westercraigs development [1]. This included an Open Space Strategy which provided details of equipped play areas, informal play areas, an adventure playground, amenity greenspace and community woodland and parkland. The majority of these facilities were conditioned to be delivered by 31 July 2022. As such there is now a range of play areas within Westercraigs; current play opportunities in the area are not limited to informal play within the site itself. There are also a number of other green spaces nearby, including the newly created Torvean Park which is approximately 1km away. The allocation does include the multi-use games area situated to the south Stornoway Drive, however it is intended to be retained as part of the wider open space strategy at Westercraigs and potentially additional facilities will be provided at this location. This is reflected in the developer requirements which stipulate green networks must be enhanced and no development is supported at the southern, steeper part of the site where the multi-use games area is located.

The Great Glen Way long distance trail runs parallel to part of the eastern boundary and the entire southern boundary of the site. The trail begins at Inverness Castle in the city centre and follows a route west out of the city. This part of the trail is urban in character before the fringes of the city are met. Policy 78 Long Distance Routes of the HwLDP safeguards this route and its setting and a developer requirement for this allocation also stipulates the path must be safeguarded. As such it will be important that this part of the Great Glen Way is retained and impacts on its setting considered. The precise detail of the incorporation of the Great Glen Way will be explored during the preparation of the required Development Brief and any subsequent planning application.

It is understood that a variety of wildlife is present on the site. The developer requirements for the site include a Protected Species Survey, any subsequent mitigation will be required to be incorporated into the proposal. Furthermore, the sites green networks will provide physical, visual and habitat connections and ensuring accessibility for both wildlife and people.

The site lies within the catchment area of Kinmylies Primary School and Charleston Academy. The Council's 2021/22 School Roll Forecast for Kinmylies Primary (which takes account of projected future developments) indicates that the school is running at 94% of its capacity and shows that the school roll is projected to exceed the current capacity during the forecasting period [1]. The Council's IMFLDP Delivery Programme 2022 includes a major extension to this school and developer contributions are being sought for this purpose for all housing development within the school's catchment. Furthermore land at Torvean North (INW08) is safeguarded for a new primary school if required by the Council. A new primary school at this location may serve the development.

With regards to Charleston Academy the Council's 2021/22 School Roll Forecast indicates that the school is running at 88% of its capacity and shows that the capacity is projected to exceed the current capacity [1]. The Council's IMFLDP Delivery Programme 2022 includes a major extension and refurbishment to this school and developer contributions are being sought for this purpose for all housing development within the school's catchment. It is therefore likely that increased capacity will be provided at Charleston Academy.

In relation to healthcare facilities, it is not disputed that Kinmylies Medical Practice is at maximum capacity. However, healthcare is largely provided by NHS Highland and is not the responsibility of the Council. GP practices have very uncertain capacities because they do not have defined catchments. It is open to new residents to choose to register with a GP practice elsewhere that does have capacity. Issues relating to capacity of GP practices should be directed to NHS Highland directly.

There are a number of small scale local services and facilities, including a post office, pharmacy and convenience store approximately 200m from the north-eastern corner of the site. However, it is accepted that given the level of additional housing proposed by this site, the gradients of the area and large scale of the site, alongside the development of several other sites within the Westercraigs expansion area, additional facilities would help to create a more sustainable mixed use neighbourhood. Planning applications are currently under consideration for a retail shop (reference: 22/015476/PIP) and the change of use of a church to community facility (reference: 22/01554/FUL) both located at land to the south of Great Glen House, Leachkin Road which is approximately 300m to the south west of the site. These proposals will provide additional facilities for new and existing residents.

The southern part of the allocation is overlaid as green network to reflect that it is intended to be retained for green network and/or greenspace due to its steep gradient and location pertinent to facilitate a green network. It is for a future masterplan to reflect this indicative requirement and provide a detailed layout, including green networks and greenspace. With regards to green space provision for earlier phases of the Westercraigs expansion area these have been addressed through a planning application (reference: 20/03555/MS) that related to the provision of paths, play areas and open space. Any deviation from this is an enforcement matter relating to that application and not any future proposal. The proposal will be required to provide an adequate level of green space in line with the HwLDP and Open Space in New Residential Development Supplementary Guidance. With regards to an impact assessment on local wildlife, any required assessments will be provided as part of a future planning application, including Protected Species Surveys.

Alternative sites were considered at earlier stages of the Plan preparation process, the Council's settled view is presented in IMFpLDP.

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

#### Robertson Homes Ltd per BWP (1266646)

In the IMFpLDP2 the indicative housing capacity of INW01 is 90 (300 Total). Paragraph 32 of the Plan explains that the main capacity figure is the number of residential units expected to be completed within 10 years and for the larger sites there is a second, bracketed figure which is the expected total for the entirety of the allocation; i.e., also includes units expected to be completed beyond year 10 of the Plan period. Therefore, for INW01 90 homes were expected to be delivered within the first 10 years of the Plan and the remaining 210 thereafter.

It is appreciated that there are different housing capacities stated for wider development areas that included this site within the aIMFLDP and the TNDB. These housing capacities were indicative and were specified seven and nine years ago respectively. This represents a significant length of time. A number of developments have been permitted, built or are currently under construction in the wider area that previously included the site since that time. The number of homes permitted on these developments has helped to inform the most up to date capacity figure which is now specified for the site.

The methodology used to calculate the indicative site capacity excluded large swathes of the site that are considered to be undevelopable, for example the area illustrated to be utilised for green network, areas of steep slope and an area likely to be required for surface drainage infrastructure. The potentially developable area remaining was then multiplied by an appropriate density per hectare figure to reach the indicative capacity of 300 homes. Whilst this capacity is lower than that envisaged in the TNDB and the aIMFLDP, it is based on the most up to date information and the



figure is described as indicative. Furthermore, as explained in Issue 3, Housing Requirements Schedule 4, there is a sufficient and effective housing land supply in the Inverness Housing Market area, and therefore no requirement to increase the capacity of the site for this reason.

The reasons the allocation was limited to 90 homes within the first 10 year period of the Plan took into account lead in times for consenting procedures and ground preparation works, the anticipated phasing of nearby sites with planning permission and/or under construction, and also past average completion rates in Inverness.

It is continued to be considered appropriate for the developer requirements to specify no development at the southern, steeper part of the site. The Council consider this represents the most appropriate location for green network on the site owing to its slope; opportunities for connections to existing green networks to the south and west; suitable location for green space, including equipped play areas and potentially additional sports facilities and to help provide an attractive setting for the Great Glen Way close to the site's southern boundary. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### **INW04: West of St Valery Avenue**

Joanne Provan (1310424)

This site lies within a wider area of green space to the west of St Valery Avenue. It is bounded to the north by a recent small scale, single storey affordable housing development, to the south is the remainder of the green space and to the west is a core path beyond which are mature trees and the Caledonian Canal. The open space is currently maintained as a grassed area. The site is owned by the Council and it is anticipated it would be developed for the purposes of affordable housing.

See Issue 8 GP4: Safeguarding Greenspace regarding the Council's general approach to the definition, identification and protection of greenspaces within all of the main settlements of the Plan area. The Greenspace Audit [1] is a point in time (summer 2022) assessment of existing spaces to check whether they merit direct policy protection from development. Spaces that meet the criteria have been classified as protected greenspaces. The Council has adopted a narrow, stringent definition of what should be protected to increase the chances of these spaces being protected in planning application decision making. So, spaces need to be accessible to most of the general public and offer an obvious amenity and/or recreational value to the general public to merit protection under this policy. Other spaces may be green (or blue) and may offer biodiversity, other natural heritage, indirect amenity or other benefits but are not accessible to and used by most of the general public. The Greenspace Audit assessed a wider area, including this site as protected greenspace.

Paragraph 74 of the IMFpLDP2 explains that despite recent high levels of affordable housing completions there has been little impact on the backlog of unmet housing need. It is therefore important that the Council continue to identify sites to help meet the affordable housing back log. A balance must be struck between the loss of greenspace and the delivery of additional affordable housing. Given the presence of a significant area of greenspace to the north of this site that has potential for improvement it was considered the loss of part of this greenspace for the purposes of affordable housing was acceptable. Mitigation against the loss of the greenspace is specified in the developer requirements for direct improvements or developer contribution to open space north of St Valery Park. A small area of greenspace will remain at this location and the distance to the large area of open space directly north is approximately 250m. Those who currently use the greenspace for recreation could use the remaining smaller area of greenspace or use the larger area approximately 250m to the north.

It is accepted that the development of housing will have some impact on the character of the area which despite being within the city has some rural type attributes due to its location close to greenspace, woodland and the canal. Nevertheless, the site represents an extension to an existing housing estate within an established urban area. Its developer requirements and compliance with HwLDP and IMFpLDP2 amenity and design and policies can ensure any future development is compatible with its location. The Council can ensure that the impact of construction noise is controlled under Section 60 of the Control of Pollution Act 1974. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

**INW05: Westercraigs North**

Lochardil and Drummond Community Council (1270300) and Alison Matheson (1323245)

This site forms part of the long established Westercraigs expansion area and planning permission for 79 homes on the site was permitted (references: 21/05309/FUL and 21/05305/MSC) (subject to the successful conclusion of the legal agreement for 21/05309/FUL) in April 2022 [\*]. Impacts on wildlife were assessed as part of these applications, alongside impacts on existing trees. Whilst a limited number of trees are required to be felled to facilitate the proposals a compensatory planting scheme is proposed for elsewhere within the Masterplan area to mitigate their loss. Adequate greenspace is provided or will be provided as part of the wider Westercraigs development, including that proposed by application reference 20/03555/MSC that related to the provision of paths, play areas and open space. Furthermore, the boundary of the application sites is significantly smaller than the allocation. The developer requirements specify no built development on the western, steeper parts of the site. This will help to maintain green networks and wildlife therefore helping to limit any impacts on climate change. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

**INW07: Torvean Quarry**

Katie Walter (1323046)

To help address the shortage of business and industrial land in Inverness the allocation at Torvean Quarry was extended to the north east in comparison to the aIMFLDP and uses also broadened to include community, business and industry uses [\*]. It was considered that the quarry could provide a suitable location for industrial and business developments given its distance from residential properties, relative visual containment and existing access from the A82.

The site contains a network of paths that are used for recreational purposes and these must be retained as part of any future developments in line with HwLDP policies. Any amenity issues as a result of business and industrial development will be minimised though mitigation listed in developer requirements as well as HwLDP policies. It is therefore considered that use of the site for recreational purposes is compatible with its current use for recreation. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Lochardil and Drummond Community Council (1270300) and Alison Matheson (1323245)

It is accepted that the site is environmentally sensitive, it is located within the Torvean Landforms SSSI, adjacent to the Torvean Geological Conservation Review (GCR) site and contains significant areas of woodland, much of which is contained within the Ancient Woodland Inventory. Despite this, it is considered that with sufficient mitigation in place, in line with the sites developer requirements and required by the HwLDP, environmental impacts can be minimised.

The Loch Ness 'Area of Outstanding Tourist Development' shown on the Spatial Strategy is indicative. Given the relative visual containment of the site and its scale in comparison to the area shown on Spatial Strategy it is considered that the proposal would not impact the tourism potential of the wider area. A developer masterplan as stipulated in the developer requirements would assess which parts of the site were suitable for development. As outlined in the response to the representation the site contains a network of paths that are used for recreational purposes and these must be retained as part of any future developments in line with HwLDP policies. Any amenity issues as a result of business and industrial development will be minimised though mitigation listed in developer requirements as well as HwLDP policies. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

NatureScot (1266529)

NatureScot's response to the Main Issues Report [\*] recommended that it would be beneficial to have a Development Brief and/or Masterplan that provides clear guidance on the protected areas as well as other considerations such as landscape, placemaking, connectivity, biodiversity etc. and a developer requirement for proposals to demonstrate how they will ensure the objectives of the designation and the overall integrity of the SSSI will not be compromised and avoid damaging the GCR site. The developer requirements for the site in the IMFpLDP2 were drafted to reflect these recommendations.

The entire allocation lies within the Torvean Landforms SSSI but almost entirely outwith the Torvean GCR Site, with the exception of a minor overlap on a north west part of the allocation [\*]. It is therefore considered unlikely that the proposal would result in any damage to the GCR. Furthermore, Policy 57 of the HwLDP gives protection to GCRs and any future application would require to be in accordance with this policy. Torvean quarry contains several large open areas interspersed by vegetation of varying maturity. Whilst most development would be restricted to the existing quarried areas to comply with the existing developer requirements and other HwLDP Policy safeguards it is accepted that the developer requirements restricting development to existing quarried areas of the site would help to ensure impacts on the SSSI are minimised. Accordingly, if the Reporter is so minded, the Council would be supportive of an additional developer requirement that restricts development to existing quarried area of the site to ensure no damage to the Torvean Geological Conservation Review site and are compatible with the management requirements of the Torvean Landforms SSSI, and in particular ensure the objectives of the designation and the overall integrity of the site will not be compromised.

#### **INW08: Torvean North**

Katie Walter (1323046)

The allocation at Torvean North reflects the adopted TNDB [\*]. The TNDB was adopted in March 2013 but some Torvean elements, including this site, were updated in 2019 to reflect the latest development context and aspirations for the area. As illustrated in the TNDB a significant part of the western section of the site would be retained as open space and this is also reflected in the uses the site is allocated for in the IMFpLDP2. It is considered that the land uses for this site and the wider Torvean area strike a careful balance between the provision of public open space and path networks and realising economic and placemaking benefits as well as the need to identify suitable sites for new homes. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Kerstine Simleit 1310360

See response to Katie Walter representation above. In relation to school expansion, the IMFpLDP2 and TNDB both allow for a large portion of the site to be developed for a new primary school should this be required by the Council. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Scottish Environment Protection Agency (906306)

Now that SEPA has provided information on flooding records on the road adjacent the site it is accepted that the site may be at risk of flooding. Accordingly, if the Reporter is so minded, the Council would be supportive of the following additional developer requirement for the site 'Flood Risk Assessment (no development in the area shown to be at risk of flooding)'.

#### **INW09: Torvean South**

Katie Walter (1323046)

Similar to INW08 the allocation at Torvean South reflects the TNDB [\*]. The TNDB was adopted in March 2013 but some Torvean elements, including this site, were updated in 2019 to reflect the latest development context and aspirations for the area. As illustrated in the TNDB land adjacent to the west of the site has been retained as greenspace and has been landscaped to form a new city park. Housing on this site is limited to 10 one bedroomed homes to ensure that development does not create unacceptable car dependence. It is considered that the land uses for this site and the wider Torvean area strike a careful balance between the provision of public open space and path networks and realising economic and placemaking benefits. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Kerstine Simleit (1310360)

The site formed part of the former Torvean Golf Course prior to the redevelopment of the wider area. As explained in the response to the representation above the allocation at Torvean South reflects the adopted TNDB. The TNDB was adopted in March 2013 but some Torvean elements, including this site, were updated in 2019 to reflect the latest development context and aspirations for the area. The site was used as a building compound during the construction of the West Link Road and associated developments and comprises maintained grass with some mature trees. As such, the redevelopment of this part of Torvean was not intended to be solely for nature purposes.

Torvean Park lies adjacent to the west of the allocation. Since August 2021 it has been the venue for the Inverness 'Parkrun'. Parkrun is a collection of 5 kilometre events for walkers, runners and volunteers that take place every Saturday morning at locations throughout the world. It is understood the Inverness Parkrun is attended by at least 200 participants each week. The uses acceptable on the site are specified in the IMFpLDP2 as housing (limited to one bedroom homes), community, business, office, leisure and retail. It is not envisaged that the nature of these uses would result in any major land use conflict. Sufficient infrastructure is in place and will be put in place as part of future development to allow Parkrun to continue to take place. Therefore development in accordance with TNDB, alongside the specified developer requirements and the development management process will ensure the uses can be complementary to each other. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Lochardil and Drummond Community Council (1270300) and Alison Matheson (1323245)

The site does not lie within any landscape designations but is in a visible location south of the A82 on approach to Inverness from the west. The principle of development on the site has been established through previous local development plans and detail provided in the TNDB. It is intended to create a new gateway destination for visitors and locals to the city. The development guidelines in the TNDB require proposals to demonstrate exemplary standards of contemporary design that are sympathetic to the wider area.

The developer requirements for the site require safeguarding of the fabric, historic character and setting of the Caledonian Canal Scheduled Monument, protection of this feature is also underpinned by HwLDP Policy 57 and the TNDB provides detailed guidance that ensures its archaeological value is taken into account. The Torvean Landforms SSSI lies directly adjacent to the south western boundary of the site. Direct impacts to the SSSI are unlikely given there is no overlap in boundaries, however any potential impacts would be assessed as part of a planning application to ensure consistency with HwLDP Policy 57.

The site does form a key gateway to Inverness, rather than resulting in an adverse impact to this gateway the vision in the TNDB explains that land south of the A82 will be transformed into a new gateway for visitors and locals in the city through a combination of Council and developer-led projects. Future development will welcome people to a new canal-side destination that provides places to meet and enjoy a park and sport and leisure uses. It will provide places for food and drink, retail and tourist opportunities, and will be woven together by a high quality public realm.

The Loch Ness 'Area of Outstanding Tourist Development' shown on the Spatial Strategy is large scale and indicative. Given the uses supported on the site and the vision for the site explained above it is envisaged that its development could form a key component for tourism development in this area. The TNDB includes reference to potential for parts of this site to accommodate visitor services including Scottish Canals and other recreation and sports facilities.

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

**INW14: Merkinch Shore**

Merkinch Community Council (1324048)

The east side of this allocation leading to the Beaully Firth is known locally as Carnarc Point. A sign marked path leads from Kessock Road to Carnarc Point. The site is allocated for community use and it is envisaged any development would be small scale and of low intensity. Further information sought in terms of car parking, enclosure and storage would be determined during the development management process. Requirements to limit any impacts on mud flats and wildlife are stipulated in the developer requirements and would be explored in more detail during the development management process.

NatureScot (1266529)

Note that NatureScot welcome the developer requirement for a Recreational Access Management Plan (RAMP). The Council agrees that further detailed developer requirements relating to RAMP content are included in the Plan as they provide additional clarification for developers to ensure there is no adverse effect on the integrity of the specified European Sites. Accordingly, if the

Reporter is so minded, the Council would be supportive of the developer requirements relating to the RAMP being amended to read:

'Recreational Access Management Plan including consideration of water based activities, must ensure disturbance to the Moray Firth SAC bottlenose dolphin interests and the bird interests of the Moray Firth SPA are avoided, must include satisfactory provision and/or contribution towards open space, path and green network requirements, including mitigation associated with the Inverness to Nairn Coastal Trail, adherence to the Scottish Marine Wildlife Code and the WiSE scheme to help avoid, for example rafts of birds on the water surface...'

#### Port of Inverness per G&S (1220786)

Given the further clarification provided by the respondent on their intentions for the site, in that any development would be small scale and low intensity, it is agreed that a number of the developer requirements listed are overly onerous and may be irrelevant to any proposal consistent with the allocation and its uses. A response to each request for specific developer requirements to be deleted is provided in the paragraphs below.

It is recommended that the requirement for 'public sewer connection and comprehensive sustainable urban drainage system to deal with surface water run-off to avoid sedimentation and pollution reaching the Firth and River Moriston' is retained. Whilst it is agreed that the need for any connection will be dependent on the nature and scale of any community use proposal brought forward this requirement is a basic and effective infrastructure requirement that is stipulated for most allocations in the IMFpLDP2 that may have an impact on any European Site.

For the developer requirement relating to 'satisfactory submission of a Construction Environmental Management Plan and Operational Environmental Management Plan' if the Reporter is so minded, the Council would be supportive of the text relating to 'piling, dredging and disposal sourcing of materials for land raising/reclamation, hydro-dynamic assessment of impacts of altered flows on sediment movement in relation to sub-tidal sandbanks' is removed because it is agreed that the limits of the allocation, in terms of its use and boundary, would not support any land reclamation, piling or dredging works. It is recommended that the 'satisfactory submission of a Construction Environmental Management Plan and Operational Environmental Management Plan both including prevention of sedimentation, pollution and disturbance, maintaining water quality and flow and controlling disturbance' is retained.

It is recommended the developer requirement relating to a Noise and Vibration Mitigation Plan (including construction and operational phases and disturbance effects) is retained given the limited detail provided on the intentions of the allocation from the respondent and any need for small scale built development associated with the proposal. It is also recommended the developer requirement relating to a Boat Traffic Management Plan is retained given the proposal is for water-based activities and there is no certainty at this stage whether the proposal would involve boats. Clearly if any future proposal did not involve boats then this requirement would not require to be fulfilled.

If the Reporter is so minded, the Council would be supportive of the following developer requirements being deleted given the nature of the allocation and its boundary limited to mean low water springs: Oil Spill Contingency Plan, Hydro-Dynamic study to assess the impact of altered flows on sediment movements in the firth in relation to subtidal sandbanks, full compliance with appropriate regulatory frameworks for ballast water discharge, dredging and disposal and ship-to-ship transfers including Marine Scotland dredging and disposal guidance (both for capital and maintenance spoil) and JNCC piling guidance'.

#### Scottish Environment Protection Agency (906306)

It is agreed that the developer requirement relating to land reclamation should be deleted given the shape of the allocation and its intended community use. Therefore consistent with the Council's response to the Port of Inverness representation above, if the Reporter is so minded, the Council would be supportive of the reference to land reclamation being deleted from the developer requirements alongside the other developer requirements listed in the response above.

#### **Reporter's conclusions:**

**Reporter's recommendations:**



<b>Issue 35</b>	<b>South Inverness</b>	
<b>Development plan reference:</b>	Section 4 Places, South Inverness, PDF Pages 195-214	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p> Abrdn per Phil Pritchett (1312484)  Agata Kowalczyk (1323257)  Aileen Gardner (1312542)  Alan Johnstone (1323496)  Alan MacKenzie (1312429)  Alan Ogilvie (1270211)  Alison Matheson (1323245)  Alistair Macleod (1323239)  Andrew Lindley (1310224)  Andrew Martin (1323242)  Angela Cran (1323029)  Angela Hanning (1323275)  Angela Ogilvie (1312259)  Ann Johnston (1323334)  Ariane Burgess (1323240)  Aureen Hardie (1248087)  Ballifeary Community Council (1312380)  Bernadette Church (1312403)  Brian Grant per G&amp;S (1221029)  Brian Mackay (1312392)  Calum Ogilvie (1312239)  Caroline Phillips (1261275)  Cassie Hogg (1312198)  Catherine Mackenzie (1323400)  Christie Family (1323458)  Christine Browne (1312225)  Colin McLean (1312537)  David Finlayson (1249118)  Denise Stewart-Thomson (1323268)  Derek Hardie (1261798)  Des Kelly (1323251)  Donald Begg (1312031)  Donna Brown (1312529)  Dorothy France (1323390)  Dorothy Getliffe (1270774)  DW Peterson (1268257)  E. Ross (1323485)  Eilidh Mackinnon (1312240)  Elaine Miller (1312234)  Elaine Mudie (1323349)  Elaine Webster (1323346)  Equorium Property per John Handley (1312478)  Erin Christie (1312545)  Ewan Gunn (1261892)  Feona Wyllie (1269640)  Fiona Ednie (1312244)  Fiona Stuart (1323437)  Frances Loch (1323241)  Francois Douaud (1310275)  Fraser Morrison (1323342) </p>		



Frazer Mackenzie (1312396)  
Freda Newton per GHJ (1220548)  
Gail Kennedy (1323335)  
George Dickson (1323333)  
Gillian Kirby (1312422)  
Graeme MacDonald (1312521)  
Hannah Sweeney (1323457)  
Heather Henderson (1323274)  
Highland Astronomical Society (963272)  
Highland Housing Alliance & Hazeldene per Turley (1323057)  
Highland Housing Hub (1154846)  
I&G MacDonald per Thomas Luke (1312416)  
Iain MacKay (1323054)  
Inshes Community Association (1260543)  
Jacquie Laird (1269758)  
James Shewan (1312423)  
Janet Baraclough (1323246)  
Jean Thompson (1323381)  
Jean-Paul Kowaliski (1310382)  
Jennifer Fraser (1324335)  
Joan McEwen (952586)  
Joanne MacCulloch (1323345)  
John Macrae (1267017)  
John McKimmie (1323373)  
Jonathan Wordsworth (1323248)  
Julie Fraser (1312492)  
Karyne Walker (1323344)  
Kate Macdonald (1268991)  
Kathleen Black (1312432)  
Katie Walter (1323046)  
Kay Kelly (1323244)  
Kay MacDonald (1271832)  
Keith Bousfield (1312201)  
Kirkwood Homes & Fairways Inverness Limited per EMAC Planning (1312501)  
Knocknagael Allotments Association and Knocknagael Ltd (1221030)  
Laura Keel (1312275)  
Laura Nicolson (1323261)  
Lidl per KHP (1312411)  
Lindsay Donaldson (1323341)  
Lochardil & Drummond Community Council (1270300)  
Louise Morris (1310440)  
M E Peterson (1262526)  
Manda Construction per GHJ (1270977)  
Margaret Mulholland (1323253)  
Mark Astley-Jones (1261256)  
Mark Robertson (1247997)  
Marya Meighan (1323249)  
Mhairi MacDonald (1323348)  
Michael Newcomen (1263799)  
Michelle Breau (1323479)  
Morag McLean (1312535)  
Myra Gillon (1323252)  
Neil Morris (1323035)  
Neil Sharpe (1312471)  
Ness Valley Leisure per Pegasus Group (1218859)  
Paddy McGarrigle (1312348)  
Peter & Hilary Prall (1323336)  
Rachel Desmond (1271418)  
Richard Cole-Hamilton (1271499)  
Richard Desmond (1268629)

Rob Polson (1323126)  
 Robert & Marjory Peckham (1260407)  
 Ross Davidson (1271956)  
 Samuel Catley (1323238)  
 Sarah Desmond (1271421)  
 Sarah Rollo (1312246)  
 SEPA (906306)  
 Sharon Green (1323276)  
 Stephanie Cowie (1324320)  
 Stephanie Logan (1323271)  
 Stephen Loch (1323340)  
 Stuart MacKinnon (1267732)  
 Susan Coyne (1323219)  
 Tesco per Pritchett (1312483)  
 The Cardrona Charitable Trust per GHJ (1312294)  
 Trish MacDonald (1323398)  
 Tulloch Homes per Suller Clark (1218219)  
 William Allan Middleton (1323269)  
 William Fraser (1312273)  
 William Gillespie (1323393)  
 Winifred MacDonald (1323376)

**Provision of the  
 development plan to  
 which the issue  
 relates:**

Placemaking Priorities 19, Settlement Map 23 South Inverness,  
 Development Sites, PDF paragraph 181-185

**Planning authority's summary of the representation(s):**

**Placemaking Priorities**

Alison Matheson (1323245)

Concerned about scale of growth planned for South Inverness because: planning permission densities and unit numbers often exceed indicative capacities in the development plan; there is no secondary school capacity for new housing; and, potential loss of greenspaces (listed and described) which are vital to the health and quality of life of residents, provide spaces for children and young people, areas for recreation, habitat for wildlife, and which include red squirrel, badgers, deer and birdlife. Seeks designation and creation of strategic areas for cycling and recreation near the canal and Torvean Quarry as key green infrastructure making use of the fact that the area is used for cycling/ walking running because this would benefit younger people. Reports that Knockageal Ltd is preparing an Asset Transfer Request to develop a community-growing project including allotments, an orchard, areas for walking and wildlife and community growing areas.

Brian Mackay (1312392)

Seeks protection of South Inverness greenspaces particularly Fairways Golf Course because: recent and likely future development will erode the amount of greenspace; leisure space is required for residents and visitors; their loss is irreversible; and, importance to mental health.

Derek Hardie (1261798)

Seeks protection of South Inverness greenspaces particularly Fairways Golf Course because: recent and likely future development will erode the amount of greenspace; recreational space is required for residents; the transport and utilities network in this area are already stretched; and, there are sufficient areas allocated for housing in the plan (location undefined).

Donald Begg (1312031)

Seeks significant reduction in scale of development or prior improvement to infrastructure capacity particularly road capacity and secondary school capacity.

Ewan Gunn (1261892)

Seeks protection of South Inverness greenspaces particularly Fairways Golf Course because: recent and likely future development will erode the amount of greenspace; leisure space is required

for residents and visitors; their loss is irreversible; and, there are sufficient alternative sites identified within the Plan for affordable housing.

Frazer Mackenzie (1312396)

Seeks protection of South Inverness greenspaces particularly Fairways Golf Course because: recent and likely future development will erode the amount of greenspace; recreational space is required for residents; the transport and utilities network in this area are already stretched; and, there are sufficient areas allocated for housing in the plan (location undefined).

John Macrae (1267017)

Seeks protection of South Inverness greenspaces particularly Fairways Golf Course because: potential loss of woodland and its habitat value for badgers, roe deer and avian species including protected raptors; leisure assets for physical and mental health; importance to rural character of the City; of excessive recent housing development; inadequate transport infrastructure; and, increase in car dependency and emissions; increased flooding risk in an area already adversely affected by inadequate drainage and excessive water run-off.

Kirkwood Homes & Fairways Inverness Limited per EMAC Planning (1312501)

Object to non-inclusion of residential expansion area at Fairways and its notation as protected greenspace because: site would comply with NPF4's 20 minute neighbourhood concept; the Council's Greenspace Audit 2021 lacks consideration of Fairways as 50% managed greenspace rather than 100% underused greenspace; the Council's environmental assessment shows many positive scores for development of the site stating that "with the appropriate level of detailed design to facilitate active travel as the dominant transport mode for the site, there is potential for this site, or part of it, to facilitate a sustainable city expansion";

Laura Keel (1312275)

Queries whether 1,200 homes Tulloch Homes proposal at Welltown of Leys is supported by Plan or not.

Lidl per KHP (1312411)

Suggests 2<sup>nd</sup> bullet is poorly drafted and unclear. Seeks Plan amendment to clarify that additional commercial facilities within existing residential areas will promote sustainable travel.

Lochardil & Drummond Community Council (1270300)

Seeks clearer priority to calm traffic speed, reduce car use, increase active travel and safe routes to walk and cycle to school and town (map supplied of ideas [\*]).

Mark Robertson (1247997)

Seeks protection of South Inverness greenspaces particularly Fairways Golf Course because: it is much needed and critical to community well being and the fabric of the City as a whole.

Rachel Desmond (1271418)

Opposes loss of any greenspaces because only serves short term gain to builders and loss irreversible.

Richard Cole-Hamilton (1271499)

Objects to any active travel link via Culcabock Avenue because: of residents opposition; the Avenue isn't safe for active travel

being a small lane with one narrow pavement (0.8m wide in places) and the latter is blocked with bins; the lane itself is single track and blocked whenever a vehicle approaches; side walls are frequently damaged by lorries; the single track road already has to be shared by pedestrians, prams, bikes, cars and lorries going in two directions; of previous anti-social behaviour mainly by Millburn Academy pupils; of impact on Culcabock Golf Course which is used as a short cut to the Academy; Culcabock is a historic village; potential increase in active travellers and therefore in disturbance to local residents; and, adverse mental health impacts on residents.

Richard Desmond (1268629)

Supports (no reasons stated).

Sarah Desmond (1271421)

Objects to development on greenspace in South Inverness because: Council has stated it wants to increase accessible greenspace; development will turn the area into a concrete jungle; and, there is inadequate infrastructure (dental care, health care and roads).

Tulloch Homes per Suller Clark (1218219)

Objects to non-inclusion as a residential expansion area of land at Druid Temple/Welltown because: Tulloch are an experienced local developer; the site is effective and deliverable; the Plan's housing target is an underestimate and the supply of effective sites to meet the target is insufficient; detailed assessments and indicative framework designs have been undertaken by the respondent [1]; of insufficient Council consideration of respondent's previous submissions; respondent is committed to including land for community facilities, including a site for a primary school; site would be a natural, logical and sustainable extension to the existing Milton of Leys community which is currently ongoing, with the majority of development now complete; adequate service connections border the site; the site will not burden the city's existing infrastructure; it could deliver plentiful, early affordable housing units; site could deliver increased publicly available open space; opportunity to create new habitats and add to the area's biodiversity; improved public transport connectivity could be encouraged via a loop road from Milton of Leys; existing pedestrian/cycle networks will be utilised and improved, improving connectivity to a more sustainable mode; the provision of community facilities will ensure the creation of a new 20-minute neighbourhood, which together with a new primary school, will sit at the heart of that community; the additional retail/commercial space could include work from home units, small start-up business units, or commercial uses; the site is clearly within the City which is a Tier 1 settlement; employment uses will provide job opportunities close at hand reducing the need to travel to work; the site and layout can comply with Scottish Government and Council placemaking principles; the site can enhance access to the surrounding countryside; and, a pre-application proposal has been lodged and public consultation undertaken which has influenced the nature of the respondent's proposals. Reiterate case made at Main Issues Report stage and through pre-application process [1].

**Settlement Map**

Aureen Hardie (1248087), David Finlayson (1249118), DW Peterson (1268257), E. Ross (1323485), John Macrae (1267017), Kate Macdonald (1268991), M E Peterson (1262526), Mark Astley-Jones (1261256), Michael Newcomen (1263799), Richard Desmond (1268629), Robert & Marjory Peckham (1260407), Stuart MacKinnon (1267732)

The above parties object to the principle of any development on Fairways Golf Course for one or more of the following reasons: majority of Slackbuie residents support the retention of the area as accessible greenspace; the Council don't support development on the land within the Plan and non-preferred it for development at MIR stage; greenspace is well used for all forms of recreation and important to good quality of life and mental health; recent development has encroached on existing greenspaces; increase in traffic congestion on Sir Walter Scott Distributor Road; existing inadequate primary and secondary school capacity which will only be worsened; developer has only offered a site for a new primary school not its full build cost and the balance of funding isn't available within the Council's budget; housing won't meet local need because 49% of new builds are bought by people moving in to the area and usually at prices locals cannot afford; Council's solution to secondary school capacity is on the east side of the City not this south side; flood risk has been underestimated particularly to properties on Old Edinburgh Road South; potential loss of woodland despite the recent TPO and knock-on emissions impacts; adverse impact on existing core path network (loss of open views and potential diversions); path marker posts haven't been maintained and the former signpost by the Ault-na-skiach has been removed; loss of a green wedge between dense housing developments that therefore provides accessible greenspace; having local greenspace reduces car journeys and emissions to more distant ones; loss of trees that provide amenity and improve air quality; previous assurances by previous owner/builder that golf course would be kept; loss of "green belt"; increase in impermeable surfaces will increase flood risk; developer's indicative layout doesn't include adequate public open space and the retained golf holes are not public open space; proposed roundabout on distributor road is too close to the existing Wade Roundabout; the development will worsen traffic congestion at Inshes Roundabout which is already over capacity; the new primary school will generate even more traffic and congestion; property depreciation because of proximity of other houses and loss of "greenfield" views; loss of winter sledging area; the greenspace is used by the whole City; climate change importance of protecting

greenspaces; potential loss of high biodiversity value of wooded burnside; of opportunity foregone of woodland walks, picnic tables, fishing pond, and be a place which would provide learning (school) trips for children (and adults) to connect with nature and learn things such as orienteering, exploring natural habitats, and learning about nature conservation and wildlife photography; Inverness shouldn't become like every other city; greater air pollution; increased congestion which will add time and cost to business journeys; SPP promotes the protection, enhancement and promotion of green infrastructure; the land is not allocated in the adopted local development plan; Policy 75 of the HwLDP safeguards open space from development; loss of this greenspace will set a very dangerous precedent for the loss of other City greenspaces; loss of / disturbance to species some of which are protected; lack of local health service capacity; the recently redeveloped Inverness Royal Academy is already at full capacity; and, existing flood attenuation devices are failing.

#### Equorium Property per John Handley (1312478)

Objects to non-inclusion of Holm Mills as a protected commercial centre in the Plan's retail hierarchy because: it is allocated for mixed use development within the Plan, the aIMFLDP and related development brief; it is part of the City's established retail centre hierarchy and is a tourist destination; the respondent as owner is committed to retaining and expanding the tourism and retail offer at the site and to safeguarding existing and providing new jobs; this site is 1 of a national chain of 20 similar centres; SPP (paragraphs 61 to 63) requires the identification and safeguarding of centres such as this one; it accommodates a diverse range of uses and retail goods including James Pringle Weavers, the Highland Life Weaving Exhibition and the Ghillies Restaurant; and, it is a dedicated stop on the Inverness City Sightseeing Tour Bus Route and visited by private coach tours and has a strategic draw as a tourist destination.

#### Highland Astronomical Society (963272)

Believes that greenspace is vitally important for the City as a whole and the mental health of the people who live in it. Inverness is growing at an alarming rate so green areas are extremely important and welcomes safeguarding of so many on the map.

#### Highland Housing Alliance and Hazeldene both per Turley (1323057)

Objects to non-inclusion of 25.2 hectares of land for a residential (400 units) led mixed use expansion area at Milton of Leys South and its inclusion within the City SDA because: there is a joint landowner / affordable housing provider agreement; housing land requirement and effective housing supply both underestimated; affordable housing land supply severely underestimated and this makes up 75% of the target; Housing Land Audit out of date and should have been published before Proposed Plan; at least 50% of site capacity will be delivered by HHA as 'affordable' dwellings; most affordable housing need in Inverness City; the site is relatively flat and well drained; the site is close to the boundary of the Milton of Leys residential area and its neighbourhood centre which includes a primary and soon a nursery school; the site would function as part of a 20 minute neighbourhood; it's close to a high capacity trunk road junction for longer car trips; an off-road cycle path connects the site with higher order facilities at Inshes; further sustainable transport measures will be incorporated into the proposal; there are two bus stops within 400 metres of the site providing bus access to Inverness and others will be added; the site has good core path connectivity and these will be maintained as far as possible; existing attractive mature woodland will be retained and add amenity; assessments have proven no flood risk or contamination; the land has strong, defensible boundaries in the form of the A9 to the east and Daviot Wood to the south making the site a natural southern limit of the City; proximity to the A9 can be resolved by setback and planting; HHA have a strong track record in delivering units in the Inverness area; there are currently over 1,000 people on the local waiting list caused in part by a reduction in available privately rented stock and applications for recent development have been very high; many Plan allocated sites are unsuitable, complex to deliver and/or already optioned to a private housebuilder; Registered Social Landlords (RSLs) are dependent on private housebuilders to get 25% of their sites and these take time to reach their later phases; RSLs are normally forced to take on sites that are not commercially viable like brownfield and/or contaminated sites; the sites meets the effectiveness criteria in Planning Advice Note 2/2010; a Transport Assessment will be undertaken to ensure that the site will provide sustainable transport measures; an archaeological desk-based assessment has been undertaken which identifies that much of the site has previously been subject to previous archaeological evaluations and a programme of archaeological investigation works would be agreed with the council and detailed in a Written Scheme of Investigation (WSI); the archaeological assessment concludes that the development would have a minor impact on the integrity of the hut circle's setting, and a

negligible impact on the integrity of the hotel and farmhouse's setting, and the proposals would not adversely affect the cultural significance of the Bogbain Wood hut circle and field system, the Drumossie Hotel, or Bogbain Farmhouse; the site sits well in the landscape and its planted framework; the site is free of any physical infrastructure constraints; discussions will be held with Transport Scotland regarding any improvements / modifications required in relation to the A9 off slip; Hazledene and HHA are committed to working closely with Highland Council to establish education requirements in the Milton of Leys area; the new nursery school will provide sufficient additional "freed-up" primary school capacity for the development and a planning obligation to address additional capacity at Millburn Academy; the site is accessible to all sustainable travel modes; an indicative and suitable layout has been prepared [\*\*]; the site will be mixed use including a commercial element which could include co-working spaces, light industrial units or other employment generating uses; additional play spaces will be provided within the residential blocks to provide natural surveillance and a welcoming, inclusive neighbourhood; roads will also be designed with low vehicle speeds to allow cyclists to feel safe sharing the space with motorised traffic; green and blue infrastructure on site will provide potential for biodiversity to be enhanced; new flexible employment space and / or employment generating uses could provide local job opportunities in south Inverness, enable residents to live and work locally and providing opportunity for local business expansion and investment; the housing land requirement for the market sector is far below past private completions; the housing land requirement shouldn't be constrained by the HNDA which does not include policy considerations; many other Inverness City sites are not effective within the Plan period e.g. those at East Inverness which are East Link dependent and at INE07: Milton of Culloden South where one of the owners is reluctant to sell, and Tornagrain build rate assumptions don't match past completion rates; the 30% windfall allowance is too high because the Plan's SDAs have been drawn more tightly than within the aIMFLDP; the Plan's proposed increased 35% quota won't meet the high unmet need in Inverness; the site is allocated in the aIMFLDP for business use and is within the Inverness SDA; and, there is a lack of demand for business units and the Plan recognises the site is not viable for such a use by its non-allocation; and, the site is at least equal to, or more sustainable, than other allocated sites.

#### Highland Housing Hub (1154846)

Objects to the non-inclusion of site IN69 in the aIMFLDP for housing because it's: located within walking distance to facilities, including retail units and a primary school; relatively level, with direct access to adjacent roads infrastructure, which accommodates a bus route to Inverness City Centre and increasing the frequency of the bus service would provide good connections for sustainable transport; capable of providing a mix of development with business/commercial and predominantly housing development; mitigation from noise from the A9(T) could be addressed through the development of a masterplan and inclusion of a setback; delivery of business and commercial opportunities would be developed in association with Highlands and Islands Enterprise; and, land can be transferred to community use/ownership, giving scope for development for community uses and development of recreational greenspace.

#### Jacquie Laird (1269758)

Objects to several Inverness South sites but particularly INS12, INS13 and INS18 because: loss of good farmland and community food growing opportunity at a time of food poverty; there is already too much housing planned for the area, and this will negatively affect infrastructure locally with an impact on roads which are already dangerous for active travel use; increased flooding risks from house building and lack of safety of the flood alleviation scheme; reduction in mental health of local residents; adverse visual impact of modern houses; inadequate school capacity; and, developers (potentially) blocking existing paths.

#### Kirkwood Homes & Fairways Inverness Limited per EMAC Planning (1312501)

Objects to the non-inclusion of site IN63 of MIR for 800 houses, primary school, community campus, office, retail, 9 hole golf course and greenspace because: it complies with the 20 minute neighbourhood concept within Draft NPF4; it isn't public open space; the proposal could create 50% managed greenspace rather than 100% underused greenspace; the site scores well against most SEA criteria; and, the Council admits that the site is well placed to offer good sustainable mode connectivity.

#### Lochardil & Drummond Community Council (1270300)



Concerned about scale of Plan supported housing expansion for South Inverness because site densities higher than in aIMFLDP and lack of education facility capacity particularly secondary. Seeks protection of specific greenspaces at: MacDonald Park (where community improvements have been made); the green lawn adjacent to the Lochardil Pharmacy (regularly used by the school children and providing an open space for residents); Lochardil Woods, Culduthel Community Woods and the grass linking the two woods (core area used by residents, dog walkers, school and pupils); Aulnaskiach Community Woods, wetland area with natural vegetation at the end of West Heather Road (flood relief area, and is important for wildlife); Scheduled Monument adjacent to Slackbuie Avenue;

Culduthel Park (core area used by residents, dog walkers, school and pupils); Green fields adjacent to the Gaelic School (protected as public park under a section 75 Agreement). Also reports that Knockagael Ltd has submitted an Asset Transfer Request to develop a community-growing project including allotments, an orchard, areas for walking and wildlife and community growing areas.

Manda Construction per GHJ (1270977)

Objects to the non-inclusion as a mixed use development allocation of land south east of West Heather Road because: it has planning permission for an office development; of arguments made at MIR stage (resubmitted as [\*]); and, of recent developer enquiries about the partial or whole development of the land for residential purposes. Also objects to the non-inclusion as a 10 unit housing allocation of land west of Culduthel Place (identified as IN26 in MIR) because: community's concerns about about flood risk, impacts on biodiversity, impact upon residential amenity and road safety overstated; most of the site is in the respondent's ownership not the community's; there is a ransom-free access to the site from both Culduthel Place and Culduthel Road; the respondent could leave a portion of the site as public open space especially the wooded area, any areas that might be at risk from flooding and the maintenance of green corridors; the site is visually self contained and within an established residential area, close to public transport, schools and community facilities; the proposal is an infill development; and, flood risk has been eliminated by the South West Flood Relief Channel and any issue can be achieved by a development setback.

Tulloch Homes per Suller Clark (1218219)

Objects to non-inclusion as a residential expansion area of land at Druid Temple/Welltown (same reasons as Placemaking Priorities section above).

**INS01: Drakies House**

Feona Wyllie (1269640)

Objects because the creation of another access onto the already congested Old Perth Road would be detrimental and any proposal to install a series of traffic lights along this road would hamper the flow of traffic which is appalling at peak travel times and will have negative knock-on effects at Inshes roundabout. Suggests an alternative road access away from Old Perth Road but really no further development in this area until a demonstrable difference has been made to the flow of traffic on the Inshes Roundabout and all the roads that feed into this.

Gillian Kirby (1312422)

Objects (no reasons stated).

Jennifer Fraser (1324335)

Objects to any active travel link between Drakies housing estate and Culcabock Avenue because: there has been no through link for 20 years; of anti- social behaviour including vandalism, trespassing, dog fouling, steading set on fire, litter and general abuse; Culcabock Avenue is unsuitable because it has a narrow pavement on one side and you can only walk single file; there is a turning area at the top of the Avenue, so from a safety point of view, school children (as this would be their shortest route to Millburn) would be walking on the road, passing the turning area; pedestrians won't hear electric vehicles approaching; of lack of public consultation; and, a better alternative exists along Drakies Avenue which is a 20mph zone.

Joan McEwen (952586)

Objects because of a considerable (one third) increase in housing capacity and drainage and other infrastructure requirements are unspecified.

John McKimmie (1323373)



Objects because: the developer's drainage design doesn't fully comply with Sewers for Scotland requirements which will raise adoption and maintenance issues and existing foul drainage systems have suffered blockages; the proposed active travel (AT) connection will compromise pedestrian safety, residential amenity, privacy and historic character; Culcabock Avenue is substandard as a road and AT link; AT users will conflict with golfers on Culcabock Golf Course; and, a better AT route is available through INS01 (through Drakies House curtilage) all in the single ownership of the housebuilder.

Richard Cole-Hamilton (1271499)

Objects as Culcabock Avenue is unsuitable as a route for active travel. If an ATR is deemed necessary then this should be routed from Thistle Road to Old Perth Road within the curtilage of the land highlighted in INS01. There should be no connections between the site INS01 and Culcabock Avenue. Believes active travel linkages between Thistle Road and Old Perth Road should be exclusively contained within the curtilage of INS01.

**INS02: Inshes Small Holdings**

Joan McEwen (952586)

Objects because flood mitigation requirements should be added, the housing capacity has been increased by a third, and further infrastructure requirements need to be overtly detailed in the Plan.

**INS03 Dell of Inshes**

Abrdn per Phil Pritchett (1312484)

Objects because: the Plan's provisions contradict those within the adopted development brief for the land and adopted HwLDP both of which form the approved development plan for the site; they also contradict an extant planning permission for the site; there is no evidence to justify the change; this is the only site on which to expand the district centre; and, the developer requirement reference to Inverness East is irrelevant because the site is outwith the Inverness East Development Brief area.

Alistair Macleod (1323239)

Objects as neighbour because: excessive housing density (20 not 14 or 15 per acre) relative to adjoining densities; taller flatted properties will overlook and harm privacy; of loss of existing trees on retail park access road; tree loss contrary to various Council policies; and, of the increase in noise pollution from vehicles and anti-social behaviour.

Joan McEwen (952586)

Objects because of flood risk. Developer requirements should insist on no culverting of watercourses and a flood scheme because the area has a history of flood events within the Dell and Inshes burn catchments and the Council had a previous flood scheme for the Dell Burn.

**INS04: Druid Temple**

Donald Begg (1312031)

Objects because of negative impact on General Wades Road which is a vital green network for local residents going into Daviot Woods and runs counter to the Plan's strategy.

**INS06: Milton of Leys Care Home**

SEPA (906306)

Recommends that requirements for alternative proposals are outlined, as is the case for most other allocations which already have an extant consent.

**INS08: Earls Gate**

Feona Wyllie (1269640)

Objects because of: increased traffic on already congested Sir Walter Scott Drive and then Inshes Roundabout; loss of greenspace (important to physical and mental health), biodiversity, wildlife; increased air pollution; loss of flood storage; and, loss of green corridor. Seeks no further development in South Inverness until a demonstrable difference has been made to the flow of traffic on the Inshes Roundabout and all the roads that feed into this.

**INS09: Drummond Hill**

Alison Matheson (1323245)

Objects because permitted capacity is higher than indicated.

Lochardil & Drummond Community Council (1270300)

Objects because permitted capacity is higher than indicated.

SEPA (906306)

Recommends that requirements for alternative proposals are outlined, as is the case for most other allocations which already have an extant consent.

**INS10: Ness-side Central**

Tesco per Pritchett (1312483)

Objects to non-identification in Plan of Dores Road commercial area as a protected district/local centre because: it is identified as such in the aIMFLDP; it is partially completed; it is an integral part of the hierarchy of centres in Inverness; it is central to an expanding, zoned, residential expansion area.

The Cardrona Charitable Trust per GHJ (1312294)

Queries allocation boundary in that it shouldn't include the Holm Burn and its associated woodland, long built development such as the Tesco Ness-side store and the proposed new church on land to its north shouldn't be part of a housing allocation.

**INS11: Holm Burn Place**

Tulloch Homes per Suller Clark (1218219)

Supports allocation for housing development because it: will add housing choice in Inverness; is close to facilities and public transport networks; site constraints can be mitigated at planning application stage; and, Tulloch remain committed to delivering the site in a timely manner and believe it fully effective and deliverable.

**INS12: Ness Castle West**

Lindsay Donaldson (1323341)

Objects because: loss of woodland and the habitat it provides to protected and other species; development should be kept to the tree line; this space has recently been used for part of the Loch Ness 24 Mountain Biking race which brought tourism to the area; of regular recreational use by mountain bikers, trail runners, dog walkers, or just for woodland walks all of which must have a positive impact on mental health; and, of the lack of infrastructure already at the Ness Castle site considering the number of people who live there.

**INS14: Ness-side South**

Ness Valley Leisure per Pegasus Group (1218859)

Supports INS14 and INS19 as landowner but seeks clarifications. On INS14, a key element of the housing proposals on the site is for a retirement village and this should be referenced in the Plan. On INS19, clarifies that aim to deliver a residential care home, nursery, retirement village and homes and the site is deliverable within the next 5 years.

The Cardrona Charitable Trust per GHJ (1312294)

Comments that allocation in accordance with previous submissions made by client.

**INS15: Sir Walter Scott Drive**

Aileen Gardner (1312542), Alan Johnstone (1323496), Alan Ogilvie (1270211), Angela Hanning (1323275), Angela Ogilvie (1312259),

Ann Johnston (1323334), Calum Ogilvie (1312239), Cassie Hogg (1312198), Christine Browne (1312225), Dorothy France (1323390), Eilidh Mackinnon (1312240), Elaine Miller (1312234), Elaine Mudie (1323349), Elaine Webster (1323346), Feona Wyllie (1269640), Fiona Ednie (1312244), Fiona Stuart (1323437), Frances Loch (1323241), Gail Kennedy (1323335), George Dickson (1323333), Gillian Kirby (1312422), Hannah Sweeney (1323457), Iain MacKay (1323054), Karyne Walker (1323344), Keith Bousfield (1312201), Marya Meighan (1323249), Mhairi MacDonald (1323348), Michelle Breau (1323479), Myra Gillon (1323252), Rob Polson (1323126), Sarah Rollo (1312246), Stephanie Cowie (1324320), Stephanie Logan (1323271), Stephen Loch (1323340), Trish MacDonald (1323398), William Fraser (1312273), Winifred MacDonald (1323376)

The above parties object to the allocation for one or more of the following reasons: the aIMFLDP allocates the land for business (Police Scotland expansion) not housing purposes with road access

from the Police Scotland site; the section of Sir Walter Scott Drive between Inshes and Eagle roundabouts is an already congested part of the local transport network; the connecting road will obliterate the well used, equipped play area; no compensatory greenspace provision for that lost to the access road; the access road will reduce the safety of users of the remaining park; the costs of all the developer requirements and the length of access road will make it unviable; of precedent for development of intervening land; loss of noise and air pollution buffer to heavily trafficked distributor road; of the existence of a legal agreement that precludes commercial development on the park land which was gifted solely for that purpose or if breached financial compensation payable to the original owner which will reduce the site's viability; of community led consultation on and improvements to this buffer area for a kick pitch, equipped play area, wildflower meadow and an active travel link to the Distributor Road crossing point south of the Eagle roundabout; contrary to Council policies that protect greenspaces which safeguard publicly accessible greenspace; adequate, allocated housing sites identified in the Plan; inadequate primary and particularly secondary school capacity to service additional housing; additional housing will increase traffic congestion at Drakies Primary and Nursery Schools further compromising the safety and amenity of residents living close to the school; local active travel and public transport connectivity is poor, ineffective and very difficult to improve; increased traffic congestion will make emergency vehicle response times even worse; fears that a road access direct from Drakies housing estate could be proposed by the developer of the site (causing increased congestion, road safety and pollution within the estate); importance of local accessible playspace for reducing childhood obesity; the park is used by the local primary school for sponsored and nature walks; no need for more housing or retail development as adequate alternatives in Plan; land always envisaged as a noise/amenity buffer between distributor road and existing Drakies neighbourhood; a new bund would have to be created removing even more useable greenspace; importance of accessible greenspace for physical and mental health; if needed road access could be taken direct from the distributor road as a T junction leaving the park area untouched or via the police site; the existing play area and park is close and safe enough to allow unsupervised play by older children and to allow the elderly a short walk and this would be lost; new footpaths would have to be created which will further reduce the amount of greenspace; of property depreciation; of loss of privacy; loss of permeable surface to attenuate flood waters (Drakies has a long history of flood events particularly with the watercourse between Drakies and the allocation); of increase in noise and air pollution; dense cities need pockets of accessible greenspace; loss of sunlighting; relocation of the play area closer to the Drakies houses will cause noise and disturbance issues; inadequate medical facility capacity; garden sizes in Drakies are small so a local park is even more important; the Council have done little to maintain the park and now want to put a road through it; loss of habitat and species; no benefit to local residents; street league football use the park pitch; and, the next nearest park at Inshes is across a very busy distributor road.

Erin Christie (1312545)

Supports allocation for retail and business uses and seeks removal of requirements for development brief and road access from Eagle roundabout because: the proposed access arrangements are ineffective and unsustainable and that a technically compliant, more efficient and sustainable strategy which takes direct access into the site off Sir Walter Scott Drive is available; the proposed access will reduce the quality and quantity of green and play space; it will create a ransom to the Council; the northern site is overgrown with no immediate or future prospect of improvement; the size and scale of the site doesn't need an extensive public engagement strategy.

Lidl per KHP (1312411)

Objects to allocation as housing only site and vehicular access road only being permitted from the Sir Walter Scott Drive/Inshes Road roundabout (known as the Eagle roundabout). Describes current planning application [1] for a medium-sized discount foodstore to be located on the northern part of the site (adjacent to the Police Scotland HQ) with housing to the south. Outlines benefits of current application proposal: provides retail facilities that serve the local area focussed on South Inverness; reduces the travel of existing Lidl customers in South Inverness who no longer need to visit Lidl's existing store at Telford Street; reduces travel and therefore harmful emissions to other more distant stores; helps meet significant quantitative and qualitative retail deficiencies caused in part by rapid population growth; site has good active travel and public transport accessibility; the site is located immediately adjacent to the Inshes Commercial Centre; the proposed retail unit will financially support the provision of affordable housing units on the remainder of the INS15 site; it will make a significant contribution towards the upgrading of the local infrastructure network, particularly for the proposals for the upgrade of the Inshes roundabout (Phase 2); and, a safe access can be provided

direct from a new access of Sir Walter Scott Drive without adversely affecting existing/projected traffic flows. Seeks amendment to Proposed Use: mixed retail, residential and public open space and removal of reference for the required vehicular access to be only permitted from the SWSD/Inshes Road roundabout.

### **INS17: Ness-side North**

Equorium Property per John Handley (1312478)

Same as Settlement Map section objection. Objects to non-inclusion of Holm Mills as a protected commercial centre in the Plan's retail hierarchy because: it is allocated for mixed use development within the Plan, the aIMFLDP and related development brief; it is part of the City's established retail centre hierarchy and is a tourist destination; the respondent as owner is committed to retaining and expanding the tourism and retail offer at the site and to safeguarding existing and providing new jobs; this site is 1 of a national chain of 20 similar centres; SPP (paragraphs 61 to 63) requires the identification and safeguarding of centres such as this one; it accommodates a diverse range of uses and retail goods including James Pringle Weavers, the Highland Life Weaving Exhibition and the Ghillies Restaurant; and, it is a dedicated stop on the Inverness City Sightseeing Tour Bus Route and visited by private coach tours and has a strategic draw as a tourist destination.

I&G MacDonald per Thomas Luke (1312416)

Supports allocation but offers/seeks clarifications: respondent intends to bring this site forward for development during the Plan period and it is effective (meets all PAN criteria); any future planning application for this site will be accompanied by the necessary surveys and assessments; the developer requirements section should make specific reference to the access arrangements that have previously been agreed with the Council (along the western boundary and the south facing spur of the existing roundabout at the A8082); the site is sustainable in terms of its proximity to local facilities and sustainable travel mode connectivity; and, the site is part serviced including a high capacity road to its boundary.

### **INS18: Knocknagael**

Agata Kowalczyk (1323257), Alan MacKenzie (1312429), Alison Matheson (1323245), Andrew Lindley (1310224), Andrew Martin (1323242), Angela Cran (1323029), Ariane Burgess (1323240), Ballifeary Community Council (1312380), Bernadette Church (1312403)

Caroline Phillips (1261275), Catherine Mackenzie (1323400), Christie Family (1323458), Colin McLean (1312537), Des Kelly (1323251)

Donna Brown (1312529), Dorothy Getliffe (1270774), Feona Wyllie (1269640), Fraser Morrison (1323342), Graeme MacDonald (1312521), Heather Henderson (1323274), James Shewan (1312423), Janet Baraclough (1323246), Jean Thompson (1323381), Joanne MacCulloch (1323345), Jonathan Wordsworth (1323248), Julie Fraser (1312492), Kate Macdonald (1268991), Kathleen Black (1312432), Katie Walter (1323046), Kay Kelly (1323244), Kay MacDonald (1271832), Knocknagael Allotments Association and Knocknagael Ltd (1221030), Laura Nicolson (1323261), Louise Morris (1310440), Margaret Mulholland (1323253), Morag McLean (1312535), Neil Morris (1323035), Neil Sharpe (1312471), Paddy McGarrigle (1312348), Peter & Hilary Prall (1323336), Ross Davidson (1271956), Samuel Catley (1323238), Sharon Green (1323276), Susan Coyne (1323219), William Allan Middleton (1323269), William Gillespie (1323393)

The above parties object to the allocation for one or more of the following reasons: the site is good (part prime) quality agricultural land with strong potential to provide for community food growing and amenity areas; it was rejected as a development site by the Reporter during the last aIMFLDP Examination process; many other good agricultural land sites are being lost to development and so its scarcity is enhanced; with rising inflation and food poverty local affordable food is more crucial than ever; the community has been working for more than six years on the development of the Knocknagael Green Hub (full details of project supplied [redacted]) at the smiddy field; the community proposal is a charitable one; an Asset Transfer Request to acquire the site is ongoing; a Scottish Land Fund Stage 2 funding request has also been made to enable purchase of the site; there is majority local community support for the project (a community consultation in October 2020, completed by more than 340 people showed 98% were in support of the project; 80% would use the community garden; 94% would visit wildlife areas and accessible paths; and 165 respondents were interested in having an allotment); the project will deliver the Council's own Highland Community Food Growing Strategy which is a local authority requirement under the same Community Empowerment Act 2015; the allocation will undermine the community's project as it will compromise the space available for the green hub and food growing; housing will also threaten the future of the

bull farm and the 3 million investment in the refurbishment of the farm because 200 houses and accompanying residents, pets etc. beside a working farm and keeping bulls and livestock adjacent will create conflict as well as restrict capacity to grow crops; the flood alleviation scheme (which is more than 3 metres deep) creates health and safety risks and is of inadequate capacity; the local road network is inadequate (Essich Road is a single track road and the Torbreck Road has poor visibility); the significant negative landscape impact on the character of the area and locality changing the open nature and the connection with the rural fringe; opportunity cost of not delivering the Knocknagael Green Hub, which would create allotments, an orchard, areas for walking, wildlife, and community growing areas, and will enhance the character of the locality, and link with the network of hedgerows, fields, and groups of trees part of the landscape; the Hub proposal could provide the social glue to hold the community together; lack of health facility (no local GP surgery or pharmacy); poor public transport connectivity; inadequate education capacity (secondary school at capacity); Essich Road/SDR roundabout undersized; loss of residents' views across open fields; absence of detailed layout for the housing proposal; excessive housing density; developer requirements too vague and will therefore not be enforced / enforceable; bull stud farm operational and needs all its ground for winter feed; modern house gardens are too small to allow food growing so larger areas are essential; new housing will generate far more additional car trips than allotments; allotments are good for carbon capture and will therefore assist in the Council's stated Plan aim of addressing climate change; housing in this area would be ribbon development along Essich Road; light, air and noise pollution from new houses; adverse impact on green network connectivity around edge of City; increased litter eating risk to livestock; increased disturbance from dog walkers; other better, allocated housing sites along A96 corridor and closeby at Ness Castle; inadequate capacity at Raigmore Hospital; existing roads can't be maintained so no need for new roads; loss of (badger) habitat; no local community centre; fear of being overlooked by 3 storey blocks because these are typical in recent Inverness developments; loss of quiet suburban character of the area; increased congestion on SDR distributor road eventually reaching bottleneck at Inshes junction; increased flood risk to River Ness and central Inverness; property depreciation; possible loss of woodland and its amenity / habitat value; pollution to and rerouting of watercourses; increased pedestrian movements past existing houses; local food growing will reduce expenditure leakage outwith Highland and food transport costs; local healthy food growing and recreation will help reduce obesity and address other physical and mental health conditions; local food sourcing helps resilience to national supply shortages; the Hub proposal will increase biodiversity and carbon capture relative to the existing land use and certainly compared to housing use; paths through the Hub proposal will be wheelchair accessible unlike existing paths; there is a long local waiting list for new allotments; the educational and social benefits of allotments; adverse impact on protected species by loss of their foraging grounds; contrary to UN Sustainable development Goals especially on biodiversity; adverse impact on bull stud farm; contrary to net zero commitment; no guarantee allotments will be delivered in a mixed use allocation; adverse visual impact on public views from local walking routes; loss of greenspace; better to build another new town like Tornagrain than to fill in all the City's greenspaces; lack of local nursery school capacity; and, the Hub proposal will increase community social cohesion whereas another soulless suburban estate without facilities will worsen it.

Freda Newton per GHJ (1220548)

Objects to INS18 but if it is confirmed then land opposite (site IN62 in the MIR) should be allocated for longer term housing development with associated provision for community facilities, green space and active travel links with adjoining areas of the City because of submissions made at previous Plan stages (resupplied [redacted]).

Highland Housing Hub (1154846)

Supports inclusion of site and stated developer requirements including the preparation of a Development Brief and inclusion of community interests.

**INS19: Ness-side South East**

Alison Matheson (1323245)

Objects to the lack of recognition of core paths in the proposals. Wishes inclusion and provision of two new core paths one alongside the river and another alongside Dores Road because access to the river is currently appalling (broken up and difficult).

Lochardil & Drummond Community Council (1270300)



Objects to the lack of recognition of core paths in the proposals. Wishes inclusion and provision of two new core paths one alongside the river and another alongside Dores Road because access to the river is currently appalling (broken up and difficult). Also suggests a new longer distance active travel route (and core path) between Torbreck woods and Inverness (map supplied [\*\*]) because Dores Road is used by cyclists and walkers and is hazardous (due to the speed of traffic and narrowness). These new core paths will also be tourist assets.

Ness Valley Leisure per Pegasus Group (1218859)

Supports INS14 and INS19 as landowner but seeks clarifications. On INS14, a key element of the housing proposals on the site is for a retirement village and this should be referenced in the Plan. On INS19, clarifies that aim to deliver a residential care home, nursery, retirement village and homes and the site is deliverable within the next 5 years.

The Cardrona Charitable Trust per GHJ (1312294)

Comments that allocation in accordance with previous submissions made by client.

**INS20: East of Milton of Leys Primary School**

Jean-Paul Kowaliski (1310382)

Objects because: site should be used mainly for community use and retail, with eventual hospitality (coffee shop); housing use should be reduced to a minimum, maybe only on 0.2 ha of the 0.5 ha available (8 units); there are community facility deficiencies for a community centre, a chapel, a bigger primary school, a kickpitch (promised one at west of Leys Green not delivered); and, housing shouldn't overlook other buildings and certainly not the nursery.

Tulloch Homes per Suller Clark (1218219)

Supports but seeks a more flexible use mix and phasing because: commercial unit demand low as evidenced by long unsuccessful marketing period and operator led; of current application for 12 apartments and 12 cottage flats for care home staff accommodation; and, several non-mainstream housing uses have already been delivered within this neighbourhood centre.

**INS22: Inshes Road**

Brian Grant per G&S (1221029)

Landowner of part of site supports allocation but seeks clarification that it is suitable for a medium scale residential development because: the site has not been formally incorporated into the park and currently offers no amenity or economic value; a sensitive mixed use development at this site can offer positive benefits to the wider area; the site is an effective housing site that can be delivered during the Plan period; there are no major known constraints; the site is currently on the market; and, it is in a sustainable location in terms of accessibility to facilities by sustainable travel modes complying with the Scottish Government's 20 minute neighbourhood concept.

Feona Wyllie (1269640)

Objects because: increased traffic onto an already congested Sir Walter Scott Drive and feeding into the impossibly congested Inshes Roundabout; loss of green space; increased air pollution; and loss of flood storage (Inshes Park is a flood plain and often very marshy in wet weather). Seeks no further development in this area until a demonstrable difference has been made to the flow of traffic on the Inshes Roundabout and all the roads that feed into this.

Inshes Community Association (1260543)

Objects to housing component of allocation because: respondent has led fundraising and developing the facilities within the park and feels allocation is crucial to the look and feel of the whole of Inverness South; site is at the very busy junction at the 'Eagle roundabout' and therefore sets the tone for the fantastic district park behind it; the site has a long-standing allocation in successive development plans as part of Inshes Park; it will remove the opportunity for a meaningful and attractive entrance to the Park; respondent has proposed (and consulted on) community facilities some of which might be commercial (coffee shop/ farm shop/ sports MUGA) parking and a park entrance on this land; the school end of the site should be given over to school pick-up and drop-off parking to remove congestion and increase safety at Inshes Primary School; there are adequate allocated housing sites elsewhere; and, the lack of progress has been due to the multiple ownerships not the lack of a housing allocation. Seeks amendment for a developer masterplan to promote a

gateway feature, community facilities, modest commercial use and parking for park users and school drop off.

**INS23: Milton of Leys Centre East**

SEPA (906306)

Recommends that requirements for alternative proposals are outlined, as is the case for most other allocations which already have an extant consent.

**INS24: Culduthel Road Funeral Home**

SEPA (906306)

Recommends that requirements for alternative proposals are outlined, as is the case for most other allocations which already have an extant consent.

**INS26: Slackbuie Pitches**

Francois Douaud (1310275)

Objects to any development because: it is currently a green space for local fauna and flora that bring much needed oxygen to the surrounding residential developments; and, it is a well used, valued, undeveloped community space used by dog walkers, youths and wildlife.

**INS27: Raigmore Hospital**

Denise Stewart-Thomson and 85 petitioners (1323268)

Object to principle of any bus service/gate/link from Raigmore Estate through to the Raigmore Hospital site because: Raigmore Estate is a small cul-de-sac of residential properties (approx. 1200 residents / 600 properties) and is valued as a safe, quiet area to live and raise family in; the current local bus service which enables access to Inverness City centre runs hourly, is poorly used and heavily subsidised; better (more frequent and more destinations) alternative bus connections are available within a short walking distance at Millburn Road and Raigmore Hospital; there are good existing active travel links linking Raigmore with surrounding areas; the majority of local residents oppose the connection (evidenced by objections to recent planning application [\*]); loss of residential amenity; rejection of recent planning application by councillors; increased road safety and (air and noise) pollution impacts of an increased frequency bus service along an inadequate road network; discouragement of active travel movements; and, of additional reasons / evidence lodged in opposition to recent planning application [\*].

SEPA (906306)

Objects because now has records of flash flooding within this area. Seeks additional flood risk assessment requirement.

“Flood Risk Assessment (no development in area shown to be at risk of flooding).”

**INS28: Milton of Leys Primary School**

SEPA (906306)

Recommends that requirements for alternative proposals are outlined, as is the case for most other allocations which already have an extant consent.

**INS29: North of Castleton Village**

SEPA (906306)

Recommends that requirements for alternative proposals are outlined, as is the case for most other allocations which already have an extant consent.

**INS30: Ness Castle Primary School**

SEPA (906306)

Recommends that requirements for alternative proposals are outlined, as is the case for most other allocations which already have an extant consent.

**Modifications sought by those submitting representations:**

**Placemaking Priorities**

Alison Matheson (1323245)

Deletion of wholly new housing sites or a significant reduction in the capacity of all housing sites or the prior improvement of all infrastructure and facility networks so capacity exists in all networks to



accommodate further housing development. A strategic allocation for cycling and recreation near the canal and Torvean Quarry (all assumed).

Brian Mackay (1312392)

Addition of more explicit protection of South Inverness greenspaces particularly Fairways Golf Course (assumed).

Derek Hardie (1261798)

Addition of more explicit protection of South Inverness greenspaces particularly Fairways Golf Course (assumed).

Donald Begg (1312031)

Amendments to achieve a significant reduction in scale of development or prior improvement to infrastructure capacity particularly road capacity and secondary school capacity.

Ewan Gunn (1261892)

Addition of more explicit protection of South Inverness greenspaces particularly Fairways Golf Course (assumed).

Frazer Mackenzie (1312396)

Addition of more explicit protection of South Inverness greenspaces particularly Fairways Golf Course (assumed).

John Macrae (1267017)

Addition of more explicit protection of South Inverness greenspaces particularly Fairways Golf Course (assumed).

Kirkwood Homes & Fairways Inverness Limited per EMAC Planning (1312501)

Addition of an allocation at Fairways Golf Course for "Mixed use development comprising up to 800 houses (private and affordable), primary school / community campus, office and retail / commercial development; 9 hole golf course; new woodland planting, amenity open space with associated infrastructure, access, drainage and SUDS".


Laura Keel (1312275)

Plan clarification that the 1,200 homes Tulloch Homes proposal at Welltown of Leys is not supported (assumed).

Lidl per KHP (1312411)

Amendment to wording of 2<sup>nd</sup> priority as follows: "Encourage more sustainable, walkable communities by delivering neighbourhood services and facilities, as well as housing, in locations central to the communities which they serve which are easily accessible by active walking modes (walking, wheeling and cycling)."

Lochardil & Drummond Community Council (1270300)

Placemaking Priorities to calm traffic speed, reduce car use, increase active travel and safe routes to walk and cycle to school and town (map supplied of ideas ).

Mark Robertson (1247997)

Addition of more explicit protection of South Inverness greenspaces particularly Fairways Golf Course (assumed).

Rachel Desmond (1271418)

Addition of more explicit protection of South Inverness greenspaces particularly Fairways Golf Course (assumed).

Richard Cole-Hamilton (1271499)

Deletion of active travel link reference in INS01 and Plan clarification that there will be no such link via Culcabock Avenue (assumed).

Richard Desmond (1268629)

Unclear.

Sarah Desmond (1271421)

Addition of more explicit protection of South Inverness greenspaces particularly Fairways Golf Course (assumed).

Tulloch Homes per Suller Clark (1218219)

Addition of a residential led City expansion area on land at Druid Temple/Welltown in line with supplied indicative framework [\*\*].

**Settlement Map**

Aureen Hardie (1248087), David Finlayson (1249118), DW Peterson (1268257), E. Ross (1323485), John Macrae (1267017), Kate Macdonald (1268991), M E Peterson (1262526), Mark Astley-Jones (1261256), Michael Newcomen (1263799), Richard Desmond (1268629), Robert & Marjory Peckham (1260407), Stuart MacKinnon (1267732)

Addition of more explicit protection of Fairways Golf Course as a greenspace.

Equorium Property per John Handley (1312478)

Addition of Holm Mills as a protected commercial centre in the Plan's retail hierarchy.

Highland Astronomical Society (963272)

None (assumed).

Highland Housing Alliance and Hazeldene both per Turley (1323057)

Additional mixed use allocation of 25.2 hectares of land for a residential (400 units) led expansion area at Milton of Leys South and its inclusion within the City SDA.

Highland Housing Hub (1154846)

Additional mixed use allocation of 25.2 hectares of land for a residential (400 units) led expansion area at Milton of Leys South and its inclusion within the City SDA (assumed).

Jacquie Laird (1269758)

Deletion of all Inverness South housing sites but particularly INS12, INS13 and INS18 (assumed).

Kirkwood Homes & Fairways Inverness Limited per EMAC Planning (1312501)

Addition of a mixed use allocation at Fairways Golf Course (site IN63 of MIR) for 800 houses, primary school, community campus, office, retail, 9 hole golf course and greenspace.

Lochardil & Drummond Community Council (1270300)

Reduction in scale and density of South Inverness housing sites (assumed). More explicit protection of specific greenspaces at: MacDonald Park, the green lawn adjacent to the Lochardil Pharmacy, Lochardil Woods, Culduthel Community Woods and the grass linking the two woods, Aultnaskiach Community Woods, the wetland area with natural vegetation at the end of West Heather Road, the Scheduled Monument adjacent to Slackbuie Avenue, Culduthel Park, and the green fields adjacent to the Gaelic School.

Manda Construction per GHJ (1270977)

Addition of a mixed use development allocation of land south east of West Heather Road as per submission at MIR stage

[\*\*] and a 10 unit housing allocation of land west of Culduthel Place (identified as IN26 in MIR).

Tulloch Homes per Suller Clark (1218219)

Additional allocation for a residential expansion area on land at Druid Temple/Welltown (same as Placemaking Priorities section above).

**INS01: Drakies House**

Feona Wyllie (1269640)

An alternative road access away from Old Perth Road but ideally no further development allocations in this area until a demonstrable difference has been made to the flow of traffic on the Inshes Roundabout and all the roads that feed into this.

Gillian Kirby (1312422)

Unclear.

Jennifer Fraser (1324335)

Plan clarification that there will be no active travel link between Drakies housing estate and Culcabock Avenue.

Joan McEwen (952586)

Deletion of allocation or reduction in capacity and specific requirements for drainage and other infrastructure.

John McKimmie (1323373)

Deletion of allocation or more secure developer requirements (assumed).

Richard Cole-Hamilton (1271499)

Plan clarification that active travel linkages between Thistle Road and Old Perth Road should be exclusively contained within the curtilage of INS01 and not link to Culcabock Avenue.

### **INS02: Inshes Small Holdings**

Joan McEwen (952586)

Deletion of allocation or reduction in capacity and specific requirements for drainage and other infrastructure.

### **INS03 Dell of Inshes**

Abrdn per Phil Pritchett (1312484)

Allocation provisions amended to reflect the adopted development brief for the land. Deletion of reference to developer contributions being required based on Inverness East Development Brief.

Alistair Macleod (1323239)

Deletion of allocation or amended requirements to reduce housing density, setback from adjacent properties, maximum of two storey properties, and retention of existing trees on retail park access road (assumed).

Joan McEwen (952586)

Deletion of allocation or developer requirement to insist on no culverting of watercourses and a flood scheme to alleviate flooding within Dell and Inshes burn catchments (assumed).

### **INS04: Druid Temple**

Donald Begg (1312031)

Deletion of allocation (assumed).

### **INS06: Milton of Leys Care Home**

SEPA (906306)

Addition of developer requirements for alternative proposals.

### **INS08: Earls Gate**

Feona Wyllie (1269640)

Deletion of allocation or prior completion of Inshes Corridor transport scheme that reduces congestion on this part of the local road network (assumed).

### **INS09: Drummond Hill**

Alison Matheson (1323245)

Deletion of allocation or lower capacity (assumed).

Lochardil & Drummond Community Council (1270300)

Deletion of allocation or lower capacity (assumed).

SEPA (906306)

Addition of developer requirements for alternative proposals.

**INS10: Ness-side Central**

Tesco per Pritchett (1312483)

Addition of Dores Road commercial area as a protected district/local centre.

The Cardrona Charitable Trust per GHJ (1312294)

Amendment to allocation boundary to exclude Holm Burn and its associated woodland, long built development such as the Tesco Ness-side store and the proposed new church on land to its north.

**INS11: Holm Burn Place**

Tulloch Homes per Suller Clark (1218219)

None.

**INS12: Ness Castle West**

Lindsay Donaldson (1323341)

Deletion of allocation (assumed).

**INS14: Ness-side South**

Ness Valley Leisure per Pegasus Group (1218859)

Amendments to clarify that INS14 is for a retirement village and that INS19 is for a residential care home, nursery, retirement village and homes.

The Cardrona Charitable Trust per GHJ (1312294)

None.

**INS15: Sir Walter Scott Drive**

Aileen Gardner (1312542), Alan Johnstone (1323496), Alan Ogilvie (1270211), Angela Hanning (1323275), Angela Ogilvie (1312259),

Ann Johnston (1323334), Calum Ogilvie (1312239), Cassie Hogg (1312198), Christine Browne (1312225), Dorothy France (1323390), Eilidh Mackinnon (1312240), Elaine Miller (1312234), Elaine Mudie (1323349), Elaine Webster (1323346), Feona Wyllie (1269640), Fiona Ednie (1312244), Fiona Stuart (1323437), Frances Loch (1323241), Gail Kennedy (1323335), George Dickson (1323333), Gillian Kirby (1312422), Hannah Sweeney (1323457), Iain MacKay (1323054), Karyne Walker (1323344), Keith Bousfield (1312201), Marya Meighan (1323249), Mhairi MacDonald (1323348), Michelle Breau (1323479), Myra Gillon (1323252), Rob Polson (1323126), Sarah Rollo (1312246), Stephanie Cowie (1324320), Stephanie Logan (1323271), Stephen Loch (1323340), Trish MacDonald (1323398), William Fraser (1312273), Winifred MacDonald (1323376)

Delete allocation or revert back to only business use as indicated in the aIMFLDP with road access only through the Police Scotland headquarters site. Retain the playpark and adjoining community land as protected open space. Some respondents suggest additional woodland within the park to increase its biodiversity and carbon capture potential or allotments.

**INS17: Ness-side North**

Equorium Property per John Handley (1312478)

Same as Settlement Map section objection. Addition of Holm Mills as a protected commercial centre in the Plan's retail hierarchy.

I&G MacDonald per Thomas Luke (1312416)

Addition of a developer requirement that there should be ransom free road access along the site's western boundary and the south facing spur of the existing roundabout at the A8082 (assumed).

**INS18: Knocknagael**

Deletion of the allocation or allocated only for agricultural and community (allotments / food growing / greenspace) use.

**INS19: Ness-side South East**

Alison Matheson (1323245)

Addition of developer requirements for two new core paths one alongside the river and another alongside Dores Road (assumed).

Lochardil & Drummond Community Council (1270300)

Addition of developer requirements for new core paths alongside the river and alongside Dores Road and a new longer distance active travel route (and core path) between Torbreck woods and Inverness (map supplied [\*]).

Ness Valley Leisure per Pegasus Group (1218859)

Amendments to clarify that INS14 is for a retirement village and that INS19 is for a residential care home, nursery, retirement village and homes.

The Cardrona Charitable Trust per GHJ (1312294)

None.

**INS20: East of Milton of Leys Primary School**

Jean-Paul Kowaliski (1310382)

Amendments so site used mainly for community use and retail, with eventual hospitality (coffee shop); housing use reduced to a minimum, on 0.2 ha of the 0.5 ha available (8 units)

Tulloch Homes per Suller Clark (1218219)

Amendment of acceptable uses and their phasing to make them more flexible.

**INS22: Inshes Road**

Brian Grant per G&S (1221029)

Increase in housing capacity (assumed).

Feona Wyllie (1269640)

Deletion of allocation or prior completion of Inshes Corridor transport scheme that reduces congestion on this part of the local road network (assumed).

Inshes Community Association (1260543)

Deletion of allocation or its amendment to require a developer masterplan to promote a gateway feature, community facilities, modest commercial use and parking for park users and school drop off (assumed).

**INS23: Milton of Leys Centre East**

SEPA (906306)

Addition of developer requirements for alternative proposals.

**INS24: Culduthel Road Funeral Home**

SEPA (906306)

Addition of developer requirements for alternative proposals.

**INS26: Slackbuie Pitches**

Francois Douaud (1310275)

Deletion of allocation or clarification that no built development will be supported (assumed).

**INS27: Raigmore Hospital**

Denise Stewart-Thomson and 85 petitioners (1323268)

Deletion of requirement for bus service/gate/link from Raigmore Estate through to the Raigmore Hospital (assumed).

SEPA (906306)

Addition of flood risk assessment requirement: "Flood Risk Assessment (no development in area shown to be at risk of flooding)."

**INS28: Milton of Leys Primary School**

SEPA (906306)

Addition of developer requirements for alternative proposals.

**INS29: North of Castleton Village**

SEPA (906306)

Addition of developer requirements for alternative proposals.

**INS30: Ness Castle Primary School**

SEPA (906306)

Addition of developer requirements for alternative proposals.

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

**Placemaking Priorities**

Alison Matheson (1323245)

See Issue 3 Housing Requirements regarding the Council's response to conflicting claims that it has either under or over allocated land within the Plan area for future housing development. Within the Inverness HMA the Plan's 10 year, all sector Housing Supply Target (HST) is 4,405 units and corresponding Housing Land Requirement (HLR) 5,726 units. The Council's 2022 Housing Land Audit (HLA) estimates 6,888 units over a similar 10 year period and this total doesn't include small (1-3 unit) windfall developments. Therefore, the Council believes that there is a modest quantitative surplus of allocated housing land within Inverness district. As explained elsewhere in this and other Inverness issue papers, the development industry contest this conclusion and believes that there is a shortfall not a surplus. Planning permission densities and unit numbers can exceed the indicative capacities in the development plan but over time the HLA reflects these permissions and therefore they count towards meeting the housing target / requirement.

Issue 13 GP9: Delivering Development and Infrastructure provides the Council's response on the integration of new development and the infrastructure and community facility network capacity necessary to support it. The Council is very aware of the lack of primary and secondary education capacity across most of Inverness City and its inability, with current and likely future public expenditure restraint, fully to resolve this constraint.

See Issue 8 GP4: Safeguarding Greenspace regarding the Council's general approach to the definition, identification and protection of greenspaces within all of the main settlements of the Plan area. The Council has adopted a narrow, stringent definition of what should be protected to increase the chances of these spaces being protected in planning application decision making. So, spaces need to be accessible to most of the general public and offer an obvious amenity and/or recreational value to the general public to merit protection under this policy. Other spaces may be green (or blue) and may offer biodiversity, other natural heritage, indirect amenity or other benefits but are not accessible to and used by most of the general public. Some of these other spaces are recognised as important in connectivity terms for the movement of people and wildlife and have been given a Green Network notation on the main settlement maps. They have a separate general policy with a different policy test as explained in Issue 9 GP5: Green Networks. Some spaces are indicated as protected in the Audit but the solid green notation doesn't appear on the Plan settlement mapping. These are solely where there is an overlapping Plan allocation that provides more prescriptive advice on how the space should be retained but also enhanced. The most typical example of this would be a recreational facility including a sports pitch where the pitch needs extension or additional changing or other complementary facilities. Most of the land adjoining the canal and Torvean Quarry is already depicted as protected greenspace and crisscrossed by both formal and informal active travel routes. The Council's response to Knockagael is set out under site INS18 below. Accordingly, the Council believes that the Plan should remain unaltered in respect of this representation.

Brian Mackay (1312392)

See response to Alison Matheson above regarding the Council's general approach to the definition, identification and protection of greenspaces. Fairways Golf Course has been depicted as a protected greenspace within the Plan because: parts of it still function as a publicly accessible golf course and driving range and it is therefore a formal recreational asset; core paths run through it and therefore the general public derive a direct amenity value from the space; most of its area is covered by a tree preservation order [\*] and this planting provides a direct amenity value to the general public that enjoy informal recreation in this area; and, it is large enough, central enough to the South Inverness neighbourhoods, and of high enough quality of outlook and amenity, to attract a high number of public users from across the urban district. The Council accepts that publicly accessible and useable greenspace has multiple benefits. The Fairways greenspace area boundary requires a factual correction to remove land already developed for housing at Upper Slackbuie [\*].

Derek Hardie (1261798)

See responses to Alison Matheson and Brian Mackay above.

Donald Begg (1312031)

See response to Alison Matheson above.

Ewan Gunn (1261892)

See response to Brian Mackay above.

Frazer Mackenzie (1312396)

See responses to Alison Matheson and Brian Mackay above.

John Macrae (1267017)

See responses to Alison Matheson and Brian Mackay above. The Plan doesn't identify protected greenspaces solely because of their biodiversity or wider natural heritage value although the areas shown may have such value in addition to their function and value as publicly accessible and useable greenspaces. The Fairways area is not subject to significant existing or projected future fluvial or pluvial flood risk.

Kirkwood Homes & Fairways Inverness Limited per EMAC Planning (1312501)

See full response under Kirkwood Homes objection in Settlement Map section below. The land is relatively close to many neighbourhood and urban district facilities and other infrastructure networks. However, many of these are at or over capacity. The higher parts of Fairways also present distance and gradient, active travel challenges in connecting to local facilities.

Laura Keel (1312275)

The Tulloch Homes proposal at Welltown of Leys is not supported within the Plan (see response to Tulloch Homes below).

Lidl per KHP (1312411)

The second bullet is long and includes planning jargon but is intelligible. National planning and transport policy has changed. In line with this new 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 approved Scottish Government planning and transport policy is to encourage LPAs to identify, support through permissions, and then protect an optimum network of "city, town and local" centres. National Planning Framework 4 (NPF4) also supports proposals to improve the sustainability of existing commercial centres. NPF4's Annex F Glossary defines town centres and commercial centres but, unhelpfully, does not define local centres. It is unclear whether existing commercial centres merit identification and protection or not. The Council believes it reasonable to assume that the NPF4 Glossary's 5 tests of, or criteria to define, a town centre should be applied to decide whether a commercial, district or neighbourhood centre merits definition and protection as a "local centre". The respondent's site lies outwith the boundary of the Inshes Commercial Centre as identified within the aIMFLDP. The Inshes Commercial Centre fails 3 of the 5 tests of a town centre in being predominantly a retail park, with no placemaking merit, and with very little evening social activity. The Council agrees with NPF's desire, where possible, to retrofit large retail parks as something more attractive and sustainable. This means better sustainable travel mode connectivity, a more diverse mix of land uses and a more attractive physical environment where people will wish to meet and linger at all times of day. The respondent's proposal does nothing to retrofit Inshes Retail Park.

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 are that these lower tier centres don't meet all the NPF4 "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.

Additional commercial facilities within existing residential areas will not promote an increase in the percentage of all travel that is made by sustainable mode if they don't fit with or even undermine the optimum network of centres. Accordingly, the Council believes that the Plan should remain unaltered in respect of this representation.

Lochardil & Drummond Community Council (1270300)

Map 4 Active travel Network, General Policy 14 Transport and the second and third South Inverness placemaking priorities all promote the general principle of modal shift, of improving active travel connectivity both within larger settlements and between them, and of seeking developer contributions towards such provision. Also, the Plan's South Inverness main settlement map includes local networks indicatively defined by orange-coloured pecked lines. Finally, larger, relevant allocations include specific active travel provision and developer contribution developer requirements. The requested segregated cycle lane designs and routes may have merit but are of a detail outwith the Plan's scope. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Mark Robertson (1247997)

See response to Brian Mackay above.

Rachel Desmond (1271418)

See responses to Alison Matheson and Brian Mackay above.

Richard Cole-Hamilton (1271499)

The Council's full response to this respondent is set out under site INS1 below. The Plan promotes new development that will be permeable to active travel movements. The Council accepts there are significant constraints to a connection between Thistle Road and Culcabock Avenue and that alternatives should be investigated.

Richard Desmond (1268629)

Noted.

Sarah Desmond (1271421)

See responses to Alison Matheson and Brian Mackay above.

Tulloch Homes per Suller Clark (1218219)

See Issue 3 Housing Requirements. Within the Inverness HMA the Plan's 10 year, all sector Housing Supply Target (HST) is 4,405 units and corresponding Housing Land Requirement (HLR) 5,726 units. Within the Inverness HMA the Plan's 10 year, all sector Housing Supply Target (HST) is 4,405 units and corresponding Housing Land Requirement (HLR) 5,726 units. The Council's 2022 Housing Land Audit (HLA) estimates 6,888 units over a similar 10 year period and this total doesn't include small (1-3 unit) windfall developments. Therefore, the Council believes that there is no quantitative deficiency argument for allocating more housing land within Inverness district.

The Council accepts that the site and proposal does have some merit but not sufficient merit to supplant allocated alternatives or to justify an additional allocation where no overall quantitative deficiency exists. The site may well be marketable, Tulloch have a good track record of timely activation of land, the land doesn't suffer from significant physical or environmental constraints, and part of the distributor road network (which acts as a bus route) is already formed. However, the safeguarding of land for a new local primary school and offer of developer contributions towards its construction is made without commitment and without the balance funding dedicated within the Council's capital programme to achieve it. Although the land is a logical extension to the existing Milton of Leys community it is not particularly sustainable. The land has a north-westerly aspect, is elevated and most parts of it present distance and gradient, active travel challenges in connecting to existing local facilities. The offers to deliver plentiful, early affordable housing units, net additional public open space and biodiverse habitats are welcomed but again made without commitment. A new 20-minute neighbourhood will only be created if the new primary school, other community

facilities and local employment opportunities happen. These matters are outwith the respondent's control unless Tulloch Homes, for example, make an, unprecedented in Highland, decision to wholly fund a new primary school. The offers made are unlikely to be economically viable. The development is likely to have an adverse, reduced amenity effect on both the Leys Castle Designed Landscape and General Wade's Road Core Path. Although community consultation has been undertaken, the comments elsewhere in this issue paper demonstrate that there is not consensus support for an additional City expansion area on this land. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

### **Settlement Map**

Aureen Hardie (1248087), David Finlayson (1249118), DW Peterson (1268257), E. Ross (1323485), John Macrae (1267017), Kate Macdonald (1268991), M E Peterson (1262526), Mark Astley-Jones (1261256), Michael Newcomen (1263799), Richard Desmond (1268629), Robert & Marjory Peckham (1260407), Stuart MacKinnon (1267732)

Issue 13 GP9: Delivering Development and Infrastructure provides the Council's response on the integration of new development and the infrastructure and community facility network capacity necessary to support it. The Council is very aware of the lack of primary and secondary education capacity across most of Inverness City and its inability, with current and likely future public expenditure restraint, fully to resolve this constraint. See Issue 8 GP4: Safeguarding Greenspace regarding the Council's general approach to the definition, identification and protection of greenspaces within all of the main settlements of the Plan area. Fairways Golf Course has been depicted as a protected greenspace within the Plan because: parts of it still function as a publicly accessible golf course and driving range and it is therefore a formal recreational asset; core paths [\*] run through it and therefore the general public derive a direct amenity value from the space; most of its area is covered by a tree preservation order [\*] and this planting provides a direct amenity value to the general public that enjoy informal recreation in this area; and, it is large enough, central enough to the South Inverness neighbourhoods, and of high enough quality of outlook and amenity, to attract a high number of public users from across the urban district. The Council accepts that publicly accessible and useable greenspace has multiple benefits. The Fairways greenspace area boundary requires a factual correction to remove land already developed for housing at Upper Slackbuie [\*].

Section 2.12 of the 2020 HNDA [\*] explains that within the Inverness HMA that 85% of 2018/2019 house sales went to buyers with an address within Highland. It is therefore unlikely that half of new builds are bought by people moving into the area. Affordability is a concern within the Plan area (see Issue 3 Housing Requirements). Fluvial and pluvial flood risks do affect parts of the site but these can be mitigated by suitable development setbacks and physical mitigation measures. The Inverness South West Flood Relief Channel protects part of the site but is designed to maintain normal flows within the watercourses that penetrate the land. The developer isn't proposing any net woodland loss so pollution and climate change effects from this factor may be negligible. In the 1990s, Fairways Golf Course was supported by council planning policy as one of several green wedges as part of a wider spatial strategy for Inverness. This strategy intended that all the peripheral residential neighbourhoods would be separated by green wedges allowing each neighbourhood its own identity and close access to recreational space. The golf course was constructed in the 1990s in line with this strategy. The owners of the land have sought to transition from golf course use to other more commercial uses since that time. The original course has been reduced in length and playability several times by incursive housing and commercial development. As a result of this and reduced course maintenance, members have left to join other courses. Construction of another roundabout on Sir Walter Scott Drive distributor road is technically feasible but this is its busiest link and will increase local congestion and slow longer distance journey times. The Council is progressing a transport scheme for Inshes Roundabout and the wider Inshes Corridor but this will only help alleviate existing and projected future congestion not create additional capacity. Property depreciation because of proximity of other houses and loss of private greenfield views are not material planning considerations. Similarly, the opportunity cost foregone of a more socially beneficial use that the land could be put to, is not a valid ground of objection unless there's a stated commitment and funding to make that other use a reality including if necessary the use of compulsory purchase powers to acquire the land from an unwilling landowner. National and Highland planning policies do protect greenspaces such as this land at Fairways. The precedent argument is relevant although planning permissions have been granted on the margins of the site. Any

application would have to include a protected species survey and appropriate mitigation. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

#### Equorium Property per John Handley (1312478)

Plan allocation INS17 Ness-side North, promotes very little substantive change to the adopted Torvean and Ness-side Development Brief's provisions [\*] other than opening up the option of some housing use of the respondent's property. The importance of the Mills as a long standing tourist attraction and local commercial centre is recognised. The Plan and the approved Brief support the expansion of that role. Notwithstanding the above, the Plan does not, separately, identify and protect commercial centres that don't meet all of the NPF4 town centre tests. Holm Mills does not meet all these tests. For example, its outlets and attractions are closed in the evening. See Issue 1 General, Vision and Outcomes for the overview Council response to parties seeking the identification and protection of Inverness district and commercial centres. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

#### Highland Astronomical Society (963272)

Support noted and welcomed.

#### Highland Housing Alliance (HHA) and Hazeldene both per Turley (1323057)

See Issue 3 Housing Requirements. Within the Inverness HMA the Plan's 10 year, all sector Housing Supply Target (HST) is 4,405 units and corresponding Housing Land Requirement (HLR) 5,726 units. The Council's 2022 Housing Land Audit (HLA) estimates 6,888 units over a similar 10 year period and this total doesn't include small (1-3 unit) windfall developments. Therefore, the Council believes that there is no quantitative deficiency argument for allocating more housing land within Inverness district. The respondent queries the effectiveness of the Plan's East Inverness City expansion area. It is dependent upon an announcement of Transport Scotland investment but the Council remains confident this will occur within the Plan's lifetime given that the East Link route and related A96 connection is a City Region Deal commitment [\*]. Similarly, Tornagrain demand and completions should pick-up as the new rail station [\*] and primary school [\*] commitments materialise.

The involvement of HHA should ensure implementation of the stated intention to deliver at least 50% of the residential units as affordable. The Council welcomes this commitment as it meets several of its own corporate and development plan priorities. This factor gives the respondents' proposal an advantage compared to other private housebuilder / landowner "new" site suggestions within the Inverness HMA.

Notwithstanding, the land is not as environmentally sustainable and economically viable for housing development compared to the land allocated for this purpose within the Plan. It has some merits. The land doesn't suffer from significant physical or environmental constraints, and part of the distributor road network (which acts as a bus route) is already formed. However, the local primary and high schools are at capacity [\*] and there is insufficient funding dedicated within the Council's current capital programme [\*] to resolve this issue even with the addition of projected developer contributions. It is also at the limit of the City's water supply network and suffers from water pressure issues which would require augmentation of local water storage reservoirs. Although the land lies adjacent to the existing Milton of Leys community it is not particularly sustainable. The land has a north-westerly aspect, is elevated (175-190m), subject to winter shading, and most parts of it present distance and gradient, active travel challenges in connecting to existing local facilities. Presently, a new 20-minute neighbourhood doesn't exist at this location and will only be created if new community facilities and local employment opportunities are created. The respondent's proposal offers no guarantee in terms of these components and is dominated by its housing component.

The aIMFLDP allocates much of the land for business development because it is one of the few sites in Highland close a grade separated trunk road junction with spare capacity, it has a degree of separation from the Milton of Leys residential areas, and it could provide local employment opportunities to this and other adjoining neighbourhoods. The site is still suited to this purpose but was deallocated because of a lack of employer demand despite repeated marketing attempts. The Council doesn't believe that because business use has proven unmarketable that it follows that a housing use should be substituted. Each use has different implications. For example, 400 additional houses would have a significant adverse impact on local school capacity. New local employment

opportunities would better balance the local neighbourhood whereas 400 additional houses would further tip that balance towards a housing suburb. Travel patterns would also be different. Local jobs would offer the option of active travel commuting whereas 400 houses would increase the likelihood, as the respondent admits, of A9 car borne commuting. A future housing use would also be less compatible with the high voltage overhead lines that cross the site and the A9 dualled trunk road that passes close to its eastern boundary. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

#### Highland Housing Hub (1154846)

See response to Highland Housing Alliance and Hazeldene above. The proposal has now (November 2022) reached a planning permission in principle application [1] stage. The Council's planning policy response to that application is not supportive [1]. There is no stated or confirmed involvement of Highlands and Islands Enterprise in delivering any employment component. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

#### Jacquie Laird (1269758)

See Council's response to INS18 representations below. INS12 and INS13 benefit from an extant, locked on planning permission [1]. Issue 13 GP9: Delivering Development and Infrastructure provides the Council's response on the integration of new development and the infrastructure and community facility network capacity necessary to support it. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

#### Kirkwood Homes & Fairways Inverness Limited per EMAC Planning (1312501)

See related responses above regarding Fairways' assessment and inclusion as a protected green space. The respondents have objected to many of the Plan's strategy and general policies and the Council's response to these matters is within each respective issue paper. In particular, see Issue 3 Housing Requirements. The land is relatively close to many neighbourhood and urban district facilities and other infrastructure networks. However, many of these are at or over capacity. In particular, both the relevant primary schools (Cauldeen and Hilton) and high school (Inverness Royal Academy) are forecast [1] to breach their physical capacities within the Plan period. The higher parts of Fairways also present distance and gradient, active travel challenges in connecting to local facilities. It will not therefore function particularly well as a 20 minute neighbourhood unless the new primary school, other community facilities and local employment opportunities happen. The offer of 50% managed greenspace rather than 100% underused greenspace contradicts the opinions of other respondents on this issue who highly value the informal recreational benefits of the area. Paragraph 2.1 of the respondents' full submission indicates their attitude that public access is "tolerated" and that the land is a "disused urban asset" (paragraph 3.6). The lower altitude parts of the site do/could offer reasonable sustainable mode connectivity to local facilities and employment opportunities. Kirkwood Homes has proceeded to pre-application stage with its 800 residential unit led mixed use proposal [1] and the other respondents on this issue give an indication of the public's response to that proposal. As stated above, the Council accepts that potential adverse water environment effects can be mitigated.

The Council accepts that the site and proposal does have some merit but not sufficient merit to supplant allocated alternatives or to justify an additional allocation where no overall quantitative deficiency exists. The site may well be partially effective, it doesn't suffer from significant physical or environmental constraints, and the distributor road network (which acts as a bus route) lies adjacent. However, the safeguarding of land for a new local primary school and offer of developer contributions towards its construction is made without commitment and without the balance (deficit) funding dedicated within the Council's capital programme to achieve it and the necessary additional high school capacity. This deficit funding is outwith the respondents' and Council's control unless Kirkwood Homes, for example, make an, unprecedented in Highland, decision to wholly fund a new primary school. No such offer has been made because it would, in the Council's view, render the site economically unviable. The development is also likely to have an adverse effect on the overlapping Leys Castle Designed Landscape [1], the Fairways Trails core path [1] that runs through the site and the Fairways Tree Preservation Order [1] woodland that covers most of the site. The respondent's suggestions that they will look at allotment provision and biodiversity enhancement are made without any commitment. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

#### Lochardil & Drummond Community Council (1270300)

See responses above regarding education facility capacity. The Council accepts there is a City-wide issue and has insufficient capital funding either through its own resources or through Scottish Government to support more than limited further development across the City. For this and other reasons, developer suggestions for new City expansion areas and sites have been rejected within the Plan and within this and the other Inverness issue papers.

See Issue 8 GP4: Safeguarding Greenspace regarding the Council's general approach to the definition, identification and protection of greenspaces within all of the main settlements of the Plan area. The Greenspace Audit [\*\*] is a point in time (summer 2022) assessment of existing spaces to check whether they merit direct policy protection from development. Spaces that meet the criteria have been classified as protected greenspaces. The Council has adopted a narrow, stringent definition of what should be protected to increase the chances of these spaces being protected in planning application decision making. So, spaces need to be accessible to most of the general public and offer an obvious amenity and/or recreational value to the general public to merit protection under this policy. Other spaces may be green (or blue) and may offer biodiversity, other natural heritage, indirect amenity or other benefits but are not accessible to and used by most of the general public. Some of these other spaces are recognised as important in connectivity terms for the movement of people and wildlife and have been given a Green Network notation on the main settlement maps. They have a separate general policy with a different policy test as explained in Issue 9 GP5: Green Networks. Some spaces are indicated as protected in the Audit but the solid green notation doesn't appear on the Plan settlement mapping. These are solely where there is an overlapping Plan allocation that provides more prescriptive advice on how the space should be retained but also enhanced. The most typical example of this would be a recreational facility including a sports pitch where the pitch needs extension or additional changing or other complementary facilities.

Applying these underlying principles to the respondent's concerns, all the listed areas carry the protected greenspace notation within the Plan except the land enclosing the Scheduled Monument adjacent to Slackbuie Avenue and West Heather Road because this land offers only very limited public accessibility and amenity value, and obtained a planning permission [\*\*] for office development (which safeguarded the scheduled area). The Council's response to Knocknagael is given under site INS18 below. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

#### Manda Construction per GHJ (1270977)

The Council recognises the planning permission at West Heather Road and therefore the principle of limited development outwith the scheduled monument area. However, this is infill in scale and given the site's constraints not worthy of a specific allocation within the Plan. See above and Issue 3 Housing Requirements regarding the Council's view that there is no quantitative deficiency argument for allocating more housing land within Inverness district. In terms of the land at Culduthel Place, the Council's reasoning for adding a protected greenspace notation is explained in the Lochardil and Drummond Community Council response above. The site functions as public open space even though it is private ownership. It is accessible and used albeit by a limited number of the general public. Almost all of the site is subject to pluvial flood risk [\*\*]. The site attracted many representations at MIR stage [\*\*] opposed to its development. Very limited infill development may be possible within the constraints of flood risk, existing planting retention and setback, and enhancement of public access to the greenspace but these constraints are sufficient to not endorse a development allocation at this location. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

#### Tulloch Homes per Suller Clark (1218219)

See response to Tulloch Homes within Placemaking Priorities section above.

#### **INS01: Drakies House**

##### Feona Wyllie (1269640)

The Council refused [\*\*] the planning application that proposed this additional access but it was granted on appeal in October 2021. The Council is progressing an Inshes Corridor transport scheme [\*\*] to alleviate congestion in this part of the City. This additional access and development will not assist in this endeavour. The Council intended that access to the site be taken through the Raigmore



Motel and include its redevelopment. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Gillian Kirby (1312422)

Noted.

Jennifer Fraser (1324335)

The Plan promotes new development that will be permeable to active travel movements. However, the Council accepts there are significant constraints to an active travel connection between Thistle Road and Culcabock Avenue and that alternatives should be investigated. Springfield Homes, the prospective developer of the southern (Thistle Road) and northern (north of Drakies House) portions of the INS01 allocation, presently do not control the land necessary to achieve the developer requirement stated connection route. Similarly, the Council does not own and is unlikely to use compulsory purchase powers to acquire, the land required. Active travel funding bodies don't have a current scheme design or capital allocation for the connection. Land within the curtilage of Drakies House, if and when released for development offers the best prospect of a future active travel connection. Accordingly, if the Reporter is minded to support the representations made on this topic then the Council would suggest that the developer requirements wording be amended to delete all the bracketed text that describes where active travel links may be required.

Joan McEwen (952586)

The capacity of most of the site was set by the appeal decision not by the Council.

John McKimmie (1323373)

See response to Jennifer Fraser above. The related planning applications [\*] have still to resolve drainage issues although these largely relate to future maintenance arrangements not to the principle of whether an engineering solution is possible.

Richard Cole-Hamilton (1271499)

See response to Jennifer Fraser above.

### **INS02: Inshes Small Holdings**

Joan McEwen (952586)

The land benefits from a longstanding allocation in successive development plans and is an integral part of the completion of the Inshes residential neighbourhood. It has not been developed to date because of ownership issues but these have now been resolved. The site has been subject to previous planning applications and a 101 residential unit application [\*] is pending determination. The detail of drainage and road access arrangements are yet to be resolved but have a technical solution. The existing list of developer requirements is comprehensive but if the Reporter is minded to agree with the respondent then the Council would support any additional requirements resulting from the pending application if and when a permission is granted.

### **INS03 Dell of Inshes**

Abrdn per Phil Pritchett (1312484)

See Issue 18: GP15 Development Briefs regarding the Council's response to alleged conflicts between different parts of the development plan. The Plan intends to update the Council's planning policy in respect of this land. The respondent is currently seeking food retail (a Lidl store) development of the site. Allocation reference IN58 in the aIMFLDP excludes convenience retail for the application site. The Council's reasoning for this restriction was and is to diversify the offer of Inshes Retail Park (and adjoining land) to make it more of a genuine district centre that meets the "town centre" tests in the Glossary of NPF4; i.e., a genuine mixed use, day-long meeting place with good sustainable travel mode accessibility and architectural or other attractive character. The existing permission, which was granted on appeal, reflects this policy aim, to a degree, by controlling uses and unit sizes. The Plan's provisions go further with this same aim. They propose to change the use of the application site to residential. The purpose of this change is twofold: to reduce the car trip generation on a site the development of which is very likely further to compromise strategic and local road capacity in this part of the City; and, to follow the NPF4 20 minute neighbourhood concept by putting new households within close, active travel range of a good range of existing facilities. The site was only allocated for development in the HwLDP because it was crucial to alleviating road congestion in this part of the City. It still is. Once transport (and probably flood alleviation) corridors

have been established then there will be remnant land that could be used for development. 10 years ago, retail warehouse and other “big-box” comparison retail unit demand was far higher than it is now. The respondent’s current pursuit of discount food retail rather than its original development concept illustrates this point. The Council supports the need for additional comparison and convenience floorspace across the City but disagrees with this respondent and others on where that floorspace should be located. The Council believes such development should be directed to land within Inverness City Centre and other allocated sites where retail is listed as an acceptable use. The Council’s planning policy response [1] to the current application designed to attract Lidl to site INS03 provides further detail. The reference to the Inverness East Development Brief (IEDB) is solely in terms of the calculation of developer contributions for strategic and local road capacity mitigation. Development of INS03 will further compromise this capacity and therefore a contribution is entirely appropriate and the IEDB provides an approved development plan protocol for its calculation. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Alistair Macleod (1323239)

The housing density has been set fairly high (in Highland terms) at 50 dwellings per hectare because of the site’s location, very close to a range of facilities and where most land has been intensively developed. The Council accepts such a density will require careful siting and design but the retail park is already characterised by taller structures and the stated developer requirements include mitigation to address the respondent’s concerns. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Joan McEwen (952586)

The first developer requirement is to assess flood risk areas and avoid development within them. The Council accepts that there is a history of flood events within the Dell and Inshes burn catchments and the Council is still investigating wider catchment solutions. The developer of INS03 will need to demonstrate no net detriment in respect of this issue. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

**INS04: Druid Temple**

Donald Begg (1312031)

The land obtained a full planning permission for 155 houses in February 2021 [1]. The principle of development of the site was opposed by the Council during the last plan process but included by the Reporter during the aIMFLDP Examination. The permission includes mitigation for the adverse impact on General Wades Road. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

**INS06: Milton of Leys Care Home**

SEPA (906306)

The care home has obtained a recent, full planning permission [1] and construction has commenced and therefore the Council believes it unnecessary to add requirements for alternative proposals. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

**INS08: Earls Gate**

Feona Wyllie (1269640)

INS08 benefits from extant planning permissions and is under construction. See Settlement Map section above regarding the Council’s general response to South Inverness infrastructure and greenspace issues. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

**INS09: Drummond Hill**

Alison Matheson (1323245)

The site benefits from a full planning permission [1] and is under construction. The Plan stated 38 unit capacity is correct.

Lochardil & Drummond Community Council (1270300)

The site benefits from a full planning permission [1] and is under construction. The Plan stated 38 unit capacity is correct.



#### SEPA (906306)

The site benefits from a full planning permission [\*\*] and is under construction. The Plan stated 38 unit capacity is correct.

#### **INS10: Ness-side Central**

##### Tesco per Pritchett (1312483)

The Plan does not, separately, identify and protect commercial centres that don't meet all of the NPF4 town centre tests. Tesco at Ness-side does not meet all these tests. For example, its permitted neighbourhood shop component has never been developed or released by Tesco. A church has been permitted to the rear of the Tesco service yard but has yet to source the funding to implement that permission. See Issue 1 General, Vision and Outcomes and Issue 10 GP6 Town Centre First for the overview Council response to parties seeking the identification and protection of Inverness district and commercial centres. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue save the suggested change below.

##### The Cardrona Charitable Trust per GHJ (1312294)

The Council agrees that the allocation boundary should be reduced for the reasons stated by the respondent. If the Reporter is minded to recommend such a reduction then the Council would suggest that existing woodland adjoining the Holm Burn and individual private houses adjoining the Holm Burn and River Ness be excluded from the boundary of INS10. Given the extant church and neighbourhood centre planning permissions [\*\*] adjoining the Tesco store it would also be sensible to identify this land as a separate mixed use allocation in line with those permissions.

#### **INS11: Holm Burn Place**

##### Tulloch Homes per Suller Clark (1218219)

Support noted.

#### **INS12: Ness Castle West**

##### Lindsay Donaldson (1323341)

The site benefits from a locked-on planning permission [\*\*] and long standing development plan allocation. The site has woodland constraints that will necessitate compensatory planting. This matter is addressed by planning condition and in the Plan's developer requirements wording. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue save the suggested change below.

#### **INS14: Ness-side South**

##### Ness Valley Leisure per Pegasus Group (1218859)

The Plan doesn't make a site-specific reference to retirement residential units unless there's a particular need or suitability for them on a given site. These units may well be designed for sale or easy conversion to "mainstream", all age use and therefore a Plan restriction is inappropriate in this case. If the owner or developer wishes to impose such a restriction through title condition or management practice then the Council wouldn't oppose this but it's not a matter for Plan reference. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue save the suggested change below.

##### The Cardrona Charitable Trust per GHJ (1312294)

Support noted.

#### **INS15: Sir Walter Scott Drive**

Aileen Gardner (1312542), Alan Johnstone (1323496), Alan Ogilvie (1270211), Angela Hanning (1323275), Angela Ogilvie (1312259), Ann Johnston (1323334), Calum Ogilvie (1312239), Cassie Hogg (1312198), Christine Browne (1312225), Dorothy France (1323390), Eilidh Mackinnon (1312240), Elaine Miller (1312234), Elaine Mudie (1323349), Elaine Webster (1323346), Feona Wyllie (1269640), Fiona Ednie (1312244), Fiona Stuart (1323437), Frances Loch (1323241), Gail Kennedy (1323335), George Dickson (1323333), Gillian Kirby (1312422), Hannah Sweeney (1323457), Iain MacKay (1323054), Karyne Walker (1323344), Keith Bousfield (1312201), Marya Meighan (1323249), Mhairi MacDonald (1323348), Michelle Breau (1323479), Myra Gillon (1323252), Rob Polson (1323126), Sarah Rollo (1312246), Stephanie Cowie (1324320), Stephanie Logan (1323271), Stephen Loch (1323340), Trish MacDonald (1323398), William Fraser (1312273), Winifred MacDonald (1323376)

Most of the land (apart from its access road safeguard) identified under INS15 benefits from a long standing approved development plan allocation for business development. In particular, this was to allow for the adjoining Police Scotland building and operations to be expanded. However, circumstances have changed since the aIMFLDP was finalised in July 2015. Police Scotland merged the regional forces and the Highlands and Islands Headquarters north of the site now has a less prominent role and no need to expand onto the adjoining land. Vehicular access to the land was to have been taken through the existing Police Scotland land to the north in order to eliminate the need for a new access onto one of the highest traffic flow links in the Sir Walter Scott Drive distributor road. The Plan's provisions propose to change from a business use which is no longer required to residential, to follow the National Planning Framework 4, 20 minute neighbourhood concept by putting new households within close, active travel range of a good range of existing facilities. Because of the lack of local and strategic road capacity in this part of the City and the operational and security constraints to putting a road access through the Police Scotland site, the INS15 allocation boundary encloses land required for a new vehicular access taken from the existing "Eagle" roundabout (the junction of Inshes Road and Sir Walter Scott Drive). The Council accepts that this new access will result in the loss of greenspace and the need to relocate the planted bund and play area further to the west of their current location. Council planning officials were aware of the existence of the legal agreement [redacted] but not until recently its detailed terms. These terms do not prevent a road access as indicated in the Plan but would impose a financial penalty on the developer of INS15 if such an access were to be constructed. A planning application [redacted] is pending for a discount foodstore and 38 housing units on the upper part of the INS15 allocation using a new direct access off Sir Walter Scott Drive. This upper land is fenced farmland with no direct public access but does provide an indirect, amenity buffer function in separating the existing Drakies houses from the distributor road.

The Council has considered this complex set of circumstances and the representations received. The Council suggests, if the Reporter is so minded, that the allocation be deleted and its lower road access safeguard replaced by a protected greenspace notation with the upper portion (the aIMFLDP business allocation) left without any allocation or notation. The Council's reasons are the: absence of a quantitative deficiency in the Inverness HMA housing land supply and the relatively insignificant loss of 80 units towards that supply; the lack of local and strategic road and secondary school capacity in this part of the City; the net loss of greenspace that would otherwise be protected to construct the road access; the impact on the economic viability of the site of the related legal agreement; and, the loss of a green buffer area that has indirect amenity benefit to many Drakies residents.

Other concerns expressed by respondents can be mitigated and/or have been exaggerated. With proper design and boundary treatments the access road wouldn't reduce the safety of users of the remaining park. The Inshes Corridor and Sir Walter Scott Drive routes including their adjoining footways are wide enough to allow emergency vehicles through even when traffic is queuing. There is no Council or developer proposal for a road link into the Drakies housing estate from Sir Walter Scott Drive. There are minor pluvial and small watercourse flooding issues affecting the allocation land but these can be mitigated by a development setback, within curtilage infiltration drainage, and better maintenance. The land has very little habitat and species value.

#### Erin Christie (1312545)

See main INS15 response above. A new T junction to Sir Walter Scott Drive is technically feasible but not supported within the Council's agreed Inshes Corridor Transport Scheme [redacted]. This scheme indicates a T junction to the east of the Police Scotland building but only as a replacement for the closure of the existing Drakies east and Police Scotland leg of Inshes Roundabout. Creating a net additional distributor road junction will further erode the potential to alleviate the expected increase in congestion in this part of the City.

#### Lidl per KHP (1312411)

See both INS15 responses above. The Council's planning policy responses to the pending Lidl application [redacted] detail why the Council does not support the application proposal or the Plan's amendment to endorse it. The offers to financially support the provision of affordable housing units on the remainder of the INS15 site and to make a significant contribution towards the upgrading of the local infrastructure network are made without detail or commitment.

### **INS17: Ness-side North**

#### Equorium Property per John Handley (1312478)

Plan allocation INS17 Ness-side North, promotes very little substantive change to the adopted Torvean and Ness-side Development Brief's provisions [redacted] other than opening up the option of some housing use of the respondent's property. The importance of the Mills as a long standing tourist attraction and local commercial centre is recognised. The Plan and the approved Brief support the expansion of that role. Notwithstanding the above, the Plan does not, separately, identify and protect commercial centres that don't meet all of the NPF4 town centre tests. Holm Mills does not meet all these tests. For example, its outlets and attractions are closed in the evening. See Issue 1 General, Vision and Outcomes and Issue 10 GP6 Town Centre First for the overview Council response to parties seeking the identification and protection of Inverness district and commercial centres. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

#### I&G MacDonald per Thomas Luke (1312416)

Support noted. The West Link scheme as constructed provides two ransom free road access points to the boundary of the MacDonalds' ownership and therefore there is no reason to specify a requirement to construct what has already been completed. The adjoining developer has not constructed public sewer connections to the boundary of the MacDonalds' ownership but that is a matter for private negotiation. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

### **INS18: Knocknagael**

Aqata Kowalczyk (1323257), Alan MacKenzie (1312429), Alison Matheson (1323245), Andrew Lindley (1310224), Andrew Martin (1323242), Angela Cran (1323029), Ariane Burgess (1323240), Ballifeary Community Council (1312380), Bernadette Church (1312403), Caroline Phillips (1261275), Catherine Mackenzie (1323400), Christie Family (1323458), Colin McLean (1312537), Des Kelly (1323251), Donna Brown (1312529), Dorothy Getliffe (1270774), Feona Wyllie (1269640), Fraser Morrison (1323342), Graeme MacDonald (1312521), Heather Henderson (1323274), James Shewan (1312423), Janet Baraclough (1323246), Jean Thompson (1323381), Joanne MacCulloch (1323345), Jonathan Wordsworth (1323248), Julie Fraser (1312492), Kate Macdonald (1268991), Kathleen Black (1312432), Katie Walter (1323046), Kay Kelly (1323244), Kay MacDonald (1271832), Knocknagael Allotments Association and Knocknagael Ltd (1221030), Laura Nicolson (1323261), Louise Morris (1310440), Margaret Mulholland (1323253), Morag McLean (1312535), Neil Morris (1323035), Neil Sharpe (1312471), Paddy McGarrigle (1312348), Peter & Hilary Prall (1323336), Ross Davidson (1271956), Samuel Catley (1323238), Sharon Green (1323276), Susan Coyne (1323219), William Allan Middleton (1323269), William Gillespie (1323393)

At the 24 November 2022 City of Inverness Area Committee councillors agreed [redacted] the following (italicised text) amendments to the Council's position in respect of this allocation. The original officer response follows the italicised text.

Councillors agreed to:

*"to change the Housing allocation from 200 houses to: Total Housing numbers to be determined through the Development Brief that must be prepared to progress the site but limited to less than 100, and Adjust the officer response to numerous responses, to delete paragraph 3 and replace with: "In reply to the numerous individual objections, The Council accepts that the irreversible loss of prime agricultural land should be minimised, and notes national and local policies to encourage local food growing in order to reduce food miles; to alleviate the climate emergency declared by the Council in 2019; improve health; and help community wealth building. Whilst accepting that there is a need for social housing in the Council area, the total quantity of these shall be determined through the Development Brief that must be prepared to progress the site. The Brief process should also better test the proven demand for allotments and community food growing initiatives, in consultation with the Council's Allotments Officer, Knocknagael Ltd, and other interested parties. The Council notes that the area initially set aside for community food growing could be reduced in future if the expected public demand for it is not realised."*

A large part (8.28 hectares) of the allocation has been subject to a Community Asset Transfer request from Knocknagael Ltd to the Scottish Government. This request was refused by the Scottish Government in a letter published in August 2022 [redacted]. The refusal carried a right of appeal to Scottish Ministers which had to be made by July 2022. An appeal of the refusal decision has been lodged but, at present, the outcome of that process is unknown. The Scottish Government's reasons for refusal stated that the land was not surplus to agricultural needs until at least 2027 but also didn't

represent best value for the disposal of a Scottish Government owned asset and that meeting both affordable housing priorities and allotments on the land may be a better option in the longer term.

Therefore, the availability of the land for community, housing or any other non-agricultural use is uncertain. Despite this the Council believes the land is economically viable and environmentally sustainable compared to other City expansion options. It lies close to the lowest traffic flow section of the Inverness Southern Distributor Road (SDR), within the catchment of the Inverness Royal Academy secondary school which is a modern fit for purpose facility and has some spare capacity and close to the new primary school being constructed at Ness Castle which has been designed for cost effective expansion. Trunk water and sewerage connections are close at hand and the related works have plentiful spare capacity. The allocation land is divided by the Inverness South West Flood Relief Channel which is a wide and deep open watercourse albeit with three crossing points two of which are designed for agricultural use. The land divided from the rest of the farm unit is particularly suited for development given this partial severance. The land also has the potential to deliver much needed affordable housing at a percentage rate far higher than that that could be achieved on land in private ownership. Given this context, the Council still contends that the land is suitable for a mix of uses including the allotments aspirations of Knocknagael Ltd.

In reply to respondents' individual grounds of objection: although the land is of good agricultural quality it is on the edge of a fast growing City which has already encroached on two of its boundaries and is crossed by a flood relief channel that inhibits its productive agricultural use; the farm tenancy expires in 2027 and a higher value sale of this part of the farm would finance sourcing alternative winter feed for the Bull Stud; the last aIMFLDP Examination Report [1] rejected the site largely on the basis of a lack of quantitative housing need but affordable housing requirements within the City have increased markedly since 2014/15 when the Report was written; the Council agrees that the irreversible loss of prime farmland should be minimised and this can be achieved by sizeable allotments and public open space components to a mixed use development and minimising the footprint of built development via higher density terraced housing; the allocation supports the community's growing space aspirations if not the scale of its expansion area and associated parkland; the flood relief channel is fenced and only takes diverted waters during flood events and is therefore not a health and safety risk; Essich Road will require minor widening but this can be achieved without the need to acquire land in third party ownership; the SDR/Essich Road roundabout's central island is undersized which reduces the angle of deflection of traffic approaching the junction but this matter has been mitigated by lights controlled pedestrian crossings on three of the four legs which slows the speed of approaching traffic (a fourth crossing on Essich Road may be required); the allocation is unlikely to increase traffic on the Torbreck Road but this existing junction (with Essich Road) visibility issue could be mitigated via a mini roundabout solution; the aIMFLDP Reporter did consider that there would be an adverse landscape impact from the previous plan allocation proposal but in the interim, further development has happened along the Essich Road and Knocknagael Ltd's proposal does include a large expanse of polytunnel, allotment shed and other structures that would result in a change in landscape character; lack of health facility capacity in Inverness and wider Highland is an NHS funding, practice and staffing issue and not related to the lack of land or buildings suitable and allocated for that purpose; several, high frequency public transport routes run past the site or along the SDR and further housing development will increase the commercial attractiveness of these routes; loss of residents' private views across open fields and alleged property depreciation are not material planning considerations; ribbon development is typically defined as single plot depth housing fronting a radial road on the edge of a settlement – the allocation boundary and developer requirements promote more clustered housing development; the allocation's developer requirements reference the need to protect, enhance and create green networks; pollution issues can be mitigated by planning conditions at planning application stage; the Plan already allocates the suggested other "better" sites at Tornagrain and Ness Castle; a protected species (which includes badgers) survey requirement is already referenced; three storey blocks may be incorporated at key nodal locations but these can be positioned and oriented to avoid overlooking or other privacy issues; a small northern part of the site is affected by pluvial / small watercourse flood risk and this can be addressed by a development setback; no woodland will be lost as a result of the development and additional planted and wetland (surface water drainage ponds) habitat will be required so there should be a net biodiversity gain; and, the proposed developer development brief could look at all user path construction standards.

Freda Newton per GHJ (1220548)



See the Council's response on INS18 above. Site IN62 was non-preferred by the Council at MIR stage and not included within the Plan because it is well beyond the City edge, in the countryside. It is not opposite site INS18 and would not represent a rounding off of the settlement boundary. It is not needed in quantitative terms and its out of settlement location would require far more expensive extensions to the appropriate service connections and longer, probably less sustainable car borne, travel to local facilities.

Highland Housing Hub (1154846)

Support noted.

**INS19: Ness-side South East**

Alison Matheson (1323245)

INS14, which deals with most of the land the respondent is concerned about, does reference the need for improvements to active travel and green network connectivity. The related Torvean and Ness-side Development Brief Indicative Masterplan [1] depicts new paths either side of Dores Road. The intransigence of private landowners (and a suitable Holm Burn crossing point) outwith the INS14 allocation boundary is what's preventing a continuous River Ness side path. A solution would require the use of compulsory purchase powers and this matter is outwith the Plan's remit and control. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Lochardil & Drummond Community Council (1270300)

See response to Alison Matheson above. There are numerous existing, informal woodland path and formal road footway connections between Torbreck woods and Inverness. The Ness Castle planning permissions support the retention of these. A review of the Inverness and Nairn Core Path Plan would be the most appropriate document and process within which to formalise one or more of these as core paths.

Ness Valley Leisure per Pegasus Group (1218859)

Support noted.

The Cardrona Charitable Trust per GHJ (1312294)

Support noted.

**INS20: East of Milton of Leys Primary School**

Jean-Paul Kowaliski (1310382)

The Plan allocation only supports 15 residential units as flatted accommodation above and dependent upon parallel provision of commercial uses at ground floor level. There is a contrary, pending application [2] for 24 flats on the same site. The adjoining nursery has been constructed to a design and layout [3] that minimises any privacy issues. The closeby primary school acts as a community hub and its all weather pitch is available for local hire. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Tulloch Homes per Suller Clark (1218219)

The community and Council wishes to resist further mainstream housing proposals within the neighbourhood centre because there are plentiful housing allocations and unimplemented permissions elsewhere within the neighbourhood. The neighbourhood centre should be safeguarded for a mix of other uses. The Reporter will also be aware of other representations within this issue paper, including one from Tulloch Homes, that seek land for an additional 1,600 homes within the Milton of Leys neighbourhood. If any part of these additional expansions areas is endorsed then the commercial viability of non housing uses at site INS20 will be increased. What isn't marketable now may well be within the 10 year Plan period.

**INS22: Inshes Road**

Brian Grant per G&S (1221029)

This land has a long and complex planning history including rejected retail planning applications. It is also in three ownerships. These owners wish to realise a commercial development value and the Council and community wish to improve the appearance and use of land that is very prominent in public views from the adjoining Inshes Park and for the thousands passing each day, from Sir Walter Scott Drive. The land could, the Council argue should, be developed as a proper entrance to Inshes Park. The aIMFLDP allocates the land for this purpose under site reference IN64 [4]. Alternative

entrances to the park have been developed off Stevenson Road but there remains a need for a similar facility on the park's primary, public frontage. The use of compulsory purchase powers to acquire the land solely for a park entrance are unlikely to be successful and/or cost effective. Given this background, INS22 proposes a compromise solution of some development value (20 housing units) to encourage the site's release and community use (a park entrance similar to those areas at Stevenson Road but also incorporating parent pick-up and drop off facilities for Inshes Primary School). The apparent agreement of one of the three landownership interests is welcomed. The Council agrees that the site's location, very close to a wide range of local facilities, should encourage sustainable mode travel choices. However, the Council agrees that some additional car borne travel will occur and some of these journeys will use the congested Inshes Corridor. To limit this adverse impact, the housing component of this site has been set relatively low and the Council's response to site INS15 above has been adjusted. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Feona Wyllie (1269640)

See response to Brian Grant above. The land is not attractive and useable public open space and therefore its loss to the uses intended would not be significant. The margins of the site are subject to pluvial flood risk but not to an extent that will limit built development on the wider site.

Inshes Community Association (1260543)

See response to Brian Grant above. A farm shop may not be appropriate to such an urban location and there is already a coffee shop opposite the site. The Council wouldn't oppose such a limited scale commercial use but the suggestions are unlikely to encourage the landowners to release the balance of the land for a park entrance. Addition of a housing use has already encouraged one positive landowner response. A commercial use would also be likely to attract additional car borne visits to a very constrained part of the City's road network.

**INS23: Milton of Leys Centre East**

SEPA (906306)

The full planning permission for four Class 1 retail units [1] is as recent as April 2022 and is very likely to be implemented. Therefore, the additional Plan content sought would add very likely unnecessary guidance to what is already a lengthy document. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

**INS24: Culduthel Road Funeral Home**

SEPA (906306)

This site is of small scale and obtained a full planning permission in September 2019 [1] albeit contrary to planning policy extant at that time. The land has very limited public open space value but offers indirect amenity value because of its trees and adjacent active travel route. The permission secures enhancement of both of these features. Should the permission not be implemented then a similar proposal would be supported by the existing Plan wording. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

**INS26: Slackbuie Pitches**

Francois Douaud (1310275)

The site is allocated only for community uses that must be complementary to the existing and safeguarded sports pitch. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

**INS27: Raigmore Hospital**

Denise Stewart-Thomson and 85 petitioners (1323268)

The INS27 developer requirement seeks to improve bus and active travel connectivity between Raigmore housing estate and facilities to its south. The land at Raigmore housing estate, because it accommodated a cold war bunker, was designed for security reasons as a single road access area. The bunker has long since ceased to be used for its original purpose. However, the legacy is a housing area with impermeable boundaries, the exact opposite of what a modern urban neighbourhood should provide. Recent improvements have been constructed in the way of a section of a strategic active travel route through the northern section of the estate. Next, is the provision of a bus, emergency vehicle and active travel only link along the southern boundary of the estate which would allow more efficient public transport routing and more direct access for Raigmore residents

to facilities at Inshes. The lead respondent lives close to the route of where the link was proposed [redacted]. This application was rejected by councillors and refused in December 2021 on the grounds of an adverse impact on the residential amenity of Woodside Terrace residents. A new route for the link was proposed and this scheme has now been granted planning permission [redacted]. The relevant committee report [redacted] sets out the lack of significant local objection to the amended route. The local bus company is transitioning to an electric fleet of vehicles so pollution concerns are overstated. Accordingly, the Council believes the Plan should remain unaltered in respect of this representation.

**SEPA (906306)**

SEPA haven't published or shared these records but the Council would support the additional requirement if the Reporter is minded to recommend it.

**INS28: Milton of Leys Primary School**

**SEPA (906306)**

The development is under construction. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

**INS29: North of Castleton Village**

**SEPA (906306)**

The development is under construction. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

**INS30: Ness Castle Primary School**

**SEPA (906306)**

The development is under construction. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

**Reporter's conclusions:**

**Reporter's recommendations:**



<b>Issue 36</b>	<b>Central Inverness &amp; City-Wide</b>	
<b>Development plan reference:</b>	Plan sections, PDF Pages 177 – 182 and 215 - 230	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>A MacInnes (1311897)  Alan Ogilvie (1254978)  Alison Matheson (1323245)  Anne Jackson (1312024)  Anne Thomas (1323247)  Balloch Community Council (1271483)  Brucefields Family Golf Centre per Suller Clark (1219975)  Calum Maclean (1261259)  Cara Thompson (1269104)  Chrissy Dewhurst (1312247)  Christine Farrar (1312491)  Christopher Howard (1312404)  Dennis Tracey (1312010)  Donald Begg (1312031)  Fiona MacBeath (929534)  Iain Nelson (1323043)  Inverness College UHI per Montagu Evans (1271524)  Jamie Hogan (1311676)  Jane Arnold (1323187)  Jay Wilson (1312506)  JH Pension Trustees per Galbraith &amp; AF (1312525)  Karen Munro (1311058)  Kevin Robertson (1312480)  Lidl per KHP (1312411)  Martin MacLeod (1311902)  Mary Fulton (1312330)  Maureen Tait (1196550)  Meadhbh Maguire (1312382)  Natalya Oram (1312414)  NatureScot (1266529)  Network Rail (1312503)  Peter Young (1271496)  Port of Cromarty Firth (1178440)  Port of Inverness per G&amp;S (1220786)  Rebecca Fretwell (1324100)  Richard Cole-Hamilton (1271499)  Richard Newmark (1064730)  Robyn Barrett (1312309)  S Shaw (1263105)  SEPA (906306)  Steve North (1263190)  Sue Blaney (1270621)  Sue Tracey (1323195)  Susan Bowes (1312285)  Thomas Plant (1312540)  Thomas Prag (1260543)  Tracey Phillips (1312547)  Vanessa Halhead (1312418)  William Paterson (1312493)</p>		

**Provision of the development plan to which the issue relates:**

City-wide and Central Inverness, PDF Pages 177–182 and 215- 230

**Planning authority's summary of the representation(s):**

**Inverness City Spatial Strategy & Placemaking Priorities**

Alison Matheson (1323245)

Supports the principles set out in the Plan in terms of long term sustainable development but highlights three priority issues that need to be at the centre of the Plan: 1) protecting and providing more greenspaces; 2) calming traffic speed and reducing car use; 3) active travel and safe routes to walk and cycle to schools and town.

Objects to the scale of development proposed in Inverness because: 1) development has not been matched with infrastructure provision, e.g. schools; 2) greenfield land should be safeguarded until existing sites are built out and concerned certain sites do not meet the general policies, e.g. land at Torvean and Knocknagael.

Inverness College UHI per Montagu Evans (1271524)

Supports the spatial strategy for the city, together with the proposed placemaking priorities listed. In relation to the first placemaking priority, which states that proposals must "support the regeneration of Inverness City Centre by directing footfall-generating uses there and by preventing an increase of out-of-town retail development", Inverness College UHI seek clarification as to how this priority will be applied to sites that have a specific allocation, e.g. INC05 which is allocated for mixed use. It is not currently clear how multiple placemaking priority policies, such as 17 City Wide and 20 Central Inverness, will be applied to sites, or if there is a policy that should take priority.

Lidl per KHP (1312411)

Objects to the first of the City-wide Placemaking Priorities which seeks the concentration of all services and facilities in town centres as it is not appropriate for Inverness and would require residents in south and east Inverness to travel significant distances to access them. To address this, the Plan should continue the approach of the adopted IMFDLP and promote a distribution of services and facilities in local and commercial centres in south and east Inverness. This will deliver Scottish Government's priority for supporting 20-minute neighbourhoods. This first priority bullet is only relevant to services and facilities that seek to serve the city as a whole.

Facilities/services that serve local and neighbourhood markets should be directed to neighbourhood or similar locations. The fifth bullet supports these comments through bolstering neighbourhood service centres and ...by ensuring new development is conveniently located and well-connected to them. Lidl support this priority and consider that the first bullet directly contradicts and conflicts with this priority. Suggests amending the wording of the first bullet to: Support the regeneration of Inverness City Centre by directing significant footfall-generating uses that serve the whole of the City (and beyond) to locations within the City Centre and restrict the location of this type of development in out-of-centre locations subject to compliance with the sequential approach set out in Policy 6.

Assuming that there is no policy 16 all subsequent policies (Place -making Priorities 17 onwards) should be renumbered accordingly.

Meadhbh Maguire (1312382)

The Plan needs to be more creative in terms of delivering mixed use areas within the newer suburbs and not just housing with retail between them. Although classified as the most sustainable in the settlement hierarchy, residents are reliant on the car. Newer parts of Inverness are no more sustainable than the hinterland.

Network Rail (1312503)

The City-Wide Placemaking Priorities are supported, particularly where these provide for focussing development in sustainable locations and prioritising transport improvements, including using public transport.

Port of Inverness per G&S (1220786)

Considers that Opportunity Cromarty Firth should be identified as a City-Wide placemaking priority for Inverness and that specific reference to the Green Freeport bid should also be made within this section of the Proposed Plan.

This public and private sector partnership will deliver significant economic benefits at a regional level and will regenerate local communities, as such it should be recognised as a City-Wide Placemaking Priority.

### **Inverness Central General**

Anne Thomas (1323247)

Now that the incinerator plans have been removed, a waterfront park should be created with active travel links to Nairn and beyond. Reasons include: 1) previous work has been carried out on this proposal; 2) there is other business land elsewhere, including North Kessock, and small pockets of land are better than large industrial parks; 3) the land is at risk of flooding which will only get worse.

### **Inverness Central Placemaking Priorities**

Donald Begg (1312031)

Object to the idealistic and unrealistic view that cycling and walking will ever be the "logical choice and easiest way" to get into and use the City Centre because of the weather, lack of bike storage, practicalities of shopping using a bike.

Iain Nelson (1323043)

Supports this section in principle but highlights need for local community input and ensuring that development does not have detrimental impacts on the community of the environment.

Inverness College UHI per Montagu Evans (1271524)

Requests that the Plan recognises within the Placemaking Priorities for Central Inverness, or in the supporting text for the Policy, that development proposals across the INC05 area will ultimately be led by market interest for sites and will be subject to economic viability considerations.

Network Rail (1312503)

The Placemaking Priorities should make reference to the Inverness Masterplan (rail station) which is being progressed by Network Rail in collaboration with The Highland Council. It will examine how an enhanced station will integrate with the Inverness City Centre Vision and facilitate innovative placemaking, connectivity and business opportunities, and benefits for surrounding areas over a 5-30 year horizon. The interface between the Inverness Station Masterplan and the INC03/INC04 designations will be considered as part of the masterplanning process. There may be changes in the use of the land within the railway owned land as recommended in the development and delivery of Inverness Station Masterplan that may affect the neighbouring areas that have been identified in the LDP. At this stage the nature and extent of any changes are unknown.

Port of Inverness per G&S (1220786)

It is requested that Harbour Gait is specifically identified as a Placemaking Priority for Central Inverness. This proposal presents an opportunity to create a world class waterfront destination. Placemaking is at the heart of this proposal and the development will be brought forward through a Masterplan approach. The development represents an opportunity to deliver much needed business and industrial land within Inverness and improve active travel connections to the City Centre, both of which are identified as Placemaking Priorities.

Rebecca Fretwell (1324100)

Supportive of sympathetic development of the waterfront together with active travel links as it is currently a missed opportunity.

Seeks the Crown/Hill area is designated as a low volume traffic area to help reduce the level of through traffic and improve safety for users.

Steve North (1263190)

Broadly supports the priorities but not the amount of land allocated for industrial development at the Longman. There should be a specific priority recognising the potential of the waterfront areas for amenity and recreation.

**INC01: Diriebught Depot**

Fiona MacBeath (929534)

Objects to the allocation because: 1) the existing road network is constrained and additional traffic will put the safety of students at risk. Access via Kingmills Road has limited scope and respondent would strongly object to any impact on the mature trees edging Fraser Park, and access via Diriebught Road is restricted; 2) It is a green field site left in ownership to the Common Good Fund of Inverness and should remain in its entirety; 3) there is already a high proportion of social housing and any increase in such housing would result in associated problems; 4) outlying villages are better placed for development than unnecessary expansion of Inverness.

Karen Munro (1311058)

Makes a series of comments and objections to the allocation including:

1. Questions how the indicative capacity of 70 units was derived.
2. States Mill Burn is not within the scope of INC01
3. Seeks clarity on the definition of a 6m buffer
4. States that the requirement relating to appropriate setbacks is vague and does not take account of noise, traffic and security impacts
5. Questions whether the required assessments will be available for review
6. Protected species should cover bats
7. Requirements relating to contamination and existing buildings are vague and do not make sense.
8. The road network is already at capacity and the development will make it worse. Questions whether more on street parking will be created close by.
9. The wording suggests this proposal has been approved, which it has not.

Rebecca Fretwell (1324100)

Supportive in principle but very concerned about: 1) the impact on the school estate as Millburn Academy which is already overcapacity and Crown is not fit for purpose; 2) the impact on the local road network as there is a lot of through traffic already. Mitigation could include reduced parking and permit parking in surrounding area but any loss of space in Fraser Park would be strongly opposed.

Tracey Phillips (1312547)

Objects to the allocation because: 1) a lack of information available to make informed decisions; 2) the high number of housing units identified; 2) amenity impacts (overlooking, noise and light pollution) on neighbouring properties; 3) increased traffic and conflict with school pupils.

**INC02: Porterfield Prison**

Fiona MacBeath (929534)

Objects to the allocation and the specified indicative capacity as it will cause further traffic issues in the area.

JH Pension Trustees per Galbraith & AF (1312525)

Supports the allocation and the redevelopment of the site for housing because it will help to deliver the vision and priorities outlined in the Plan, particularly given its central location.

Requests that the boundary of the site is extended to include Reay House (as per the attachment [\*]) as it offers further opportunity to create a more comprehensive, sensitive, sustainable and consolidated single design redevelopment. Also, the indicative housing capacity for the combined site be amended to take account of the increased area of land.

Rebecca Fretwell (1324100)

Objects to the allocation because: 1) it is already densely populated, traffic volumes are high and there is not enough greenspace – a Crown Connects survey showed most residents felt the same; 2) the community wish to pursue an asset transfer of the property to deliver publicly accessible greenspace and community centre.

**INC04: Inverness Central**

Jay Wilson (1312506)

The aim to make the city centre a destination pleasant to walk, and lighter on traffic, is necessary to making the city more liveable. This will require further pedestrianisation, starting with Church Street, and ideally also Academy Street.

**INC05: Shore Street City Centre Expansion Area**

Inverness College UHI per Montagu Evans (1271524)

Landowner supports the allocation but stresses that it should be as open and flexible as possible to ensure that a range of viable uses can come forward on this important site, and development opportunities can be realised, subject to interest from the market, and not inhibited by the policies or designation of sites. In this regard, there is a requirement for development proposals within the INC05 area, and across Central Inverness, to align with the Inverness City Centre Development Brief ('ICCDDB'), however, the framework included within ICCDB for the site is not deliverable within the short term as existing telecommunications equipment and the substation prevent continuous frontages. Inverness College UHI request that the Council are therefore realistic, open and flexible when assessing proposals at the site if they do not align fully with the requirements of the ICCDB, to ensure that on balance, market-led development opportunities can be realised.

Requests that proposals be supported within INC05 that may come forward for a single use (e.g. housing) as the full mix of uses allocated would be difficult to achieve.

Seeks clarity on the indicative housing capacity of between 50-200 units.

Questions the need for the Developer Requirement to prepare a "development brief ahead of statutory preapplication submission", and if necessary then it should be proportionate to the size of a site coming forward for development.

Add explicit support for the development of a single use on the site.

**INC06: Harbour Gait**

Cara Thompson (1269104), Christopher Howard (1312404), Kevin Robertson (1312480), Mary Fulton (1312330), Jane Arnold (1323187), Peter Young (1271496), Richard Cole-Hamilton (1271499), S Shaw (1263105), Steve North (1263190), Sue Blaney (1270621), Susan Bowes (1312285), William Paterson (1312493)

Objects to the part of this site currently below high-water mark for development (approx. 15ha) and to the allocation of industrial uses closer than the current industrial activities for one or more of the following reasons: 1) Amenity - the Developer Requirements do not and cannot suitably address the visual, noise and vibration, and lighting impacts on the residents of Craigton and North Kessock on the opposite side of the Firth. There are already issues with noise pollution from the existing Longman Industrial Estate, particularly during days when the water is still, and any further industrial activities will make it worse. Disingenuous to suggest that the landscape and seascape character can be "safeguarded and respected" by further industrial development or that this can "make a positive contribution to the area"; 2) Water - narrowing of the channel by 33% will increase the tidal speed and endanger water users and increase flooding (photos provided by Peter Young [\*]). This also cannot be accurately measured; 3) Environment - development would destroy the rich, varied and fragile foreshore and marine environment, parts of which are covered by protective designations, and which in themselves are a visitor attraction. Inverness has already lost too much of its intertidal waterfront. Land reclamation is recognised as bad practice in terms of addressing carbon emissions. ; 4) the allocation contradicts and is incompatible with the objectives of the Plan, the SEA Environmental Report, and the Council's general planning policies; 5) Demand - industrial needs of the area can be met on the other allocations.

Other points raised by one or more of the respondents include: 1) Objects to the absence of a specific requirement to consider impacts on the North Kessock/Craigton community; 2) North Kessock Settlement Map does not show the INC06 boundary and the grey outline is inaccurate. The Central Inverness Settlement Map does not adequately show the relationship of INC06 to North Kessock; 3) if land reclamation proposals are brought forward, e.g. to facilitate growth of the

marina, these should no more than 5ha, address the reasons for objection above, exclude industrial use and enhance access to the adjacent remaining inter-tidal area and wildlife.

Jamie Hogan (1311676)

Supports the allocation because it will further develop the marine tourism sector and other industries which support the economy and the local community.

Jay Wilson (1312506)

Objects to the allocation because: 1) whilst recognising the need for industrial and business sites in the Inverness region, neither of those uses is inherently connected to the waterfront; 2) There are more appropriate uses of the land, for which it is highly valuable as the waterfront area in Inverness is limited and precious to the attractive development of the city; 3) piecemeal development will squander the opportunity to develop the site as a whole and a study should be carried out for the entire site which looks at opportunities for recreation, tourism, and connection to active travel networks; 4) The placing of industrial space next to retail, cultural, and tourism as presented here degrades the retail cultural and tourism uses permanently and sets up a conflict between uses.

NatureScot (1266529)

Supports the Developer Requirement for a Recreational Management Plan (RAMP) that considers water-based activities but, as part of the RAMP, the following should be specifically referenced: 1) to the need to avoid disturbance to the Moray Firth SAC bottlenose dolphin interests, and the bird interests of the Moray Firth SPA; and 2) measure such as adherence to the Scottish Marine Wildlife Code, and the WiSE scheme to help avoid, for example, rafts of birds on the water surface.

Noting the Developer Requirement for a Hydro-Dynamic Study to assess the impact of altered flows on sediment movement in the Moray Firth in relation to the subtidal sandbanks, NatureScot advise that only suitable development should be taken forward in light of the Dynamic Coast 2 and coastal flooding predictions.

Port of Cromarty Firth (1178440)

Seeks the expansion of INC06: Harbour Gait as per the attachment [redacted] because: 1) the Port of Inverness is part of Opportunity Cromarty Firth consortium which is working to deliver transformational change to the Highlands from the renewable energy projects. The Cromarty and Inner Moray Firth region sits at the heart of these offshore wind developments and, by extension, at the heart of an emerging green hydrogen economy; 2) The Cromarty Firth is the only place to deliver on UK and Scottish Government targets of 60% local content and net zero by 2050. It has the overwhelming endorsement of industry and government. Independent studies confirm it is the only place in Scotland with the land space, some of the deepest waters and quaysides in the UK, sheltered anchorage locations, and a cluster of best-in-class companies and facilities, combined with the proximity to the windfarm sites. It can compete with established facilities abroad, and create the associated well-paid, sustainable jobs and opportunities for people and businesses across Scotland and the UK.

Port of Inverness per G&S (1220786)

Landowner supports the principle of the mixed use allocation of Harbour Gait because: 1) Port of Inverness is part of the Opportunity Cromarty Firth consortium and the delivery of the Harbour Gait Masterplan will be a key component of the Green Freeport if successful. In support of the Green Freeport bid and specifically the Harbour Gait proposal a letter from Drew Henry MP has been attached [redacted]. Also, a letter of support is attached from Inverness Marina [redacted] which details their business need for an expanded marina facility; 2) The Masterplan Vision presents a unique opportunity to design and physically create a new world class mixed use waterfront destination; 3) The development will combine the outstanding natural setting, protection and enhancement of the natural environment with economic growth for Inverness City as a whole and the wider Highland region; 4) will help deliver national and regional objectives in terms of social, economic and environmental enhancement.

Requests that the range of acceptable uses also specifically includes port and marine use. These uses were specified at the Main Issues Report stage and appear to have been removed at



Proposed Plan stage. Whilst covered by the Harbour Revision Order, key deliverables of the Harbour Gait Masterplan will be to expand port operations and re-locate/expand the marina facility.

Requests that the allocation boundary is extended beyond the bridge as a future development phase (the attached Masterplan [\*] includes a map of the proposed extension). If Green Freeport status is granted, it will expedite the development of this area as per the Masterplan Vision.

Requests that the sentence in the Developer Requirement section that states 'Construction Environmental Management Plan to include assessment and mitigation of noise and other impacts on residents on west bank of River Ness', is amended to simply state that a 'Construction Environmental Management Plan is required' as the assessment of potential effects and mitigation measures required as part of the Construction Environmental Management Plan (CEMP) will come earlier in the process at EIA stage.

Requests that the statement requiring an Operational Environmental Management Plan is amended to an 'Environmental Management System' as operational mitigation will be incorporated into the Port of Inverness' Environmental Management System (EMS). EMS is preferred over an Operational Management Plan as it is integrated into port operations, is subject to internal audit and drives continued improvement.

Requests that reference to ship to ship transfers is removed from the last sentence in the Developer Requirements section as Port of Inverness do not intend to undertake such activities.

The above comments should be read in conjunction with the comments submitted to the SEA.

#### SEPA (906306)

Whilst recognising a need to support the regeneration of industry and legitimate water related business in the harbour area, SEPA raise concerns about the impact of development in relation to flood risk and climate change and objects to any type of highly vulnerable use, such as a hotel because, as identified in the Environmental Report, most of the site is shown to be at risk on the SEPA Coastal Flood Map and there are records of flooding in the area. In addition the site is likely to be effected by flood risk with a predicted sea level rise of 0.89m over the next 100 years.

#### **INC07: Stadium Road West**

##### SEPA (906306)

Noting that the allocation is not directly on the coast, SEPA recommend that all reference to dredging, land reclamation and assessment of hydrodynamic impacts are removed from the Developer Requirements. Also, as the Developer Requirements make two different references to foul and surface water drainage, SEPA recommend one of these is deleted. It should be clear that foul drainage should connect to the public sewer.

#### **INC07: Stadium Road West & INC08: Stadium Road East**

##### Alan Ogilvie (1254978)

Objects to INC07: Stadium Road West and INC08 Stadium Road East because: 1) the land mostly occupied by the existing Home and Away car and coach parks, which are required to allow the Caledonian Stadium to function for its primary purpose and formed an integral part of the planning consent for the stadium. It would therefore be a breach of planning permission for the stadium in mid-1990s and expansion in 2004; 2) The demand for parking during matchdays often outstrips supply of spaces resulting in an uncontrolled and troublesome overspill of parking in the Longman Industrial Estate.; 3) Sustainable travel options are limited with no regular daily bus service along Stadium Road and at present there are no compensatory active travel alternatives for both home and away supporters travelling to and from matches; 4) retaining on-site parking is important to support the stadium uses and the current and future generation of income to the football club; 5) questions the need for the allocation of business and industrial development on the site and suggest opportunities adjacent to the stands for small scale commercial uses. Also land may become available if the intermediate pressure gas main is diverted as part of the A9 Longman junction upgrading. Ultimately, all these uses would require parking; 6) the land supports other temporary events and uses including as a park and ride for construction workers as part of the recent planning consent for 'Red John' pumped storage hydro scheme.



Respondent comments on parts of the Tulloch Homes submission to the MIR: 1) the land is leased by Tullochs from The Highland Council on behalf of the Inverness Common Good Fund; 2) questions the consideration of the land as 'underutilised' and highlights the fundamental requirement of parking to the function of the football club and other events/uses; 3) clarifies the perceived inaccuracies in terms of the planning status, constraints, accessibility and sustainability.

Questions whether redevelopment of existing parking or any other significant development in and around the stadium would be restricted until the proposed upgrade of the A9/A82 Longman Junction is completed.

#### Brucefields Family Golf Centre per Suller Clark (1219975)

Supports allocation of INC07: Stadium Road West and INC08 Stadium Road East for mixed use business and industry because the sites: 1) provide valuable additions to the business and industrial allocation choice; 2) contribute towards mixed use urban living, offering sustainable and accessible employment locations with good public transport, active travel and road connections; 3) benefit from attractive waterfront locations; 4) are effective with no barriers to delivery.

#### **INC08: Stadium Road East**

##### SEPA (906306)

Noting that the allocation is not directly on the coast, SEPA recommend that all reference to dredging, land reclamation and assessment of hydrodynamic impacts are removed from the Developer Requirements.

#### **INC09: Former Longman Landfill West**

##### NatureScot (1266529)

Recommend including a Developer Requirement for protecting the features of the Longman and Castle Stuart Bays SSSI.

Support the Developer Requirement for active travel routes to and from this site to connect with the Inverness city centre, including connection to Inverness Harbour and future Longman roundabout improvements. Due to the potential for disturbance to qualifying interests, we advise that any improvements that would provide access to the Inner Moray Firth SPA and Longman and Castle Stuart Bays SSSI would risk undermining the integrity of these protected areas. Advise that along with including the Longman and Castle Stuart Bays SSSI in the assessment, these likely significant effects on the SSSI and SPA are taken into account as part of the SEA, and that the mitigation is specifically highlighted and reflected within the Developer Requirements.

Support the Developer Requirement to improve green and blue networks and for protected species surveys including badger surveys. Recommend including a Developer Requirement that green and blue networks are linked up with those in the adjacent INC11, and that mitigation for badgers includes wildlife corridors to provide continued safe access between the two proposed sites.

##### SEPA (906306)

Noting that the allocation is not directly on the coast, SEPA recommend that all reference to dredging, land reclamation and assessment of hydrodynamic impacts are removed from the Developer Requirements.

#### **INC09: Former Longman Landfill West & INC11: Former Longman Landfill East**

A MacInnes (1311897), Anne Jackson (1312024), Balloch Community Council (1271483), Calum Maclean (1261259), Chrissy Dewhurst (1312247), Christine Farrar (1312491), Dennis Tracey (1312010), Jay Wilson (1312506), Natalya Oram (1312414), Richard Newmark (1064730), Robyn Barrett (1312309), Sue Tracey (1323195), Steve North (1263190), Thomas Plant (1312540)

Objects to the allocation for Industrial and Business uses on INC09: Former Longman Landfill West & INC11: Former Longman Landfill East and requests that it is safeguarded for publicly accessible green space, with some support for limited Tourism, Leisure and Recreational uses only. Reasons given include one or more of the following: 1) Having been delicensed by SEPA, the natural resources of the site hold carbon. It has been re-naturalised over 40 years with mature native woodland coverage and rich and vital biodiversity and habitat (many of which are protected

species and habitats). It will comprise the function of an important green network. The toxicity of this land, which includes low level radioactive waste, must not be disturbed; 2) it is the last remaining and unique opportunity for the creation of a gateway, waterfront green space for visitors and residents of Inverness which makes the most of the attractive views. The area lacks this at present with gateways dominated by industrial development. Examples are provided of other UK cities which have successfully delivered similar waterfront development; 3) benefits from good transport links with opportunity to enhance local, regional and national footpath and cycleway networks; 4) industrial development is better located at the Inverness Airport Business Park and elsewhere, supporting it at Longman lacks vision and ambition; 5) it is a prominent gateway site and industrial development will present an unattractive first impression, adding to the existing issue; 6) it does not align with the Vision and Outcomes set out in the Plan; 7) allocation of the land is premature as the feasibility and technical acceptability of the land uses are not proven in terms of mitigation and developable land. Council and Transport Scotland should work together and produce one comprehensive EIA/masterplan which deals with the whole area as one integrated development focusing on recreation, tourism, connection to active travel networks. Piecemeal development will squander such an opportunity; 8) adversely affect the setting of the Grade B listed Kessock Bridge

Thomas Prag (1260543)

Objects to the extent of the Industrial and Business allocation because: 1) most of the community wish to see it become a nature reserve or similar; 2) there is ample space for such uses at the Airport Business Park where many more people will be living; 3) appears to be difficulties accessing INC11; 4) large scale industrial development is incompatible with creating a coastal green zone.

Respondent recognises that part of the site closest to the A9 is suitable for development but it must be low level and screening must be delivered to minimise visual impacts.

Vanessa Halhead (1312418)

Respondent objects to any development at the former landfill (assuming both INC09: Former Longman Landfill West and INC11: Former Longman Landfill East) and protect as green space because: 1) it is an important site for wildlife; 2) it was never properly tanked/safeguarded and a tree planting programme 40 years ago to deal with it has now matured into a rich and varied habitat; 3) the level of toxicity (which includes low level radioactive waste) and gas emissions mean that the area is not safe for human use.

**INC11: Former Longman Landfill East**

Anne Thomas (1323247)

Suggests an alternative power source to the proposed incinerator could be provided by anaerobic digestion of herbal lays to provide gas for the gas grid. This has huge potential for decarbonising heat and providing good local jobs. A link to a draft local feasibility study has been provided.

Martin MacLeod (1311902)

Requests that a path for cycles and pedestrians could be created along the foreshore area of the former landfill site to connect Stadium Road with the truncated section of the Old Shore Road. This would create an off-road route all the way from the harbour to Milton of Culloden. The Transport Scotland Reporter agreed that this provision should be incorporated in plans for the A96 dualling. Future work could extend further eastwards/

NatureScot (1266529)

Recommend including a Developer Requirement for protecting the features of the Longman and Castle Stuart Bays SSSI.

Support the Developer Requirement for active travel routes to and from this site to connect with the Inverness city centre, including connection to Inverness Harbour and future Longman roundabout improvements. Due to the potential for disturbance to qualifying interests, NatureScot advise that any improvements that would provide access to the Inner Moray Firth SPA and Longman Bay and Castle Stuart Bays SSSI would risk undermining the integrity of these protected areas. Therefore, advise that along with including mitigation for the Longman and Castle Stuart Bays SSSI in the assessment, these likely significant effects on the SSSI and SPA are

taken into account as part of the SEA, and that the mitigation is specifically highlighted and reflected within the Developer Requirements.

Support the Developer Requirement to improve green and blue networks and for protected species surveys including badger surveys. Recommend adding to the Developer Requirements that green and blue networks are linked up with those in the adjacent INC09, and that mitigation for badgers includes wildlife corridors to provide continued safe access between the two proposed sites.

SEPA (906306)

A small area of this allocation is directly on the coast. Land raising could have an impact on surrounding areas. SEPA object and ask that the land raising / hydro-dynamic aspect of the Developer Requirement is amended to "No landraising with the functional flood plain or application supported by hydrodynamic assessment to demonstrate will not have impact on flood risk of coastal processes elsewhere."

**INC06: Harbour Gait, INC07: Stadium Road West, INC08: Stadium Road East, INC09: Former Longman Landfill West & INC11: Former Longman Landfill East**

Maureen Tait (1196550)

Objects to the allocations INC06, INC07, INC08, INC09 and INC11 (assumed) for industrial uses and requests the sites be allocated for leisure, tourism and housing uses because: 1) it is a waterfront site which has views out to the Moray Firth and Black Isle and further industrial development is inappropriate; 2) the area is underutilised and the current water fronting development is unattractive and uninviting for active travel; 3) it benefits from a strategic location in terms of transport links; 4) Inverness continues to see significant housing growth but with little other uses.

**Modifications sought by those submitting representations:**

**Inverness City Spatial Strategy & Placemaking Priorities**

Alison Matheson (1323245)

Overall reduction in the amount of housing being allocated for development within the Plan.

Inverness College UHI per Montagu Evans (1271524)

No modification sought but clarification requested.

Lidl per KHP (1312411)

Amend the wording of the first bullet to: Support the regeneration of Inverness City Centre by directing significant footfall-generating uses that serve the whole of the City (and beyond) to locations within the City Centre and restrict the location of this type of development in out-of-centre locations subject to compliance with the sequential approach set out in Policy 6.

Assuming that there is no Policy 16 all subsequent policies (Place -making Priorities 17 onwards) should be renumbered accordingly.

Meadhbh Maguire (1312382)

Amend the Plan so it ensures that newer suburbs are genuinely mixed use (including leisure, retail and business uses) and residents are not dependent on car.

Network Rail (1312503)

No modification sought.

Port of Inverness per G&S (1220786)

Opportunity Cromarty Firth should be identified as a City-Wide placemaking priority for Inverness and that specific reference to the Green Freeport bid should also be made within this section of the Proposed Plan.

**Inverness Central General**

Anne Thomas (1323247)

Removal of allocations at the waterfront (assumed) and land safeguarded for the creation of a waterfront park and active travel link to Nairn and beyond.

### **Inverness Central Placemaking Priorities**

Donald Begg (1312031)

Remove the Placemaking Priority to “Embed walking and cycling as the logical choice and easiest way to make every day journeys, including delivering active travel...” from the Plan (assumed)

Iain Nelson (1323043)

No modification sought.

Inverness College UHI per Montagu Evans (1271524)

Add reference within the Placemaking Priorities, or in the supporting text Inverness Central, that development proposals across the INC05 area will ultimately be led by market interest for sites and will be subject to economic viability considerations.

Network Rail (1312503)

Add reference within the Placemaking Priorities to the Inverness Masterplan (rail station).

Port of Inverness per G&S (1220786)

Add a Placemaking Priority for Central Inverness relating to the proposed development of Harbour Gait and it as a world class waterfront destination.

Rebecca Fretwell (1324100)

Add/amend Placemaking Priorities to ensure that development along the waterfront is sympathetic and active travel routes are provided (assumed)

For the Plan to designate the Crown/Hill area as a ‘low volume traffic area’.

Steve North 388 (1263190)

Add a specific priority recognising the potential of the waterfront areas for amenity and recreation.

### **INC01:Diriebught Depot**

Fiona MacBeath (929534), Karen Munro (1311058), Tracey Phillips (1312547)

Remove allocation from the Plan.

Rebecca Fretwell (1324100)

Developer Requirements which ensure assessment of transport impacts and identification of suitable mitigation (assumed).

### **INC02: Porterfield Prison**

Fiona MacBeath (929534), Rebecca Fretwell (1324100)

Remove the allocation from the Plan.

JH Pension Trustees per Galbraith & AF (1312525)

Extend the boundary to include Reay House as per the attachment [✳] and amend the indicative housing capacity for the combined site to take account of the increased area of land.

### **INC04: Inverness Central**

Jay Wilson (1312506)

Add a Developer Requirement or Placemaking Priority highlighting the importance of support people to walk, less traffic, further pedestrianise in making the city more liveable (assumed).

### **INC05: Shore Street City Centre Expansion Area**

Inverness College UHI per Montagu Evans (1271524)

Add explicit support for the development of a single use on the site.

Remove the Developer Requirement for a “development brief ahead of statutory preapplication submission”, and if necessary then it should be proportionate to the size of a site coming forward for development.

**INC06: Harbour Gait**

Cara Thompson (1269104), Christopher Howard (1312404), Kevin Robertson (1312480), Mary Fulton (1312330), Jane Arnold (1323187), Peter Young (1271496), Richard Cole-Hamilton (1271499), S Shaw (1263105), Steve North (1263190), Sue Blaney (1270621), Susan Bowes (1312285), William Paterson (1312493)

Remove the part of this site currently below high-water mark from the allocation and remove support for Industrial uses beyond the current industrial activities. Add a Developer Requirement to consider impacts on the North Kessock/Craigton community.

Jamie Hogan (1311676)

No modification sought.

Jay Wilson (1312506)

Remove Industrial and Business use from the list of acceptable uses. Require a Development Brief, or similar work, to be carried for the entire site prior to any development proposals being supported.

NatureScot (1266529)

Amend the Developer Requirement relating to the need for a Recreational Management Plan (RAMP) to specifically reference: 1) the need to avoid disturbance to the Moray Firth SAC bottlenose dolphin interests, and the bird interests of the Moray Firth SPA; and 2) measure such as adherence to the Scottish Marine Wildlife Code, and the WiSE scheme to help avoid, for example, rafts of birds on the water surface.

Amend the Developer Requirement for a Hydro-Dynamic to specifically reference that only suitable development should be taken forward in light of the Dynamic Coast 2 and coastal flooding predictions (assumed).

Port of Cromarty Firth (1178440)

Extend the allocation boundary beyond the bridge as per the attachment [\*].

Port of Inverness per G&S (1220786)

Expand the range of acceptable uses to specifically include port and marine use.

Extend the allocation boundary beyond the bridge as a future development phase (the attached Masterplan Vision [\*] includes a map of the proposed extension).

Amend the Developer Requirement that states 'Construction Environmental Management Plan to include assessment and mitigation of noise and other impacts on residents on west bank of River Ness' to simply state that a 'Construction Environmental Management Plan is required'.

Requests that the statement requiring an Operational Environmental Management Plan is amended to an 'Environmental Management System'.

Remove reference to ship to ship transfers in the Developer Requirements.

SEPA (906306)

Amend the list of acceptable uses to Industry, harbour business and water compatible cultural and tourism.

Amend the flood risk aspects of the Developer Requirement to "Flood Risk Assessment and hydrodynamic modelling to demonstrate that proposed development will not increase flood risk onsite or elsewhere in the firth as a result of narrowing of the channel and to determine suitable ground and floor levels taking into consideration climate change. Results of these assessments could limit the extent to which the allocation can be developed. Only Operationally Essential or Water Compatible Uses acceptable (as defined by the SEPA Land Use Vulnerability Classification) in areas at risk of flooding."

Amend the allocation boundary to significantly reduce the scale of land reclamation to limit the potential of introducing a large number of people into an area that is known to be at significant risk of flooding.

**INC07: Stadium Road West**

SEPA (906306)

Remove all reference to dredging, land reclamation and assessment of hydrodynamic impacts from the Developer Requirements.

Remove one of the references within the Developer Requirements to foul and surface water drainage.

**INC07: Stadium Road West & INC08: Stadium Road East**

Alan Ogilvie (1254978)

Removal of allocation INC07: Stadium Road West and INC08 Stadium Road East from the Plan.

Brucefields Family Golf Centre per Suller Clark (1219975)

No modification sought.

**INC08: Stadium Road East**

SEPA (906306)

Remove all reference to dredging, land reclamation and assessment of hydrodynamic impacts from the Developer Requirements.

**INC09: Former Longman Landfill West**

NatureScot (1266529)

Add a Developer Requirement for protecting the features of the Longman and Castle Stuart Bays SSSI and SPA.

Add a Developer Requirement that green and blue networks are linked up with those in the adjacent INC11, and that mitigation for badgers includes wildlife corridors to provide continued safe access between the two proposed sites.

SEPA (906306)

Remove all reference to dredging, land reclamation and assessment of hydrodynamic impacts from the Developer Requirements.

**INC09: Former Longman Landfill West & INC11: Former Longman Landfill East**

A MacInnes (1311897), Anne Jackson (1312024), Balloch Community Council (1271483), Calum Maclean (1261259), Chrissy Dewhurst (1312247), Christine Farrar (1312491), Dennis Tracey (1312010), Jay Wilson (1312506), Natalya Oram (1312414), Richard Newmark (1064730), Robyn Barrett (1312309) Steve North (1263190), Sue Tracey (1323195), Thomas Plant (1312540)

Remove the allocation INC09: Former Longman Landfill West (Business, Industry, Temporary Stop Area for Travelling People uses) and replace it with an allocation which protects the area as publicly accessible green space, alongside small scale Tourism, Leisure and Recreational uses.

Thomas Prag (1260543)

Reduce the extent of the allocation to the area closest the A9 (undefined) and add Developer Requirements for built development to be low level and screening from the A9 (assumed).

Vanessa Halhead (1312418)

Remove the allocations INC09: Former Longman Landfill West and INC11: Former Longman Landfill East

**INC11: Former Longman Landfill East**

Anne Thomas (1323247)

Suggests an alternative power source to the proposed incinerator could be provided by anaerobic digestion of herbal lays to provide gas for the gas grid. This has huge potential for decarbonising heat and providing good local jobs. A link to a draft local feasibility study has been provided.

Martin MacLeod (1311902)

Add a Developer Requirement that a path for cycles and pedestrians is required along the foreshore area of the former landfill site to connect Stadium Road with the truncated section of the Old Shore Road.

NatureScot (1266529)

Add a Developer Requirement for protecting the features of the Longman and Castle Stuart Bays SSSI.

Due to the potential for disturbance to qualifying interests, NatureScot advise that any improvements that would provide access to the Inner Moray Firth SPA and Longman Bay and Castle Stuart Bays SSSI would risk undermining the integrity of these protected areas. Therefore, along with including mitigation for the Longman and Castle Stuart Bays SSSI in the assessment, these likely significant effects on the SSSI and SPA should be taken into account as part of the SEA, and that the mitigation is specifically highlighted and reflected within the Developer Requirements.

SEPA (906306)

Amend the land raising / hydro-dynamic aspect of the Developer Requirement to “No landraising with the functional flood plain or application supported by hydrodynamic assessment to demonstrate will not have impact on flood risk of coastal processes elsewhere.”

**INC06: Harbour Gait, INC07: Stadium Road West, INC08: Stadium Road East, INC09: Former Longman Landfill West & INC11: Former Longman Landfill East**

Maureen Tait (1196550)

Change the acceptable uses of INC06, INC07, INC08, INC09 and INC11 from Industrial and Business to Leisure, Tourism and Housing uses (assumed).

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

##### **Inverness City Spatial Strategy & Placemaking Priorities**

Alison Matheson (1323245)

The Council agree with the three priorities highlighted by the respondent and the Plan takes steps to deliver them. New policies are proposed which provide greater protection for and promotion of greenspaces (Policy 4: Greenspace and Policy 5: Green Networks) and ensure that the transport hierarchy set out in the National Transport Strategy is imposed and sustainable transport options take precedence in decision making (Policy 14).

See Issue 20: Delivering Development & Infrastructure for a response to similar concerns about the lack of infrastructure provision.

In relation to safeguarding greenfield land, whilst this is a laudable and environmentally sustainable objective, it is impracticable to restrict development to brownfield land only 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.

Inverness College UHI per Montagu Evans (1271524)

The first City-wide Placemaking Priority “Support the regeneration of Inverness City Centre by directing footfall-generating uses there and by preventing an increase of out-of-town retail development” reflects the policy position set out within Policy 6: Town Centre First. It directs all footfall-generating uses to the designated town centres. As noted within the policy “Th[e] sequential approach does not apply to proposals which meet the specified uses and developer requirements of site allocations located within designated town centres.” Site allocation INC05 lies within the Inverness Town Centre and therefore development which is delivered in line with the Developer Requirements is expected to accord with the Placemaking Priorities and Policy 6.



Development proposals in Inverness will be considered against both the City-wide and relevant area Placemaking Priorities. Neither will automatically take precedence but inevitably some will be more important and pertinent to certain proposals over others.

#### Lidl per KHP (1312411)

The Council recognise the need for certain facilities and services which generate significant footfall to be located within neighbourhoods to ensure 20 minute communities, for example a neighbourhood shop and pharmacy. Proposals for uses such as new supermarkets are not typically supported in locations outwith the designated town centres. Policy 6: Town Centre First already provides a degree of flexibility for footfall generating uses which serve discrete neighbourhoods: *“Developers need to consider how appropriate the nature of their proposal is to the scale and function of the centre within which it is proposed. Exceptions may be made for any ancillary uses that support existing and proposed developments.”*

The numbering of the Placemaking Priorities is simply to assist with referencing them, much like the paragraph numbering. The numbering given to the Policies is more important and ensures that they are properly referred to and considered in the context of the Development Plan as a whole.

Accordingly, the Council believes the Plan’s content should remain unaltered in respect of these issues.

#### Meadhbh Maguire (1312382)

The Plan’s Spatial Strategy, and in particular its Settlement Hierarchy, sets out a strategic view on where future growth should occur. It proposes a more focused approach, targeting future growth at locations which will minimise the impact on climate change and contribute towards post pandemic economic recovery. Key considerations include: environmentally sustainable transport choices; where infrastructure network/community facility capacity either exists or can be created at least cost to the public and private sector; and where existing commercial and environmental assets can best be protected and enhanced whether this is safeguarding and improving the viability and vitality of our town and city centres or our natural, built and cultural heritage. Put simply, the Plan proposes to direct development to the most economically viable and environmentally sustainable places.

The Plan also promotes mixed use communities and Policy 7: Industrial Land, stating “Small scale industrial units (Class 4, 5 and 6) between 40 to 100m2 will be encouraged as part of large residential developments (30 units or more) as a means of providing mixed communities with local employment/enterprise opportunities”

The Plan also introduces a new transport policy (Policy 14) which places far greater focus on sustainable forms travel.

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

#### Network Rail (1312503)

Support for the Plan position noted.

#### Port of Inverness per G&S (1220786)

As set out in the response within Issue 11: Renewable Energy & Policy 7 Industrial Land, the transformational potential which the green energy industry can have for the region is recognised, alongside the Council’s support for the work of Opportunity Cromarty Firth (OCF) and its bid for Green Freeport status. It is acknowledged that there is no explicit reference to the Council’s support for these opportunities within either the City-wide or Central Inverness sections. It is also noted that one of the three sites submitted by OCF within their Green Freeport bid incorporates Inverness Harbour, the former Longman landfill and through to the UHI Inverness Campus [?],

Given that the economic and regeneration benefits for the City would be significant, and to make the Inverness section more consistent with the Invergordon section and Nigg EDA (where the

other two Green Freeport bid sites are located), it is suggested that reference could be added to the City-wide settlement text (e.g. before the final paragraph #175) along the lines of:  
*“As indicated in 'Employment | Ag obair', the Cromarty and Moray Firths are ideally placed to be at the centre of the global green energy transition. To capture lasting employment and regeneration opportunities for the region and maximise the benefits a cross-sector partnership called Opportunity Cromarty Firth (OCF) has been formed. To help ensure the area's competitiveness and deliver the full potential, OCF have bid for Green Freeport status. One of the sites put forward incorporates Port of Inverness, the former Longman landfill and UHI Inverness Campus.”*

However, as explained further in Issue 11: Renewable Energy & Policy 7: Industrial Land, at the time of preparing the Schedule 4s for committee the Council continues to await the announcement on Green Freeport status – it is understood to be imminent. This decision will have huge implications for the region and for the Plan itself (there are several references in the strategy section and supporting text for relevant Main Settlements and Economic Development Areas). To ensure that the Plan can align with the priorities in the most appropriate way, the Council would welcome the opportunity to engage with the Reporter during the Examination process when the announcement is expected to have been made and when further information becomes available on the implications for the area.

### **Inverness Central General**

Anne Thomas (1323247)

The former Longman landfill has been identified as a strategically important site in Inverness for decades and has potential to deliver a range of much needed land uses. The land is allocated for waste management, energy, commercial and community/open space uses in HwLDP (2012) under Policy 5. This position was carried forward within the adopted IMFLDP (2015).

In 2017, the Inverness and Highland City-Region Deal was agreed between UK and Scottish Governments and The Highland Council which identified as a central project the remediation of parts of the landfill and redevelopment for commercial uses. Ongoing discussions have since taken place with NatureScot and SEPA regarding the protection of the existing badger population and de-licencing of the landfill. The initial view is that up to 25% of the site (10ha) will be developable within the foreseeable future.

As noted in The Employment section of the Plan and responses provided within Issue 11: Renewable Energy & Policy 7 – Industrial Land, the need for additional land for industrial development remains and failing to address the issue could pose a significant risk to the region's economic growth. Whilst the Plan highlights that the former Longman landfill offers a chance to address this it recognises that only a limited part of the landfill is developable and that it only forms part of the solution.

Accordingly, large parts of the site would not be developed and significant opportunity remains for enhanced areas of greenspace. The long term aim is to create high quality amenity and recreational spaces within enhanced green corridors and accessible and attractive waterfront connections. Further engagement and more detailed analysis of the contamination issues, health and safety implications, environmental concerns and suitable de-licencing will be necessary.

Policy 15: Development Briefs specifies that a Longman Landfill Development Brief is to be prepared for the area. This will provide an opportunity for all interested parties to be involved in shaping a framework for the future of the site and balance the competing interests. This is likely to cover issues such as identification of developable areas and acceptable land uses, greenspaces to be safeguarded and enhanced, phasing, transport and access arrangements and environmental mitigation.

### **Inverness Central Placemaking Priorities**

Donald Begg (1312031)

The Placemaking Priority to “Embed walking and cycling as the logical choice and easiest way to make every day journeys, including delivering active travel...” reflects the National Transport Strategy's transport hierarchy, which places active travel and other more sustainable forms of transport before private vehicles. This is also reflected in Policy 14: Transport of the Plan which seeks to embed sustainable transport principles within all development proposals. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Iain Nelson (1323043)

Support for the Plan position is noted.

Inverness College UHI per Montagu Evans (1271524)

It is not considered necessary or appropriate to state that development proposals across the INC05 area will ultimately be led by market interest and will be subject to economic viability considerations. Proposals which emerge may well be market led but the consideration of their suitability will be based on a wider range of issues, economic viability being one of them. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Network Rail (1312503)

The strategic importance of the rail station and the surrounding area for the city's future is recognised. The Council along with other partners have had ongoing engagement and collaboration with Network Rail to formulate ambitious plans for the transformation of the area, including radical alterations to the rail infrastructure and the land uses across sites allocation INC03 and INC04. The request by Network Rail to better acknowledge this work and promote the wider ambition within the Plan is therefore considered reasonable. If the Reporter is so minded, then the Council would support the following additional Placemaking Priority being added along the lines of: *"agree a masterplan for allocations INC03 and INC04 and surrounding area which sets a bold new vision to deliver a modern and efficient integrated transport hub and transform this underutilised part of Inverness."*

Port of Inverness per G&S (1220786)

Whilst the supporting text for Central Inverness makes reference to the aim of "... establishing new, and enhancing existing, connections with the city's coastline from the River Ness downstream to the Moray Firth", it is recognised that explicit reference is not made to the harbour area nor does it feature within either the City-wide or Central Inverness Placemaking Priorities. If the Reporter is so minded, the Council would support a statement along the lines as that shown in italic text below being added to the end of the paragraph suggested above relating to OCF, so it read: "... OCF have bid for Green Freeport status. One of the sites put forward incorporates Port of Inverness, the former Longman landfill and UHI Inverness Campus. *This part of the city offers the chance to deliver a mix of uses, provide a range of employment opportunities and create a world class river and firth setting.*"

Rebecca Fretwell (1324100)

The Plan already makes reference to active travel and improving connections along the coastal edge and the Development Briefs for the city also make reference to high quality development along the waterfronts. Taking account of this, it is recognised that there is merit in highlighting this within a single Placemaking Priority. Therefore, if the Reporter is so minded, then the Council would support the following statement being added as a City-wide Placemaking Priority: "Redevelopment and regeneration along the water frontages must contribute positively towards the landscape, enhance the environment and improve accessibility wherever possible". This would also address comments submitted in relation to Longman landfill site (INC09 and INC11) below.

It is not possible for the Plan itself to introduce traffic management measures such as that suggested. These need to be led by the Roads Authority and taken through the formal channels and processes. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Steve North (1263190)

See the responses above relating to the justification and context for the commercial allocations along the coastal edge and the suggested addition Placemaking Priority.

**INC01:Diriebught Depot**

Fiona MacBeath (929534)

*Transport*

The site has potential to deliver an infill development in an well established and relatively central part of the city. As such, there are a range of facilities within active travel distance of the site. The impact on the road network will need to be considered further as part of the masterplanning and application process. Although the level of trips generated is expected to be less than the existing uses, given the scale of the proposal (a 'major' development), it is likely that a Transport Assessment will be required to model the impacts and then identify suitable mitigation. This will essentially be one of the key considerations for informing the final development potential of the site. To help clarify this, if the Reporter is so minded, then the Council would support the inclusion of a Transport Assessment within the Developer Requirements. This could be merged with the existing transport requirements to read: "Transport Assessment, including details of active travel permeability being maximised (direct active travel links to Fraser Park; Diriebught Road and Kingsmills Road). Reduced car parking standards are acceptable on site with demonstration of appropriate alternative public transport and active travel mitigation."

The mature trees bordering the site are important for a variety of reasons and as such there is already a Developer Requirement to "Protect and enhance existing woodland and individual trees, create new woodland where opportunities exist."

#### *Fraser Park*

The allocation does not include any part of Fraser Park.

#### *Proportion of affordable housing*

Local and national policy promotes the delivery of mixed use, and sustainable communities. The Council has a minimum requirement of 25% of total housing being affordable in areas of need. As part of this plan review, the Council is supporting that be raised to 35% in Inverness due to the ongoing challenges with delivering sufficient affordable housing. It is most appropriate that the mixture of affordable and private/mainstream housing for this site be assessed as part of the planning application stage.

#### *Infrastructure*

Although the Plan seeks to promote development opportunities in areas which have greater infrastructure capacity, certain areas, including Inverness, remain the focus of where people want to live.

In relation to infrastructure, in line with the Draft NPF4's the Council has sought put infrastructure considerations at the heart of the Plan review. Engagement has taken place throughout the process with relevant internal Council services, along with relevant external partners to assess the impacts and the necessary infrastructure improvements required to accommodate the proposed development. The main infrastructure and mitigation measures required have been addressed within the Plan itself, i.e. covered by general policies, Placemaking Priorities, Developer Requirements and the associated Delivery Programme [\*]. The Environmental Report [\*] and Habitats Regulations Appraisal [\*] have also been key to this process.

See Issue 13: Delivering Development and Infrastructure for more detail on the Council's response to concerns regarding infrastructure needs and delivery.

#### Karen Munro (1311058)

Addressing the points raised in order:

- 1) The indicative housing capacity is an initial view on how many housing units a site could accommodate. It is based on a high level assessment of the developable areas and constraints such as topography and any necessary setbacks. Further consideration of these issues inform the final layout and decisions on the suitability.
- 2) There is a requirement to undertake a flood risk assessment – it will consider the impacts of development on the wider water environment, not just that within the site.
- 3) The 6m buffer between development and watercourses is a standard minimum which is identified in HwLDP [\*]. The measure is taken from the edge of built development to the top of the bank of any watercourse / waterbody (including land drains).
- 4) More detailed assessment of the site and issues, such as impacts on the amenity of adjoining properties, will be undertaken at planning application stage and will inform the design and site layout.

- 5) All supporting information for a planning application will be available to the public to view on the eplanning portal.
- 6) There is already a requirement for a protected species survey to be undertaken – it will determine whether bats are present and any suitable mitigation.
- 7) The contaminated land Developer Requirement highlights the need for assessment of the issue and any necessary mitigation to be delivered.
- 8) See the response above on transport issues.
- 9) No planning application has been approved as yet. However, an allocation in the local development plan will establish the Council's support in principle, subject to addressing the Developer Requirements.

Rebecca Fretwell (1324100)

Impacts of development on the school estate have been considered as part of the Plan review. The Delivery Programme which is associated with the Plan sets out the infrastructure projects which are needed to accommodate development and those which developers are required to contribute towards. In this case, a major extension is required to Millburn Academy. See Issue 13: Delivering Development and Infrastructure for more detail on the Council's response to concerns regarding infrastructure needs and delivery.

No development is proposed at Fraser Park. The transport issues/options suggested appear reasonable but will need to be considered further through a Transport Assessment and at masterplanning/application stage.

Tracey Phillips (1312547)

See the responses above which address concerns regarding scale of development, transport and amenity impacts.

**INC02: Porterfield Prison**

Fiona MacBeath (929534)

As a prison with about 100 inmates the site already attracts and generates vehicular traffic. The net change in traffic from conversion to 30 residential units will be considered further at planning application stage. However, it is not expected to lead to significant traffic issues, possibly with a net decrease. Also with increasing emphasis on modal shift, being centrally located, a higher amount of active travel trips are expected. This is reflected by the Developer Requirements noting that lower car parking standards maybe acceptable.

JH Pension Trustees per Galbraith & AF (1312525)

Support noted for the conversion of the site.

The proposed expansion of the site is considered to have merit. Given the proximity and historic nature of both sites, and the apparent availability of Reay House for repurposing, there is benefit in promoting the development opportunity as a single entity. Although the conversion would likely be acceptable given the nature of the main building and surrounding area, its inclusion within the allocation would also help to ensure the Developer Requirements and impacts are also considered against Reay House both individually and cumulatively with Porterfield. If the Reporter was so minded, then the Council would support the expansion of the allocation as per the attached map

[\*].

Rebecca Fretwell (1324100)

See the response above which addresses concerns about the transport network.

The Council's general planning policies including Policy 75 Open Space and the associated Open Space in New Residential Development: Supplementary Guidance [\*] ensure that developments provides suitable amenity and open space.

The prison is still operational and proposals for its disposal have not been formally progressed through the planning system. The aim of asset transfer is therefore not compromised by the allocation of the site.

**INC04: Inverness Central**

Jay Wilson (1312506)

The priority is already reflected in the Placemaking Priority included in the Plan: “Embed walking and cycling as the logical choice and easiest way to make every day journeys, including delivering active travel and public realm improvements across the city centre.”

**INC05: Shore Street City Centre Expansion Area**

Inverness College UHI per Montagu Evans (1271524)

See the response above relating to comments about how interest from the market will be balanced against other considerations.

It is highlighted that the allocation already provides significant flexibility, supporting a wide range of uses including Housing (up to 200 units), Business, Retail, Industry, Community. In addition, given the prominence of the site – forming a key gateway into the city – and its ability to transform the region, setting a precedent for wider redevelopment of the area, it is not appropriate to specify that a single use development will be acceptable. As the former Campus faces key vehicular routes through the city (including the A82 trunk road), active frontages will be very important. In the case of a residential led scheme, a commercial use may also be more appropriate on the ground floor. Accordingly, the Council believes the Plan’s content should remain unaltered in respect of this issue.

The indicative housing capacity is an initial view on how many housing units a site could accommodate. It is based on a high level assessment of the developable areas and constraints such as topography and any necessary setbacks. Further consideration of these issues inform the final layout and decisions on the suitability. Given the scale and nature of the allocation, the capacity shown is more of indicative than other sites. Future plan reviews may need to adjust the indicative housing capacity to response to the pace and nature of redevelopment.

The Inverness City Centre Development Brief (ICCDB) is adopted Supplementary Guidance and as set out in the opening paragraph of the document, it “promotes and guides opportunities for development, regeneration and enhancement of Inverness city centre.” Given the scale and nature of the allocation and how it forms part of the vision for the City Centre and Longman area, the Council recognise that a degree of flexibility is necessary at times.

The point regarding proportionality in terms of requiring a “development brief ahead of statutory preapplication submission” is recognised. Very small developments would not be required to undertake a development brief. However, it is expected that, given the scale and nature of the site at present, most redevelopment proposals are likely to be significant, e.g. ‘major’ developments. It is therefore considered best to retain the require is presented in the Plan and consider the scope of the work against the nature of individual proposals. Accordingly, the Council believes the Plan’s content should remain unaltered in respect of this issue.

**INC06: Harbour Gait**

Cara Thompson (1269104), Christopher Howard (1312404), Kevin Robertson (1312480), Mary Fulton (1312330), Jane Arnold (1323187), Peter Young (1271496), Richard Cole-Hamilton (1271499), S Shaw (1263105), Steve North (1263190), Sue Blaney (1270621), Susan Bowes (1312285), William Paterson (1312493)

Addressing the grounds of objection as per the numbering above:

- 1) Amenity – Whilst the landscape, visual and general amenity (noise, vibration, light etc) impacts of the proposed expansion will be carefully assessed, they are not expected to cause significant adverse effects for the residential of North Kessock given the distance separating them and the fact that Inverness Harbour is already a busy port. Also, the presence of the Kessock Bridge creates a fairly constant background noise. Nevertheless, it is recognised that the Developer Requirement for a “Construction Environmental Management Plan to include assessment and mitigation of noise and other impacts on residents on west bank of the River Ness” is not the most appropriate place to highlight these issues. If the Reporter is so minded, the Council would support the removal of the part “to include assessment and mitigation of noise and other impacts on residents on west bank of the River Ness” and replacing it with a separate Developer Requirement, along the lines of “noise impact assessment (considering both construction and operation impacts)



and any other related impact assessments such as that relating to air quality, light, odour and vibration, including consideration of impact on surrounding properties/communities.” At present, the edge of built development around the Harbour and Longman is industrial and dominated by vehicular transport infrastructure. The vision expressed by respondents for Inverness Harbour and surrounding area aligns with that of the Council insofar as delivering a mixed use city quarter which embraces the waterfront. It is recognised that the last phase of land reclamation did not deliver this vision and has resulted in hard landscaping and a frontage of units occupied by mostly trade counter builders merchants. With a finite/limited potential for further land reclamation it is apparent that future development must deliver the wider aims.

- 2) Water – As part of the Examination on the adopted IMFLDP, which considered a similar proposal to expand Inverness Harbour, SEPA accepted that it is likely to be possible to address the risk of flooding to the site itself with significant landraising. SEPA was also not overly concerned about the potential loss of flood plain storage, as this would be negligible in comparison to the volume of the sea. However, SEPA sought to ensure that the development adjoins land which is outwith the functional flood plain so that safe access and egress is available. Another consideration was that any watercourses or piped discharges at the shoreline which will be lost due to land gain. Whilst the existing Developer Requirements were developed with input from SEPA as part of the plan review, further refinements have been suggested by SEPA below which better address these issues.
- 3) Environment – It is recognised that the harbour and firths are sensitive environments, however, the Developer Requirements set out in the Plan have been prepared in collaboration with NatureScot and SEPA and will ensure that the impacts on the environment are fully assessed and suitable mitigation (which may impact on the developable areas) is delivered.
- 4) Policy – The sensitivities of the expansion of the harbour are recognised and the requirements set out in the Plan will ensure that it is delivered in a way which does not adversely impact on the landscape nor effect the integrity of the surrounding environment. The Environmental Report [1] and Habitats Regulations Appraisal [2] were prepared in collaboration with the relevant key agencies and have informed the mitigation in the Plan.
- 5) Demand – The Employment section of the Plan (see pages 50-57) sets out there is a significant shortage of industrial land in the region and it poses a risk to economic growth. Whilst it is noted that industrial development forms only part of the plans for Inverness Harbour, it can help address this shortage to some extent.

In relation to the other issues raised:

- 1) This has been addressed in the above response.
- 2) All maps are digitally generated using the same data source so will accurately represent settlement and site boundaries.
- 3) For the reasons outlined above, the allocation is recommended to be retained. The exact scale of expansion, uses and layout will be determined through further masterplanning and more detailed assessment work.

Jamie Hogan (1311676)

Support for the Plan position is noted.

Jay Wilson (1312506)

For the reasons set out above, the Council does not consider it appropriate to remove Business and Industrial uses from the list. Nevertheless, further land reclamation is not being supported purely to expand the existing adjoining commercial uses, e.g. trade counter occupiers. To avoid this situation, if the Reporter is so minded, the Council would support the following amendment to the list of uses (emboldened text would be added): “**Industrial and Business (harbour related only), Retail...**”

Taking the above into account and given the importance of the site for the future of Inverness (in terms of generating economic activity, its impact on the landscape and setting of Inverness and potential environmental effects), there is value in a more open and inclusive masterplanning process. Therefore, if the Reporter was so minded, the Council would support the inclusion of a Development Brief within the list of Developer Requirements. The wording of this should be the



same as other examples in the Plan, i.e. “Developer to prepare Development Brief ahead of statutory pre-application submission. Engagement Strategy (to describe how the community, Council and other relevant agencies will input) to be agreed by the Council in advance of preparation of Brief. Delivery Plan (to specify the timing, location and funding of supporting infrastructure) to be included in Brief. Council may adopt Brief as Supplementary Guidance. Brief must address: ...”

#### NatureScot (1266529)

The Council recognise the value in the amendments suggested by NatureScot. Therefore, if the Reporter is so minded, the Council would support the following amendment to the Developer Requirement (emboldened text would be added): “Recreational Access Management Plan including consideration of water based activities and need to avoid disturbance to the qualifying features of Moray Firth SAC and Moray firth SPA, adherence to the Scottish Marine Wildlife Code, and the WiSE scheme”

In addition, the Council would support the amendment to the Developer Requirement (emboldened text would be added):: “hydro-dynamic assessment of impacts of altered flows on sediment movement in relation to sub-tidal sandbanks (only suitable development should be taken forward in light of the Dynamic Coast 2 and coastal flooding predictions)”

#### Port of Cromarty Firth (1178440)

The Port of Inverness is a member of Opportunity Cromarty Firth (OCF) and is one of the key landowners within the consortium. The Port of Cromarty Firth in their role as key facilitator of the OCF bid for Green Freeport status request that the Plan reflect the content of the bid, including the allocation of the proposed ‘tax sites’. In the case of Inverness Harbour, this is an expansion beyond what is set out in the Plan, to include the intertidal zone to the north east of the Kessock Bridge which lies within Port of Inverness’ ownership (approximately 10 ha). As per the submission by Port of Inverness to the Call for Sites [1], the vision as set out in the Masterplan for this area is the creation of a new marina which increases capacity from 150 vessels at the current site to 250 vessels and additional storage space for vessels. The Masterplan states that this will help to address existing capacity pressures, attract a wider variety of vessels and allow for complementary uses. The existing marina is then proposed to be filled in and, as part of wider land reclamation would be used for other purposes, including servicing the onshore renewable energy sector, in particular the Red John Hydro and Coire Glas schemes, both of which would benefit from direct water access.

The response within Issue 11: Renewable Energy & Policy 7 Industrial Land, recognises the transformational potential which the green energy industry can have for the region, and justifies the Council’s support for the work of OCF and its bid for Green Freeport status.

The Council also recognise the strategic importance of Inverness Harbour and the significant contribution it already makes to the economy of the Highlands. The proposals by Port of Inverness continue on from the 9 hectares of land reclaimed from the sea in 2008 and recent investment to open up Shore Street Quay. The project also ties in with the Longman former landfill site and adjacent roundabout which have received £60m of City Deal funding.

The Port Authority has a harbour revision order in place which allows them to largely pursue its development aspirations for harbour related development without the need for express planning permission. However planning permission would be required for non-harbour related development. A Marine Licence application would be required and an EIA will almost certainly be necessary, with the scope likely to include assessment of, amongst other issues, landscape and visual impacts, effects on the marine environment and impacts on the transport network. In any case, the development plan should ideally describe the major development proposals in the plan area to give a full picture of expected development activity and so as to properly consider cumulative impacts. If the port is to expand, it would therefore be preferable for this to be described in the Plan.

In addition, as set out in the Renewable Energy section of the Plan, the Council is open and willing to preparing Masterplan Consent Areas for sites within a Green Freeport – as indicated by the Scottish and UK governments in the joint prospectus [1] - as a means of front loading the planning

system. If such a framework taken forward for this site, it would provide another, more formal opportunity for stakeholders (such as key agencies) to input and for further public scrutiny. If awarded Green Freeport status and the benefits and development opportunities are accelerated, the Council will monitor whether there is value in a review of the Local Development Plan within the next 5 years to reassess the strategy and supply and demand land use pressures. However, with crucial investment decisions relating to ScotWind being made in the short term the Plan is expected to have significant influence in shaping the future of the area. Whilst Inverness Harbour is not identified as a future manufacturing hub, it is expected to undertake other and complementary projects in the same sector but which do not require such large laydown areas (for example anchor chains and mooring). It is apparent that the misalignment of the Development Plan with industry needs may risk such investment being lost from Scotland altogether.

Taking into account the above response (and that within Issue 11: Renewable Energy & Policy 7 Industrial Land) and noting the clear support provided by the Full Council Committee [X] for the proposals set out by OCF, the Council suggests to the Reporter that the boundary of the allocation is amended to reflect that of the Green Freeport bid [X]. If the Reporter is so minded to amend the allocation boundary, it is also suggested that a Developer Requirement is added to ensure that further assessment and engagement is undertaken to determine suitable developable areas. This could be along the lines of: "exact developable areas to be determined through a masterplanning process with further input from and early engagement with key agencies and other stakeholders".

In addition, and as outlined in greater detail within Issue 11: Renewable Energy & Policy 7 Industrial Land, to ensure that the Plan can best align with the priorities in the most appropriate way, including in relation to the key site allocations, the Council would welcome the opportunity to engage with the Reporter during the Examination process when the announcement is expected to have been made and further information becomes available on the implications for the area.

#### Port of Inverness per G&S (1220786)

See the response above for the response to the request to enlarge the allocation. Letters of support submitted in support of the proposals are noted.

Given the nature of the proposals and allocation the request to expand the range of acceptable uses to specifically include port and marine use is considered reasonable. If the Reporter is so minded, then the Council would support 'port and marine' uses being added.

In relation to the request to amend the Developer Requirement relating to the Construction Environmental Management Plan, see the response above.

The request that the statement requiring an Operational Environmental Management Plan is amended to an 'Environmental Management System' is reasonable. However, it is suggested that it is most appropriate for both to be referenced. If the Reporter was so minded, then the Council would support the Developer Requirement being amended to read "...and Operational Environmental Management Plan (OEMP)/Environmental Management System (EMS)...".

The objection to the Developer Requirement relating to ship-to-ship transfers was derived in consultation with NatureScot and is deemed to be appropriate for inclusion. We do not therefore propose to remove the requirement from the Plan.

#### SEPA (906306)

To accord with national policy and ensure a precautionary approach to flood risk is taken, the Council would support SEPA's request for amendments to the list of acceptable uses and the relevant Developer Requirement. If the Reporter is so minded, then the Council would support the list of uses be amended to read "Industry, harbour business and water compatible cultural and tourism". In addition, the Council would support the Developer Requirement to be amended to read "Flood Risk Assessment and hydrodynamic modelling to demonstrate that proposed development will not increase flood risk onsite or elsewhere in the firth as a result of narrowing of the channel and to determine suitable ground and floor levels taking into consideration climate change. Results of these assessments could limit the extent to which the allocation can be developed. Only Operationally Essential or Water Compatible Uses acceptable (as defined by the SEPA Land Use Vulnerability Classification) in areas at risk of flooding."

It is not considered necessary to amend the allocation boundary to significantly reduce the scale of land reclamation as suggested because the inclusion of the wording above highlights that the developable areas will be determined by the Flood Risk Assessment and hydrodynamic modelling. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### **INC07: Stadium Road West**

SEPA (906306)

The Council note the fact the site is not on the coast and therefore the need for reference to dredging, land reclamation and assessment of hydrodynamic impacts is unnecessary and misleading. If the Reporter is so minded, then the Council would support the corresponding amendment to the Developer Requirements.

The Council also recognise the duplication of references to foul and surface water drainage within the Developer Requirements. To provide clarity, if the Reporter is so minded, then the Council would support the removal of the end of the first requirement: "avoids undue disturbance and that foul and surface water discharges are captured and treated to an adequate degree".

#### **INC07: Stadium Road West & INC08: Stadium Road East**

Alan Ogilvie (1254978)

The sites have been included in the Plan because it is believed that there is scope to better utilise the space. The western part of INC07 was previously used for overspill car parking and storage but has since been fenced off and largely unused. As the land lies within the settlement development area (SDA) and is not protected greenspace, there is a general presumption in favour of redevelopment. The allocation allows for any development proposals to be properly controlled and any adverse impacts to be assessed and mitigated.

Both sites clearly provide a vital function in terms of vehicle parking for the stadium with demand for spaces regularly outstripping supply on match days and during other events. To ensure that the redevelopment of the site does not cause a loss of parking provision, if the Reporter is so minded, the Council would support a Developer Requirement being added to both allocations along the lines of: "redevelopment of the site must not result in a net decrease of parking provision, any compensatory parking provision must be located in close proximity to the stadium, be easily accessible and have high quality active travel connections to the stadium".

Brucefields Family Golf Centre per Suller Clark (1219975)

Support for the Plan position noted.

#### **INC08: Stadium Road East**

SEPA (906306)

The Council note the fact the site is not on the coast and therefore the need for reference to dredging, land reclamation and assessment of hydrodynamic impacts is unnecessary and misleading. If the Reporter is so minded, then the Council would support the corresponding amendment to the Developer Requirements.

#### **INC09: Former Longman Landfill West**

NatureScot (1266529)

There is already mitigation derived from the HRA appropriate assessment covering the Inner Moray Firth SPA which includes reference to the need for a Recreational Access Management Plan.

Due to the size and nature of the allocation the Council recognise the value in highlighting the Longman and Castle Stuart Bays SSSI. If the Reporter is so minded, then the Council would support the inclusion of an additional Developer Requirement along the lines of "Demonstration of no adverse effect on the integrity of the Longman and Castle Stuart Bays SSSI".

As set out in the Developer Requirements, the Plan already recognises the importance of protecting, enhancing, integrating development of the site with existing green/blue networks.

However, the point proposed by NatureScot in regard to the integration with the adjoining allocation and in relation to badgers is recognised. If the Reporter is so minded, the Council would support the Developer Requirement being amended to: "Protect, enhance, integrate with existing green/blue networks within the site and with those in the adjacent INC11 and that mitigation for badgers includes wildlife corridors to provide continued safe access between the two proposed sites."

#### SEPA (906306)

The Council note the fact the site is not on the coast and therefore the need for reference to dredging, land reclamation and assessment of hydrodynamic impacts is unnecessary and misleading. If the Reporter is so minded, then the Council would support the corresponding amendment to the Developer Requirements.

#### **INC09: Former Longman Landfill West & INC11: Former Longman Landfill East**


A MacInnes (1311897), Anne Jackson (1312024), Balloch Community Council (1271483), Calum Maclean (1261259), Chrissy Dewhurst (1312247), Christine Farrar (1312491), Dennis Tracey (1312010), Jay Wilson (1312506), Natalya Oram (1312414), Richard Newmark (1064730), Robyn Barrett (1312309) Steve North (1263190), Sue Tracey (1323195), Thomas Plant (1312540)

#### **Justification for allocation**

The redevelopment of suitable parts of the landfill, which closed in 2003 after 60 years of operation, has formed a key part of the medium-to-long term growth strategy for Inverness for nearly 20 years. The older parts of the landfill, those closest to the Longman roundabout, have been allocated for a mix of uses in successive development plans. The land was allocated for waste management, energy, commercial and community/open space uses in HwLDP (2012) under Policy 5. The adopted IMFLDP (2015) allocated the north west section (which extends to 20ha) for Business, Industrial, Non-residential institutional and Temporary Stop Site for Travellers uses (reference IN8 Former Longman Landfill). The remaining area of 19ha was allocated for Industry (IN13 Former Longman Landfill).

In 2017, the Council agreed the Inverness and Highland City-Region Deal with the Scottish and UK governments which is a package of funding aimed at addressing the challenges facing the Region and to capitalise on some of its substantial opportunities. The City Region Deal is being implemented by a partnership between the Council, Highlands & Islands Enterprise (HIE), and other partners.

Government assistance for the redevelopment of the Longman landfill was one of the main projects agreed in the City Region Deal. The initiative involves carrying out land remediation of certain parts of the disused landfill (originally seen as up to 18ha) and site servicing works to release the site for development. As set out within the City Region Deal terms, the creation of additional business and industrial land would be created to directly address major shortages in the supply of such land. This will then also unlock significant new employment opportunities for the City and surrounding area, meeting the needs of both small and medium size businesses and those of larger inward investment companies.

Through the review of this Plan, it has been found that the supply and demand pressures still exist. 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 the Council is supporting certain parts of the former Longman landfill site for business and industrial uses, this alone will not meet all future needs. Inverness Airport Business Park (IABP), which is allocated for a mix of Business and Industrial uses (site reference IA01), will also help to address this issue. Whilst take up of sites at IA01 has improved in recent times, the build out has been slower than originally planned. The opening of the new railway station at Dalcross will better connect it with Inverness and may help to encourage businesses to expand and relocate there but demand is likely to remain high within Inverness.

The redevelopment of Longman landfill is also closely aligned with the Longman Interchange project which also forms part of the City Region Deal. Longman Interchange is a major road

improvement which will deliver a new grade separated junction to replace the existing roundabout at the foot of the Kessock Bridge. In part, the new interchange is supported due to the fact it will unlock significant areas of land which, once remediated, will provide much needed capacity for industrial and office developments. The Highland Council continues to work closely with Transport Scotland to co-ordinate activities and share information and to finalise the land requirements for new interchange.

### **Energy Hub**

The Council has considered the long-term options for its residual municipal waste for many years. Since 2019, four studies have undertaken which informed an options appraisal. This work is pressing given the ban on landfilling municipal waste comes into effect by the end of 2025. The preferred long-term option is to develop an Energy from Waste (EFW) combined Heat and Power (CHP) Plant at the Longman site in Inverness. This solution would not only deal with the need to comply with the landfill ban and lower associated carbon emissions, but also recover energy from waste for a range of uses.

The Council is also working on wider green energy opportunities for the former landfill. As set out in the report to Highland Council Committee on 28 October 2021, one of the Strategic Partnership Priorities for the Council is the establishment of Highland becoming an internationally leading hub for renewable energy. The report notes that opportunities for collaboration on this Strategic Partnership Priority include the development of a Green Energy Hub at the Longman.

These proposals are also reflective of the proposition set out in the Opportunity Cromarty Firth Green Freeport bid. As noted earlier in this Issue, one of the sites put forward in the bid extends from Inverness harbour, incorporating the allocations at the Longman (INC07, INC08, INC09 and INC11) and parts of the UHI Inverness Campus. The proposals for the Longman sites are focused around the creation of a Green Energy Hub, specially hydrogen.

In this regard, and as outlined above in relation to INC06: Harbour Gait and in greater detail within Issue 11: Renewable Energy & Policy 7 Industrial Land, to ensure that the Plan can align with the priorities in the most appropriate way, the Council would welcome the opportunity to engage with the Reporter during the Examination process. By that time the announcement on Green Freeport status is expected to have been made and further information made available on the implications for the area.

### **Environmental impacts**

Being a disused landfill, extensive contaminated land survey work has been undertaken and is directly informing consideration of future uses. The Council recently received confirmation from SEPA that a formal partial surrender of the waste license has now been completed. The next stage is to carry out further intrusive site investigation works to ascertain the decontamination works necessary for the site to be serviced.

In terms of wider concerns about the impact on the environment, the Plan already identifies several Developer Requirements which ensure that environmental impacts will be fully assessed and suitable mitigation delivered, such as habitat survey, protected species survey, tree, woodland survey and mitigation deriving from the Habitats Regulations Appraisal process [1]. A great deal of work has also already taken place. In particular, the identification of suitable mitigation of impacts on the existing badger population which has been a key issue in determining the developable areas.

The Government assistance in redeveloping suitable parts of the site also offers a viable means of remediating this highly contaminated land and bringing it back into productive use. The prioritisation and remediation of the brownfield land also aligns with Council and national policy and helps to avoid develop on greenfield land.

In terms of the development affecting the setting of the Kessock Bridge Listed Building, general policies ensure this impact would be taken into account. However, given the size of the allocation, if the Reporter is so minded then the Council would support the following additional Developer Requirement being added: "Respect the fabric and setting of the Kessock Bridge Listed Building".

### **Waterfront greenspace**

The potential to create a development which makes the most of the waterfront location is recognised. Although development is being supported, the allocation covers a far larger area and is expected to offer long term potential for both built development and enhanced, publicly accessible green corridors. However, with some sections still in active use as a landfill until 2003, the contamination and toxicity levels mean that public access needs to be very carefully considered and managed. The Council is also supporting allocations at the harbour and adjoining the football stadium which allow for a wider enhancement of the area and connected green networks.

Being a gateway site to the city and beyond, it is recognised that it is important to ensure high quality design and layout. There is already a Developer Requirement to ensure that a masterplan will be prepared which should “determine a clear, well-defined settlement edge, including appropriate, high quality designed buildings and landscape”. However, this could be amended to strengthen the consideration of the visual impacts. If the Reporter was so minded, then the Council would support it being amended to “determine a clear, well-defined settlement edge which enhances the gateway location, including appropriate, high quality siting and design and landscaping”.

It is noted that some of the representations received which sought protection of the land at the Longman from development were not exclusive to allocations INC09 and INC11. Several respondent made more general comments about how the City doesn't make the most of the waterfront location and opportunities more widely across the frontages along in Longman. This point is recognised and is in part addressed in the response above. However, to capture the sentiment of the comments, if the Reporter was so minded the Council would support an additional related Placemaking Priority for Central Inverness. Consistent with the response above in Central Inverness Placemaking Priorities, this could be along the lines of: “Redevelopment and regeneration along the water frontages must contribute positively towards the landscape, enhance the environment and improve accessibility wherever possible”.

### **Development Brief requirement**

As already set out in Policy 15: Development Briefs, the Council is at the initial stages of preparing a Development Brief for the Longman. The Developer Requirements for INC09 and INC11 also highlight that the Council intend to prepare a Development Brief to “develop a cohesive and strategic approach to the development of the Longman area”. This work will be an important mechanism for discussing many of the issues and aspirations raised in representations to this consultation, and detailed site options in a more open and coordinated process. It will also require a range of public sector partners, alongside the wider community to input and help shape the content of the Brief.

#### Thomas Prag (1260543)

The issues raised have been addressed in the response above.

#### Vanessa Halhead (1312418)

The issues raised have been addressed in the response above.

### **INC11: Former Longman Landfill East**

#### Anne Thomas (1323247)

The issues raised have been addressed in the response above.

#### Martin MacLeod (1311902)

The creation of a path network through the site forms part of the long term vision for the redevelopment of the landfill. Whilst the Plan already includes a requirement for “Active Travel improvements to connect site with Inverness city centre, including connections to emerging projects at Inverness Harbour and future Longman Roundabout improvements works” it does not explicitly refer to connections to the east of the city and beyond. To address this issue, if the Reporter is so minded the Council would support the following amendment to the Developer Requirements (strikethrough shows deletion of text and emboldened text is additional): “Active Travel improvements to connect site with Inverness city centre (including ~~connections~~ to emerging



projects at Inverness Harbour and future Longman Roundabout improvements works) and through the site to East Inverness when appropriate”.

NatureScot (1266529)

There is already mitigation derived from the HRA appropriate assessment covering the Inner Moray Firth SPA which includes reference to the need for a Recreational Access Management Plan.

Due to the size and nature of the allocation the Council recognise the value in highlighting the Longman and Castle Stuart Bays SSSI. If the Reporter is so minded, then the Council would support the inclusion of an additional Developer Requirement along the lines of “Demonstration of no adverse effect on the integrity of the Longman and Castle Stuart Bays SSSI”.

As set out in the Developer Requirements, the Plan already recognises the importance of protecting, enhancing, integrating development of the site with existing green/blue networks. However, the point proposed by NatureScot in regard to the integration with the adjoining allocation and in relation to badgers is recognised. If the Reporter is so minded, the Council would support the Developer Requirement being amended to: “Protect, enhance, integrate with existing green/blue networks within the site and with those in the adjacent INC11 and that mitigation for badgers includes wildlife corridors to provide continued safe access between the two proposed sites.”

SEPA (906306)

The concerns raised regarding land raising / hydro-dynamic by SEPA are recognised and, if the Reporter is so minded, then the Council would support the suggested amendment to the Developer Requirement to “No landraising with the functional flood plain or application supported by hydrodynamic assessment to demonstrate will not have impact on flood risk of coastal processes elsewhere.”

**INC06: Harbour Gait, INC07: Stadium Road West, INC08: Stadium Road East, INC09: Former Longman Landfill West & INC11: Former Longman Landfill East**

Maureen Tait (1196550)

The issues raised have been addressed in the response above.

**Reporter’s conclusions:**

**Reporter’s recommendations:**



<b>Issue 37</b>	<b>East Inverness</b>	
<b>Development plan reference:</b>	Section 4 Places, East Inverness Settlement, PDF Pages 231-245	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Balloch Community Council (1271483)  Barratt North Scotland Ltd (1271335)  Calum Murray (1310442)  Carol Munro (1312270)  Elizabeth Murray (1312271)  Hazledene (Inverness Ltd) per Turley (1271225)  Hercules Unit Trust (968628) per Burnett Planning  Highlands and Islands Enterprise per Turnberry UK (1312431)  Ian Barke (1310627)  Joanna Matheson (1310461)  Kirkwood Homes and 3A Partnership Limited per EMacPlanning (1312502)  Macdonald Hotels (1312504) per Pegasus Group  Martin MacLeod (1311902)  National Trust for Scotland (1312459)  Pat Munro (Alness) Limited per THE Architecture + Planning (1312301)  Paul Bole (1252634)  Robert Clinton (1323133)  Sean Kelly per GH Johnston Building Consultants Ltd (1312507)  Scottish Environment Protection Agency (906306)  Springfield Properties Plc (1147956)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 21, Settlement Map 25 East Inverness. Development Sites, PDF Paragraphs 193-200	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Placemaking Priorities</b>  <u>Barratt North Scotland Ltd (1271335)</u>  Objects to 4th priority as considers wording should be modified to allow for a modest southern expansion of the settlement boundary to incorporate a new residential-led location at Myrtlefield [*].</p> <p><u>Highlands and Islands Enterprise per Turnberry UK (1312431)</u>  Inclusion of Inverness Campus in the placemaking priorities is supported.</p> <p><b>Settlement Map</b>  <u>Barratt North Scotland Ltd (1271335)</u>  Respondent objects to the non-allocation of land at Myrtlefield for 300 homes for the following reasons: submission of additional sites for consideration at Main Issues Report stage is acceptable given the timing of the respondent securing an option on the site, it is an early stage of the process and because of a lack of detail of the effectiveness of the housing land supply provided by the sites identified as preferred; site presents a logical and modest expansion, effectively infilling two fields, within a well-established residential area of Inverness, a masterplanned approach would create a new gateway approach to Inverness and deliver a sympathetic, successful place which makes a positive contribution to the area; free from major constraints including topographical, flood risk, natural heritage designations, quality and type of soils and listed buildings; preliminary development framework based on findings of Landscape and Visual Appraisal [*] ensures no significant impacts on Culloden Muir Conservation Area and Battle of Culloden Inventory</p>		

Battlefield and potential to create a high quality residential development; Cultural Heritage Assessment [\*\*] confirmed no previously recorded features within the site; dense woodland provides natural backdrop and visual containment to long range views of the site; location of site provides sustainable travel opportunities to local shops and primary school; potential for provision of road safety improvements and connections to active travel networks and bus services; capacity within Cradlehall Primary School for an appropriately phased development but willing to provide developer contributions to address any identified issues; willing to provide developer contributions towards any future of Culloden Academy extension/redevelopment; capable of connection to the public drainage network; respondent committed to carbon reductions; development would provide a mix of homes in terms of size and adaptability to meet specific requirements and could incorporate small scale local retail provision and commercial uses.

Respondent also considers that the site is effective as it is controlled by a single landowner and is under option to respondent who are a multi-award winning national housebuilder, it can be developed in the short term to augment supply of housing within the East Inverness corridor which is constrained by strategic allocations at Ashton and Stratton that require significant infrastructure and will take time to deliver; concerns over approach to housing supply, in particular that the IMFpLDP2 identifies a significant decrease in the housing land requirement compared to the aIMFLDP, that the open market share of the housing land requirement is far lower than past rates of completions, sufficient detail and evidence is not provided to allow analysis of effectiveness of the housing land supply, reliance on draft NPF4 in setting its housing land requirement given NPF4 is yet to be adopted as national policy and over reliance on existing strategic allocations at Inverness East to contribute to maintaining an effective 5 year land supply.

Respondent also supplied and makes reference to their detailed MIR submission, that included a Landscape and Visual Appraisal and Cultural Heritage Assessment and Homes for Scotland submission to the IMFpLDP2 that respondent contributed as a member of Homes for Scotland.

#### Hercules Unit Trust (968628)

Objects to the East Inverness Settlement Map not annotating Inverness Shopping Park as a commercial centre for the following reasons: no justification is provided for abandoning its commercial centre designation under aIMFLDP which recognises the role of Inverness Shopping Park as an important part of the established hierarchy of centres and as a preferred location for footfall generating uses compared to out of centre locations; no network of centres or sequential preference for commercial centres over out of centres locations is identified IMFpLDP2, this is contrary to the requirements of SPP and draft NPF4 Policy 24 and Policy 26; it is inappropriate for Inverness Shopping Park to be classified as out of centre location and given the same status as other out of centre locations because it is a preferred location for footfall generating uses compared given its sustainable location easily accessible by a choice of sustainable transport modes and significant economic and community benefits; it is inappropriate for the requirements of development under the terms of IMFpLDP2 Policy 6 to be applied to Inverness Shopping Park; contrary to aim of IMFpLDP2 paragraph 38 which is to 'direct development to the most economically viable and environmentally sustainable places'; appropriate tests for significant footfall generating development at Inverness Shopping Park should be that it cannot be accommodated within or on the edge of the City Centre and that it would not have a significant adverse impact on the vitality and viability of the City Centre as a whole. This would ensure that the Park can continue its long established important role in delivering sustainable economic and community benefits, complementing the City Centre.

#### Kirkwood Homes and 3A Partnership Limited per EMacPlanning (1312502)

**Objects to the non-allocation of the site identified as IN90: Land South of Drumossie Hotel (Business/Tourism uses) in the aIMFLDP and IN113 Drumossie in the IMFLDP MIR (Housing) for 80 homes and contraction of the aIMFLDP SDA at this location for the following reasons: principle of development on a significant part of the site was established in the aIMFLDP by its allocation for business/tourism uses and site has consent for a leisure and tourism complex in perpetuity (reference: 15/04049/FUL) and given current allocation and consent site was previously considered favourably by environmental assessments.**

**Respondent critiques many elements of the sites current Strategic Environmental Assessment site assessment and considers that the Council's** understanding is lacking in significant areas of the merits of the site and many post mitigation scores are positive. In particular the respondent promotes the following environmental benefits of the site: no decrease in open space as site is currently grazing land and indicative layout illustrates [X] effective green networks; close to high capacity trunk road junction; provides opportunity for public transport accessibility, active travel and road safety improvements; willing to provide developer contributions towards increased infrastructure capacity, common with most developments; no adverse effects on natural heritage designations or scheduled monuments and locally important archaeological sites; any impacts on nearby listed Drumossie Hotel were mitigated as part of the current consent and the emerging housing layout takes account of its proximity; no adverse impact on local landscape given existing allocation in aIMFLDP and current consent, containment of views of the site and retention of boundary trees; any constraints relating to slope, aspect, flood risk, ground stability and vehicular access are being addressed through the Proposal of Application Notice and were taken into account in the consented scheme and a previous ecological survey recorded the potential presence of some protected species, a new survey is being carried out to allow proposals to provide local biodiversity enhancement through improved management of the natural environment and additional planting.

Respondent is critical of nearby Main Issues Report preferred site IN38 Bogbain West which is proposed to be allocated for housing despite being rated less favourably against sustainable transport and placemaking in its Strategic Environmental Site Assessment than the proposal site.

Respondent also asserts that site is effective in every aspect and provides details of a Proposal of Application Notice for 80 homes submitted in April 2022 and associated consultation events.

Proposed site layout [X] would ensure placemaking principles are met, including landscaped belt around the site, appropriate buffer to A9 trunk road, public art and continuity of open landscaped frontage to the B9177. Would provide 80 residential units (including 20 affordable) and provide 38% of the site as open space.

Respondent also provided a summary of their IMFLDP2 Call for Sites submission and their Proposal of Application Notice consultation material, including location plan and current layout.

The Call for Sites summary provides details of the planning history of the site and reasons why the respondent considers it should be allocated for housing development. It explains that the site is currently arable farmland but benefits from planning consent in perpetuity for a mixed use tourism development and the vehicular access has been implemented. It requests for the site to be allocated for housing as the principle of development has been set but despite extensive marketing the consented use has not proven to be viable. It justifies housing use on the site for the following reasons: continued strong demand in Inverness, provision of additional housing choice and tenure, accessible location, delivery within first 5 years of Plan period with early phasing of affordable units. Asserts that site is effective as free from physical constraints, no contaminated land, no deficit funding, the site is marketable, free from infrastructure constraints, has no landownership issues, and the proposed land uses are being promoted through the emerging LDP.

#### Macdonald Hotels (1312504) per Pegasus Group

Requests an extension of the SDA to include the Drumossie Hotel and land to the rear to allow for the development of two residential apartment blocks, with 28 apartments in each for the following reasons: no evidence the methodology set out in the HwLDP (para 19.5.1) for defining SDAs was reconsidered in preparing IMFLDP2; site is included within the SDA in the aIMFLDP, no evidence has been provided for the change in approach or the effects this may have; site is developable and meets criteria for falling within the SDA because it is not quality agricultural land, is in use as a hotel and neighbouring allocation aIMFLDP IN90 both provide development and investment opportunities as established by their planning history, landscape capable of accommodating development, infrastructure is or can be made available, no flood issues, no archaeological sites are currently recorded within the area and site can demonstrate it is or can be well connected by non-car modes of travel and buses already stop immediately in front of the hotel; pre-application

advice for retirement apartment blocks (21/03923/PREMAJ) supported the principle of development but raised several detailed matters; landowner intends to submit a planning application on land to the rear of the hotel in the near future, its design solution is a two residential retirement blocks that takes into consideration pre-application advice and will be supported by a studies of technical studies, constraints will be addressed by suitable mitigation, including developer contributions if demonstrably required; site would be in the hinterland meaning that HwLDP Policy 35 Housing in the Countryside and Rural Housing Supplementary Guidance would apply which both set a presumption against housing in the countryside apart from limited exceptions; new retirement accommodation will help to meet the predicted increased demand for sheltered housing and specialist models as outlined in the Council's Housing Need and Demand Assessment 2020; IMFpLDP2's Strategic Environment Assessment does not give consideration to changes to the SDA boundary; SDAs should not be contracted to control future residential development in area, applicant aware of current proposals nearby that will be appropriately controlled through the development management process; adjacent aIMFLDP allocation IN90 has permission for a tourism and commercial/leisure complex, its most recent permission (reference: 17/01011/S42) was advised by the Council's Transport Planning Team that the development provided for new pedestrian connections to local bus services, and proposal for operating a mini bus shuttle service if there were no service buses in the vicinity of the site and the Drumossie Hotel was previously granted permission for a significant extension.

National Trust for Scotland (1312459)

Asserts that along with Urquhart Castle, Culloden Battlefield is a key visitor attraction in the area, but very limited reference is made to it in the Plan and how cultural assets economic and communal value will be considered. Therefore concerned that Culloden Battlefield will not be properly considered in the planning process.

Considers sense of place should be given a higher priority to provide a greater balance with environmental sustainability and economic viability in developments. Requests that sense of place is expressly mentioned by inclusion of map that illustrates areas of cultural significance as a facility to the area in cooperation with Historic Environment Scotland, Council's Historic Environment Team and National Trust for Scotland who have undertaken landscape impact analysis.

Also important to safeguard against over-tourism as this can result in strains on infrastructure and adversely affect a sense of place.

Pat Munro (AIness) Limited (1312301) per THE Architecture + Planning

Respondent objects to non-allocation of site identified as IN110: West of Blackpark Farm in the MIR site for 35 homes because: housing land requirements do not take account of wider economic, social and environmental factors as required by SPP; allocations in IMFpLDP2 do not meet its strategy of directing growth to Tier 1 settlements; IMFpLDP2's strategy to meet housing land requirements is not sufficient, carried forward strategic allocations at Inverness East, Ness-side and Inverness West are programmed for delivery beyond the Plan period and therefore will not contribute towards the housing land requirement for the 10 year period; necessary to supplement allocations in Inverness to ensure a flexible and effective supply of housing land; proposal would positively contribute towards range of housing options in Inverness; proposal is in a sustainable location and would respect existing character of development as presented in the indicative layout; would provide pedestrian access to existing developments and core path network; mitigation can be provided to ensure no negative impacts on the Culloden Muir Conservation Area that the site lies within and Battle of Culloden designation close by to the east and Scheduled Monument within the Battlefield; no environmental designations within site and site has low ecological value and it is classified as secondary agricultural land.

Springfield Properties Plc (1147956)

Accepts that sites included in the IMFpLDP2 align more closely with its key sustainability objectives and that Lower Muckovie [\*] is a peripheral location in the countryside and therefore could be considered premature at this time. Asserts however that Lower Muckovie could provide a site for a new primary or secondary school to help meet existing capacity issues in the area which could allow the site to be brought forward earlier by enabling a key element of infrastructure to be delivered.

Refers to earlier Call for Sites submission which included the following supporting studies: Archaeological Evaluation and Written Scheme of Investigation, Development Strategy, Geo-environmental Phase 1 Desk Study, Flood Risk Assessment, Transport Statement and Viability Statement.

Springfield Properties Plc (1147956)

Accepts that sites included in the IMFpLDP2 align more closely with its key sustainability objectives and that The Tower [1] is a peripheral location in the countryside and therefore could be considered premature at this time. However, if allocated the site would be developed entirely for affordable housing which would help meet the significant and rising demand for affordable housing in the Highlands.

Refers to earlier call for sites Call for Sites submission which included the following supporting studies: Archaeological Desk Based Assessment, Development Framework Plan, Development Strategy; Ecological Survey Report; Flood Risk Assessment; Ground Investigation Report; Tree Plan and Survey; Transport Statement and Viability Statement.

**INE01: Easterfield**

**Springfield Properties Ltd (1147956)**

Supports the allocation of the land at INE01: Easterfield Farm for housing in the IMFpLDP2. Respondent is wholly committed to delivering development on this site and a planning application (ref:21/04582/PIP) is currently pending determination.

**INE07: Milton of Culloden**

**Paul Bole (1252634)**

Objects to the allocation of the site for the following reasons: existing infrastructure and services currently overcapacity; development should not take place until East Link and A96 dualling are complete; loss of valuable agricultural land that should be protected to provide food supplies and local employment; rich biodiversity should be respected and protected; impact on amenity of existing residents; loss of mature trees north from Stratton Lodge that provide a natural gateway to Inverness from the East. Considers attractive natural environment should be preserved for the future. Proposal should be reassessed following completion of currently approved developments elsewhere in 10 to 20 years times and only once their effects have been assessed.

Springfield Properties Ltd (1147956)

Objects to exclusion of land north west of allocation [1] for the following reasons: site has been significantly reduced in comparison to aIMFLDP, Main Issues Report and Inverness East Development Brief (IEDB) with no clear rationale provided by the Council; current planning application on the wider site (ref: 21/04895/PIP) is supported by detailed technical information which demonstrates a significant part of the excluded area is suitable for a combination of housing and useable open space as illustrated on the included constraints plan [1]; land would be detached and in isolation due to no commitment to enhancement; future viable agricultural use would be challenging and therefore likely land would be become unkept resulting in an adverse impact to the setting of the Scheduled Monument appearance of the wider countryside. Considers reinstatement of the full allocation would ensure the most effective, efficient and sustainable use of the land.

**INE08: Inverness Campus**

**Highlands and Islands Enterprise (1312470)**

Wishes the developer requirements to be amended to provide additional future flexibility because the landowner intends to bring forward a refreshed masterplan which may inform a new planning permission in principle. Important that additional flexibility is provided to allow for the continued development of the Inverness Campus as a world-class location for a wide range of life sciences and technology sectors; reflect its status as a major employment hub; allow for implementation of the Campus Masterplan with around 50,000sqm of committed and pipeline projects to be delivered during the lifetime of the LDP including student residences, a veterinary hub and further development of Inverness College; delivery of its ongoing transport strategy and allow for the effective delivery of the mixed use proposals described in the IEDB.



Requests an extension of INE08 to the south side of the planned East Link road [\*\*] for the following reasons: to allow development of the land if the road is not delivered by 2027 and thus prevent blight; to reflect the IEDB and to allow flexibility.

#### **INE09: Eastfield Way**

Hazeldene (Inverness Ltd) per Turley (1271225)

Supports the introduction of a wider range of uses on the site for the following reasons: no firm interest in office and business uses on the site for a prolonged period; local agents Graham and Sibbald advised there is an oversupply of vacant office accommodation in Inverness; future demand for office space is uncertain due to the changes in working patterns as a result of the Covid 19 pandemic; would make site more viable; provide employment generating development; is demand for leisure and tourism uses and landowner is in advanced discussions to develop a mixed-use employment, leisure and tourism development on the site.

Request that developer requirement relating to accordance with the IEDB is amended to include a caveat confirming that development should be in accordance with the development brief, albeit the LDP will take precedence where there is divergence between the documents and/or that the masterplan in the IEDB is updated to identify the site for mixed-use development.

Request the developer requirement for footfall generating proposals to provide a sequential assessment of city centre options and impact assessment on city centre to provide additional clarity on when these assessments are required for the following reasons: SPP sets out that impact assessment requirements that relate to retail, leisure, public building or office accommodation over 2,500 sqm gross, with smaller retail and leisure schemes only required to be assessed where the planning authority considers they may have a significant impact on vitality and viability of a centre; current requirement too onerous on development where only a proportion of the site is made up of footfall generating uses as an integral part of a wider mixed use development and such an overly burdensome requirement may prevent viability of the development.

To ensure conformity with SPP any proposal which comes forward on the site in accordance with the allocated uses or not in accordance with the allocated uses that is ancillary to a wider policy compliant development or under 2,500 sqm gross floorspace should be exempt from the requirement for a sequential and/or impact assessment. Stipulates that as a minimum the developer requirement should outline that sequential and impact assessment are not required for footfall generating uses when brought forward as an integral and/ or ancillary part of an employment led mixed use development on the site.

Hercules Unit Trust (968628)

Objects to allocation for leisure and tourism being included within mix of uses because: Inverness Shopping Park is a preferable location for footfall generating uses in as it is a commercial centre in a sustainable location with greater potential for linked pedestrian trips; site is identified for business/office use in the IEDB and the developer requirements require the proposal to be consistent with this Brief; site previously considered unsuitable for restaurant development given planning application and development plan history; no change in circumstances justifies inclusion of leisure/tourism uses; a sequential test should already have been undertaken and should not be specified as a developer requirement and the allocation fails to require an assessment of impact for footfall generating uses.

Scottish Environment Protection Agency (906306)

Objects as Environmental Report identifies that small areas of the site are at risk of flooding from small watercourses but flood risk assessment is not included as a developer requirement.

#### **INE11: Castlehill**

Robert Clinton (1323133)

Preference for site to be safeguarded for green space encompassing parks and sports facilities. Where this is not possible requests developer requirements are amended to include the following: homes restricted to single story and low density to allow for continued uninterrupted views of the Moray Firth; at least windfall distance between mature trees and development; high quality development reflective of Inverness Campus; generous green space to ensure retention of existing

wildlife; protection of amenity of Castlehill House from commercial development, particularly in terms of noise and odours; no through access close to Castlehill House and suitable boundary treatment between development and Castlehill House grounds to ensure security.

**INE13: Ashton West**

Carol Munro (1312270)

Objects to the allocation of INE13 as the landowner intends to continue working the farm and has no desire to sell it for development purposes.

**INE14: Cradlehall Court**

Calum Murray (1310442) and Elizabeth Murray (1312271)

Object to the allocation of the site for the following reasons: impact on mature trees, impact on biodiversity, including protected species and natural flora and fungi; loss of valuable green space that is enjoyed by local residents and scale of development. Wishes area to be safeguarded as green space.

Ian Barke (1310627)

Considers the specified 20m holdback distance from trees within the developer requirements may not be adequate for mature oak trees that are at risk particularly during storms. Questions what land is defined as the riparian area in the developer requirements. Welcomes the requirement for no new road junction onto Caulfield Road.

Sean Kelly (1312507)

Landowner supports allocation of the site for the uses specified because it will assist the Council in delivering the aims of the IMFpLDP2 and draft NPF4, including its 20-minute neighbourhood concept; could provide additional local shops and services; assist in providing a range of local housing options; the trees and burn will be safeguarded and footpath links extended.

Requests developer requirements acknowledge the potential to access the site from Caulfield Road because: the Council's Transport Planning Team previously accepted the principle of a new access from Caulfield Road subject to suitable traffic management as part of a planning application (reference: 18/00852/PIP); local traffic calming measures have recently been implemented that will have a positive impact on the delivery of a new junction; could improve the functioning of the centre and other local facilities and provide general access improvements for residents.

Scottish Environment Protection Agency (906306)

Objects as the Scretan Burn runs through the site and culverts above the site may impact on how water runs through the site but flood risk assessment is not included as a developer requirement.

**INE17: Stratton Central**

Joanna Matheson (1310461)

Objects to the inclusion of housing as an allocated use for INE17 because the mix of uses are too broad with no detailed plan of what will be developed; purchased house on the understanding that the site was to be developed for retail as part of a wider town centre development; there is lack of community structure within Culloden, community resources should be top priority including retail, park and leisure uses. Supports IEDB and questions where the planned parks and leisure uses are. Requests house builders are prevented from developing the area for solely further housing.

**INE18: Balloch Farm**

Balloch Community Council (1271483)

Outlines that Balloch Community Council is part of a Community Liaison Group connected with this site. Explains that land around the village hall and primary school was to be community land as part of the development benefit. Concerned that because these areas are not allocated for any use in the IMFpLDP2 that this could make it challenging to deliver an extension to the primary school and for the community to benefit from the land.

Martin MacLeod (1311902)

Objects to INE18 for the following reasons: site not allocated for housing in aIMFLDP, was anticipated that it would remain as a green wedge separating Culloden and Balloch; despite development being opposed by the Balloch Community planning permission was granted for a



large housing development; conflicts with the overarching aims of the IMFpLPD2 including tackling the climate and ecological emergency, enabling post pandemic recovery and the environment outcome of safeguarding and where possible enhancing the environmental quality of all places; site used by the community for exercise and play and provides an important resource for physical and mental health; additional housing would result in increased pressure on local services; concern development will be profit driven with a minimal number of affordable homes; sufficient housing being developed elsewhere to meet demand, for example Stratton, Croy and Tornagrain; preference for new affordable housing to be developed closer to city centre with priority given to brownfield sites; desire for a new model for dealing with housing issues in Highland. Wishes site to be retained for amenity use with public access and enhanced path network or if this is not possible returned to an agricultural use that promotes wildlife and allows appropriate public access.

#### **Modifications sought by those submitting representations:**

##### **Placemaking Priorities**

###### Barratt North Scotland Ltd (1271335)

Modify the 4th bullet point to read 'Safeguard the green network character and setting of the city by limiting development to the existing edges of Culloden, Balloch and Cradlehall and an appropriately masterplanned extension to Westhill.'

###### Highlands and Islands Enterprise (1312431) per Turnberry UK

None

##### **Settlement Map**

###### Barratt North Scotland Ltd (1271335)

Allocation of land at Myrtlefield for 300 homes.

###### Hercules Unit Trust (968628)

Annotate Inverness Shopping Park as a Commercial Centre on the East Inverness inset map.

###### Kirkwood Homes and 3A Partnership Limited per EMacPlanning (1312502)

Allocation of MIR site IN113: Drumossie for 80 homes.

###### Macdonald Hotels per Pegasus Group (1312504)

Extension of the SDA to include the Drumossie Hotel and land to the rear.

###### National Trust for Scotland (1312459)

Greater emphasis to importance of Culloden Battlefield (assumed).

###### Pat Munro (AIness) Limited per THE Architecture + Planning (1312301)

Allocation of MIR site IN110: Land West of Blackpark Farm for 35 homes.

###### Springfield Properties Plc (1147956)

Allocation of MIR site IN111: Lower Muckovie for housing (assumed).

###### Springfield Properties Plc (1147956)

Allocation of MIR site IN115: The Tower for affordable housing (assumed).

##### **INE01: Easterfield**

###### Springfield Properties Ltd (1147956)

None.

##### **INE07: Milton of Culloden**

###### Paul Bole (1252634)

Delete allocation.

###### Springfield Properties Ltd (1147956)

**Extend allocation to include land to north as far as the A96 trunk road.**

##### **INE08: Inverness Campus**

### **Highlands and Islands Enterprise (1312470)**

Amend developer requirements to read '*Developer requirements: Development in accordance with Policy 15(c) 'Inverness East Development Brief', the current or future Inverness Campus Masterplan, Inverness Campus Design Guidelines, planning permission 09/00887/PIPIN and related permissions.*'

### **INE09: Eastfield Way**

Hazledene (Inverness Ltd) per Turley (1271225)

**Update the masterplan in the IEDB to identify either the Eastfield Way site for mixed-use development, and/or include a caveat to INE09 supporting text to stipulate that development should be in accordance with the development brief, albeit the LDP will take precedence where there is divergence between the documents.**

**Update the policy wording to provide clarity on when the sequential and impact assessment are required. The supporting text should either confirm that: proposal in accordance with the site's allocation would not be required to undertake these assessments; or at a minimum identify these assessments are not required for footfall generating uses when brought forward as an integral and/or ancillary part of an employment led mixed use development on the site.**

Hercules Unit Trust (968628)

Delete 'leisure and tourism' as uses.

Scottish Environment Protection Agency (906306)

Addition of following developer requirement: '*Flood Risk Assessment (no development in areas shown to be at risk from flooding).*'

### **INE11: Castlehill**

Robert Clinton (1323133)

Safeguarded for green space encompassing parks and sports facilities. Alternatively amend developer requirements to include the following: homes restricted to single story and low density; at least windfall distance between mature trees and development; high quality development reflective of Inverness Campus; generous provision of green space; protection of amenity of Castlehill House from commercial development, particularly in terms of noise and odours; no through access close to Castlehill House and suitable boundary treatment between development and Castlehill House grounds.

### **INE13: Ashton West**

Carol Munro (1312270)

Delete allocation and replace with green space.

### **INE14: Cradlehall Court**

Calum Murray (1310442) and Elizabeth Murray (1312271)

Safeguard as greenspace.

Ian Barke (1310627)

Edit developer requirements to increase holdback distance from trees and do not permit parking within this area; allow for footpath adjacent to wood to connect to Caulfield Road.

Sean Kelly (1312507)

Amend developer requirements to allow for new vehicular access from Caulfield Road.

Scottish Environment Protection Agency (906306)

Addition of following developer requirement: '*Flood Risk Assessment (no development in area shown to be at risk of flooding).*'

### **INE17: Stratton Central**

Joanna Matheson (1310461)

Delete 'housing' as use (assumed).

**INE18: Balloch Farm**

Balloch Community Council (1271483)

Allocate land around village hall and primary school for community use (assumed).

Martin MacLeod (1311902)

Preference for retention as an amenity area for public access with enhanced paths and signage. Failing that return to agricultural use with a cropping pattern that promotes wildlife and allows public access.

**Summary of responses (including reasons) by planning authority:****Placemaking Priorities**

Barratt North Scotland Ltd (1271335)

The Council does not support a housing allocation at Myrtlefield. See response to Barratt North Scotland Ltd within Settlement Map 25 East Inverness section below for reasons. It is therefore not appropriate for the East Inverness Placemaking Priorities to be modified to reflect this request. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Highlands and Islands Enterprise (1312431) per Turnberry UK

Support noted.

**Settlement Map**

Barratt North Scotland Ltd (1271335)

The respondent first sought inclusion of land at Myrtlefield for 300 homes during the Plan's Main Issues Report consultation. The respondent explains the reason for this was due to the timing of securing an option on the site. It is beneficial for sites to be submitted for consideration during the earlier Call for Sites stage of the Plan making process to ensure the planning authority is able to properly assess the merits of the proposal, particularly in terms of inclusion in the Strategic Environmental Assessment (including input from the consultation authorities) and to allow for public engagement. As far as the Council is aware the respondent has not undertaken any form of community engagement. This makes it challenging to undertake a fully informed assessment of the site.

The site is located on the eastern edge of Inverness approximately 4 miles from the city centre. Whilst it is adjacent to existing established residential development at Westhill on the north side of the B9006, beyond its boundaries to the east, south and west is essentially a rural landscape characterised by small farm based housing groups and other sporadic rural development. In this sense, particularly the sites western boundary being detached from the existing settlement edge, the site does not represent an entirely logical urban expansion location on the east side of Inverness. Furthermore, a site of 14 hectares where 300 homes are proposed is not considered to represent a modest expansion, rather a proposal of this scale is considered significant and constitutes a major development which requires robust assessment. Housing development at this location is not consistent with the Plan's Inverness Spatial Strategy (Map 21) that illustrates strategic city expansion at Inverness East, Ness Castle, Ness-side and Inverness West.

In terms of sustainable travel opportunities, the site is some distance from a range of services and facilities and there is no footway on either side of B9006 beyond the site boundary. A footway begins on the north side of the B9006 its junction with Tower Brae South which is approximately 50m west of the site. However, this footway is on the north side of the road and there are currently no crossing points to reach it. There are bus stops approximately 1km west of the site on Culloden Road but there are no safe pedestrian routes to reach these bus stops.

In terms of contributing towards the effective housing land supply there is no backlog of pent up housing demand that justifies a further increase in the Council's already generous housing land supply in the Inverness Housing Market Area. Further information on this aspect is provided within Issue 3 Housing Requirements.

The site itself does appear to be free from major constraints including flood risk, natural heritage designations, listed buildings and quality and type of soils as outlined by the respondent. However,

the Culloden Muir Conservation Area and Inventory Battle of Culloden lie approximately 430m and 900m to the east respectively [\*]. The site's Landscape and Visual Appraisal and a Cultural Heritage Assessment found there would be no significant impacts on Culloden Muir Conservation Area and Battle of Culloden Inventory Battlefield and that existing features help the site to be visually contained. An adjacent site to the east was non-preferred at Main Issues Report Stage (reference IN109, Northeast of Copperfield), the environmental assessment for this site found that there was potential for impacts on these assets but Historic Environment Scotland agreed that mitigation would be acceptable. However, given that this site is significantly larger than the adjacent site considered at Main Issues Report stage, without input from key agencies and specialist Council officers due to the later stage the site was submitted for consideration, the findings of the respondent's studies cannot be fully verified.

It is accepted that there is currently capacity at Cradlehall Primary School (School Roll Forecast 2021/22) to accommodate some development and that the respondent is willing to provide developer contributions towards infrastructure capacity upgrades. It is also accepted that the site is effective in terms of landownership as it is under the control of a housebuilder and the size could provide a range and choice of house types.

Taking the above into account there is no exceptional justification for supporting this site ahead of allocated alternatives. Its submission for consideration at Main Issues Report stage limits environmental assessment and community engagement opportunities. Furthermore, 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 at this time. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### Hercules Unit Trust (968628)

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 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 approved Scottish Government planning and transport policy is to encourage LPAs to identify, support through permissions, and then protect an optimum network of "city, town and local" centres. National Planning Framework 4 (NPF4) also supports proposals to improve the sustainability of existing commercial centres. NPF4's Annex F Glossary defines town centres and commercial centres but, unhelpfully, does not define local centres. It is unclear whether existing commercial centres merit identification and protection or not. The Council believes it reasonable to assume that the NPF4 Glossary's 5 tests of, or criteria to define, a town centre should be applied to decide whether a commercial, district or neighbourhood centre merits definition and protection as a "local centre".

The Plan differs from approved Highland LDP policies by proposing not to continue to identify and protect the Inverness neighbourhood and commercial centres listed in Policy 1 of the aIMFLDP. The reasons for so doing are that these lower tier centres don't meet all the NPF4 'town centre' definition criteria, most do not have qualities of character and identity which create a sense of place and further the well-being of communities. See Issue 10 Town Centre First for the Council's response to the general town centre policy matters.

With specific reference to Inverness Shopping Park (known as West Seafield Retail Park in the aIMFLDP) there are currently no obvious new development opportunities within the centre. Local development plans must focus on areas of significant change and within the centre as defined in the aIMFLDP there is little potential for new development. Identification as a commercial centre is not required to allow the centre to continue operating nor for any possible future change of use of existing units or intensification of their use. Policy 6 of the IMFpLDP2 requires developers to consider how appropriate the nature of their proposal is to the scale and function of the centre within which it is proposed. This would allow for appropriate development within the centre.

Whilst Inverness Shopping Park is not identified as a commercial centre in the Plan, the Policy tests set out in its Policy 6 as well as NPF4 for footfall generating development are the similar – they both require a sequential assessment which demonstrates there are no suitable sites in the nearby town centre(s) and that the proposal will not have an adverse impact on the vibrancy or vitality of that town centre(s). Furthermore, NPF4 requires that the scale of development cannot be reasonably altered or reduced in scale to allow it to be accommodated in a centre. Therefore, the appropriate tests sought by the respondent will continue to apply.

#### Kirkwood Homes and 3A Partnership Limited per EMacPlanning (1312502)

In the aIMFLDP the East Inverness inset Map shows site IN90: Land South of the Drumossie Hotel as an allocation for business/tourism use [1]. The respondent seeks for this site plus a field directly adjacent to the south west to be allocated for housing. The additional field is shown as 'grey land' within the SDA in the aIMFLDP.

Planning permission (reference: 15/04049/FUL) for a phased layout and servicing (including access, parking, utilities, landscaping and public art) of land for development of a tourism and commercial/leisure complex comprising a maximum 48 lodges and apartments and buildings for commercial/leisure uses and administration was permitted on 10 May 2016 [1]. The boundary of this planning permission encompassed the allocated site plus the field directly adjacent to the south west which the respondent is now seeking to be allocated for housing. An application (reference: 17/01011/S42 [1]) under Section 42 was approved to develop land without compliance with condition 6 of planning permission reference 15/04049/FUL. This permission allowed the formation of the access prior to the submission of a scheme of maintenance for the development and details of a footpath were submitted and approved by the planning authority. It is understood that this development commenced in the form of a new access and visibility splays being formed within the period the planning permission was extant. It is therefore accepted that this planning consent will remain extant. Taking the above development plan and planning history of the site into consideration the principle of tourism/leisure development on the site has been established but not the principle of other forms of development.

A Proposal of Application Notice (reference: 22/02215/PAN) for housing on the representation site was submitted in April 2022. Subsequently a planning application (reference: 22/03432/FUL) for 80 residential units and associated access, landscaping and infrastructure was submitted in July 2022 and at the time of writing is under consideration by the Council.

The reason for the allocation of site IN90 in the aIMFLDP was to recognise 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. A tourism and commercial/leisure complex has different locational requirements and impacts than a housing development. This site is divorced from the nearby neighbourhoods of Milton of Leys to the southwest and Cradlehall to the northeast. As a result the site is currently poorly accessible via active travel to nearby services and facilities. There site is approximately 1.6km from services and facilities on Culloden Road. There is no footway for the majority of that distance along B9177 that connects with Culloden Road. Whilst there is a bus stop immediately in front of the Drumossie Hotel a very limited number of services operate from this stop.

This part of the city fringe is characterised by small farm based housing groups, other sporadic rural development and the Drumossie Hotel. The aIMFLDP enclosed the land either side of the A9 within the Inverness 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. The contraction of the SDA either side of the A9 on this approach to Inverness was based on recent pressure for larger housing developments, the poor environmental sustainability of the location in particular its poor active travel and public transport connectivity and its rural character. It is up a steep hill, not close to community facilities and next to a busy, noisy trunk road and therefore is not a good location for housing development. Furthermore, housing development at this location is not consistent with the Plan's Inverness Spatial Strategy (Map 21) that illustrates strategic city expansion at Inverness East, Ness Castle, Ness-side and Inverness West.

IN90 was excluded from the Plan to reflect the contracted SDA, because the site was now being promoted for housing and there is no proven demand for business/tourism use. This does not preclude the site being developed for business/tourism purposes as its planning permission remains extant and HwLDP countryside policies allow for appropriate tourism/business proposals in the countryside.

In terms of contributing towards the effective housing land supply there is no backlog of pent up housing demand that justifies a further increase in the Council's already generous housing land supply in the Inverness Housing Market Area. Further information on this aspect is provided within the Schedule 4 Issue Number 3 Housing Requirements.

A number of the assertions made in the representation are not disputed, for example the outcome of environmental assessments; no loss of open space with public amenity value; absence of major constraints on the site and the respondent's willingness to provide developer contributions towards increased infrastructure capacity where required. However, these factors alone do not justify the inclusion of the site for housing use in the Plan.

Taking the above into account there is no exceptional justification for supporting this site ahead of allocated alternatives. The current use of the site does not cause any negative impacts. It is not an environmentally sustainable or economically viable (in terms of public sector infrastructure provision) location at which to support housing growth. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### Macdonald Hotels per Pegasus Group (1312504)

See Issue 2: Spatial Strategy for the Council's response to the request to extend the SDA to include the Drumossie Hotel and land to the rear. This response focuses on the site's suitability as a housing allocation. Whilst the representation does not explicitly seek a housing allocation for 56 homes for retirement accommodation at land to the rear of the Drumossie it is being treated as such. This is because development of this scale would usually be allocated given it has potential for a number of impacts, including infrastructure capacity requirements and because it would be important for it to be included as part of the housing land supply.

The proposal is located within landscaped grounds to the rear of the B listed Drumossie Hotel, within the curtilage of the listed building. The representation explains that two, three story blocks containing a total of 56 retirement residential apartments are proposed. The scale, mass and design of the proposal presented would more appropriately be located within an urban area. No visuals are provided to illustrate the impact of the proposal on the setting of the listed Drumossie Hotel, without this there are concerns that the proposal will detract from the building.

The proposal is to be located close to where currently hotel rooms and the function suite are located. This may result in overlooking of the apartment blocks which could result in privacy and noise issues, particularly during events. Furthermore the site lies approximately 170m east of the A9 Trunk Road which may result in noise disturbance to future residents.

Similar to the response to Kirkwood Homes and 3A Partnership Limited representation above relating to a site directly south of the Drumossie Hotel, this part of the city fringe is characterised by small farm based housing groups, other sporadic rural development and the Drumossie Hotel. The aIMFLDP enclosed the land either side of the A9 within the Inverness 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. The contraction of the SDA either side of the A9 on this approach to Inverness was based on recent pressure for larger housing developments, the poor environmental sustainability of the location, in particular its poor active travel and public transport connectivity and its rural character. This site is divorced from the nearby neighbourhoods of Milton of Leys to the southwest and Cradlehall to the northeast. As a result the site is currently poorly accessible via active travel to nearby services and facilities. There site is approximately 1.5km from services and facilities on Culloden Road. There is no footway for the majority of that distance along B9177 that connects with Culloden Road. Whilst there is a bus stop immediately in front of the Drumossie Hotel a very limited number of services operate from this stop.



The Council's Housing Need and Demand Assessment 2020 confirms that with regard to specialist housing given population and demographic projections of future needs are likely to require the provision of purpose built and adapted housing of all tenures that enables people to live in their own homes as long as possible [1]. The Council's Local Housing Strategy [2] echoes this, recognising the need for new housing development to take account of population trends and the needs of an aging population. Whilst there is therefore a confirmed need for housing suitable for older people, little detail is provided in the representation of what features of the development may make it suitable for retirement accommodation. For example, no detail is provided of any accessibility or adaptable measures that will be included. Furthermore, it is widely recognised that the most appropriate sites to accommodate an aging population are those within settlements, close to amenities and services. As explained above the site does not have these characteristics and is therefore considered an unsuitable location for retirement accommodation.

The Council accepts that there are unlikely to be any flooding issues at this location and there are no sites currently recorded in the Council's Historic Environment Record. In terms of the landscape accommodating the development, whilst the site is elevated, the existing boundary trees would help to provide visual screening of the proposal. However limitations of boundary trees, in particular their remaining lifespan, ownership and impacts on the amenity of future residents as a result of shading and obscuring views may reduce the potential of the trees to provide screening.

Taking the above into account there is no exceptional justification for supporting this site ahead of allocated alternatives. Furthermore, it is not an environmentally sustainable or economically viable (in terms of public sector infrastructure provision) location at which to support housing growth. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### National Trust for Scotland (1312459)

The Council consider that adequate safeguards are in place to protect built heritage features, including listed buildings, scheduled monuments, battlefields and conservation areas, through the application of NPF4 and the Council's HwLDP when considering potential development allocations and planning applications. Furthermore, in the application of these documents, where required advice is sought from the Council's Historic Environment Team and Historic Environment Scotland. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### Pat Munro (Alness) Limited per THE Architecture + Planning (1312301)

The site known as West of Blackpark Farm falls outwith the Inverness SDA in the aIMFLDP. It was submitted for consideration for housing and campsite use during the Plan's Call for Sites and shown as non-preferred in the Main Issues Report.

Paragraph 26 of the IMFpLDP2 explains that its Spatial Strategy and Settlement Hierarchy set out a strategic view on where future growth should occur. It directs most future growth to the settlements with the best existing, committed or likely viable future access to community facilities, infrastructure, employment and other commercial opportunities, and environmental capacity to support that growth. Alness, Beauly, Dingwall, Invergordon, Inverness City, Muir of Ord, Nairn, Tain and Tornagrain are listed as Tier 1 settlements. The allocations illustrated in the settlement inset maps and indicative housing capacity for these settlements illustrate that the majority of development is directed to these settlements.

The northern part of the site is located adjacent to the existing housing at Westhill. Beyond its boundaries to the north is woodland and to the east, south and partially to the west is essentially a rural landscape characterised by small farm based housing groups and other sporadic rural development. The indicative layout provided does not reflect the character of existing development. It would appear incongruous in the rural landscape on the cities fringe.

In terms of sustainable travel opportunities, the site is some distance from a range of services and facilities and there is no footway on either side of B9006 beyond the site boundary. A footway begins on the north side of the B9006 its junction with Tower Brae South which is approximately 1km west of the site. There are bus stops approximately 1.8km west of the site on Culloden Road, this is a significant distance and there are no safe pedestrian routes to reach these bus stops. The

indicative layout and representation explain that pedestrian access would be provided to existing development and the core path network. Whilst this may help to improve the accessibility of the site to the wider area, it does not negate the peripheral nature of the location nor its poor active travel connection to the city via the B9006.

It is accepted that the proposal would contribute towards a range of housing options in Inverness. Despite this, the generous supply of allocated sites within the Inverness Housing Market Area is already considered to provide a sufficient range of sites that will deliver a mix of house types and tenures and across a variety of locations. Further information on this aspect is provided within the Issue Number 3 Housing Requirements.

The site lies approximately 80m west of the Inventory Battle of Culloden [1]. In response to the Main Issues Report Historic Environment Scotland (HES) agreed with the Council's view that the site (site reference IN110) should not be allocated in the Plan [2]. HES explained that they were currently in the process of finalising research into the location of Culloden Parks and the site is believed to be its location, a key feature of the Battle of Culloden used by the Jacobite forces to anchor their left flank. Culloden Parks is currently only partly within the designated boundary of the Inventory Battlefield; however this may be reassessed subject to the finalising of research. HES concluded that should the allocation be brought into the IMFpLDP2 they would likely object and seek its removal. HES comments on the Main Issues Report Strategic Environmental Assessment echo this, and HES further comment that they consider that mitigation would be unlikely to lessen the significance of the impact on the battlefield.

The site lies within Culloden Muir Conservation Area. The development proposed is of a significant scale and therefore has potential to impact upon the character and appearance of the conservation area.

The Council accepts that there are no environmental designations within the site, however beyond the northern boundary of the site is an area of woodland contained in the Ancient Woodland Inventory. This may affect any development potential in the northern part of the site. The Council also accepts that the site is not prime agricultural land.

Taking the above into account there is no exceptional justification for supporting this site ahead of allocated alternatives. It is not an environmentally sustainable or economically viable (in terms of public sector infrastructure provision) location at which to support housing growth and there is potential for significant impacts on Inventory Battle of Culloden and Culloden Muir Conservation Area. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### Springfield Properties Plc (1147956)

During the Call for Sites period Springfield Properties Plc submitted a site at Lower Muckovie for inclusion in the Plan for around 500 houses along with a school, community facilities and open space. Various supporting studies were submitted to support the representation including an Archaeological Evaluation and Written Scheme of Investigation, Development Strategy, Geo-environmental Phase 1 Desk Study, Flood Risk Assessment, Transport Statement and Viability Statement. As far as the Council is aware the respondent has not undertaken any form of community engagement with regards to development on this site.

The site was shown as non-preferred in the Main Issues Report (site reference IN111) and excluded from the IMFpLDP2 because it was considered peripheral to the city's structure and facilities and sufficient land was identified elsewhere to meet the areas housing need. It would present a different strategic direction for growth that would encroach onto the undeveloped landscape important to the character and setting of the city.

Paragraph 196 of the IMFpLDP2 explains that similar to the rest of the city, education capacity is limited in East Inverness and that funding is required to provide new primary and secondary school capacity. The planned strategic expansion of East Inverness is focussed on a series of land allocations at Ashton, Stratton, Milton of Culloden South, Inverness Campus and Castlehill. To support housing expansion in this area, the IEDB identifies a primary school site at Stratton, a primary school site at West Ashton and a secondary school within East Ashton (IMFpLDP2

references INE24, INE13 and INE15 respectively). Therefore, at the current time the site at Lower Muckovie is not required to help meet any school capacity issues.

The respondent accepts that the site does represent a peripheral location in the countryside and could be considered premature at this time. Whilst the extensive range of supporting studies may demonstrate that the site is deliverable it is not an environmentally sustainable or economically viable (in terms of public sector infrastructure provision) location at which to support housing growth. There are other adequate, better located sites already allocated for housing and mixed use development that reflect the Plan's spatial strategy, Inverness and East Inverness Placemaking Priorities. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### Springfield Properties Plc (1147956)

During the Call for Sites period Springfield Properties Plc submitted a site at The Tower for inclusion in the Plan for around 40 homes. Various supporting studies were submitted to support the representation including an Archaeological Desk Based Assessment, Development Framework Plan, Development Strategy; Ecological Survey Report; Flood Risk Assessment; Ground Investigation Report; Tree Plan and Survey; Transport Statement and Viability Statement.

The site was shown as non-preferred in the Main Issues Report (site reference IN115) and excluded from the IMFpLDP2 because it was considered peripheral to the City's structure and facilities and sufficient land was identified elsewhere to meet the areas housing need. It would present a different strategic direction for growth that would encroach onto the undeveloped landscape important to the character and setting of the city.

A planning application (reference: 18/01049/FUL) for 48 affordable homes was refused on this site in April 2018 [\*] for a number of reasons, including it was not considered necessary to meet the need for delivery of affordable housing given the availability of other sites within Inverness and at other strategic locations and the proposal failed to meet the requirements of sustainable development because, *inter alia*, it would be isolated from the rest of the city by virtue of the lack of active travel and public transport linkages. The Council's Planning Review Body subsequently dismissed the application's Notice of Review (reference: 18/00043/RBREF) for the same reasons.

Paragraph 74 of the IMFpLDP2 explains that despite recent high levels of affordable housing completions there has been little impact on the backlog of unmet housing need. It is therefore important that the Council continue to identify sites to help meet the affordable housing back log. Despite this, the Council is satisfied that a generous range and mix of sites suitable for housing, including affordable housing, have been allocated in the Plan. Further information on this aspect is provided within the Issue Number 3 Housing Requirements.

The respondent accepts that the site does represent a peripheral location in the countryside and could be considered premature at this time. Whilst the extensive range of supporting studies may demonstrate that the site is deliverable it is not an environmentally sustainable location at which to support housing growth. There are other adequate, better located sites already allocated for housing and mixed use development that reflect the Plan's spatial strategy, Inverness and East Inverness Placemaking Priorities. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### **INE01: Easterfield**

#### **Springfield Properties Ltd (1147956)**

#### **Support noted.**

At the 24 November 2022 City of Inverness Area Committee councillors agreed [\*] there should be no extension to the boundary for this site to reflect the outcome of an appeal decision. For information the respondent appealed against the non-determination of their planning application (reference: 21/04582/PIP) for residential development (up to 130 houses) with associated infrastructure on this site plus additional land to the south-east of Balvonie Cottage [\*]. On 21 October 2022 the Appeal's Notice of Intention [\*] was published and explains the Reporter was minded to allow the appeal.

## **INE07: Milton of Culloden**

### **Paul Bole (1252634)**

This site forms part of the established East Inverness expansion area. It was allocated in the HwLDP, the aIMFLDP and detailed guidance on its development is provided in the East Inverness Development Brief (IEDB). The strategic expansion of Inverness, including East Inverness, continues to form part of the IMFpLDP2's spatial strategy [1]. Developer contributions, as outlined in the IEDB and the Council's Developer Contributions Supplementary Guidance will be sought to mitigate the impact of the development. The IEDB identifies the site as a 'middle phase' of expansion at East Inverness. Only the 'late phases' of development are East Link dependent. Despite this, a transport assessment is required to support a planning application to determine if there is sufficient capacity in the existing transport network and if any mitigation is required.

The site comprises prime agricultural land with the exception of a very small area of the eastern corner of the site [1]. NPF4 advises that LDPs should protect locally, regionally, nationally and internationally valued soils, including land of lesser quality that is culturally or locally important for primary use. A loss of prime agricultural land at this location continues to be considered acceptable given significant mixed use expansion at this location has formed part of the wider and Inverness specific Spatial Strategy in successive LDPs including the HwLDP, aIMFLDP and the IMFpLDP2. However, NPF4 also contains policies relating to the avoidance of a myriad of other development constraints and also requires planning authorities to identify sufficient land for all uses. NPF4 recognises that few proposals will comply with all of its provisions and therefore it is necessary for any decision maker to assess which parts of NPF4 point in favour of a development and which do not. Similarly, the Council in making its Plan site selection decisions has taken account of land capability for agriculture but weighed this factor against others (as detailed in the Strategic Environmental Assessment [1] process).

Impacts on biodiversity and trees will be assessed and mitigated as required by HwLDP policies, including Policy 57 Natural, Built and Cultural Heritage, Policy 58 Protected Species and Policy 51 Trees and Development; the IEDB which requires extensive areas of open space and green networks to be provided; the Stratton Tree Preservation Order [1] and Policy 2 Nature Protection, Preservation and Enhancement of the IMFpLDP2 and the sites developer requirements in the IMFpLDP2.

In terms of residential amenity, the southern boundary of the site is formed by Caufield Road beyond which is an existing residential area. HwLDP Policy 28 Sustainable Design requires developments to consider impacts on individual and community residential amenity. Furthermore, a requirement of the IEDB for Milton of Culloden South (no 7) is for the residential amenity of adjacent neighbourhoods to be respected and inform the design and layout of new development [1]. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

### **Springfield Properties Ltd (1147956)**

In the aIMFLDP this site is split into 3 land parcels, two are shown as IN85 Milton of Culloden, which are allocated for mixed use, and IN77 Stratton Lodge which is allocated for 25 homes. The northern boundary of the eastern most IN85 site is formed by the A96(T) [1]. In the IEDB, whilst the development brief boundary encompasses the entire site Milton of Culloden sites (IN85) allocated in the aIMFLDP, it shows a wide green buffer between built development and the A96(T). In the IMFpLDP2 the aIMFLDP IN77 and two IN85 sites were merged to create a single 'Milton of Culloden South' site. The boundary was contracted to exclude a northern section of aIMFLDP IN85. This area was excluded to reflect areas of built development indicated on IEDB Indicative Masterplan. The IEDB Green Infrastructure drawing illustrates that the northern area would be an informal area of green space [1].

A planning application (ref: 21/04895/PIP) for residential development and associated infrastructure is currently under consideration on the site. The boundary of this application includes land to the north reaching the A96(T). The most recently submitted site layout plan (dated 2 September 2022) continues to show significant areas of housing development within the intended green buffer, contrary to the IEDB and the IMFpLDP2.

The Council's Development Plan's Team consultation response to this application dated 17 January 2022 identified that the application boundary was not consistent with the IEDB or the IMFpLDP2 [1]. It explains that the green buffer was intended to provide for the protection of a



Scheduled Monument in a north eastern section of the site; land take required for the planned A96(T) dualling; residential amenity and an offset distance from a high pressure gas pipeline. It also provides a suitable point in the landscape for development to cease to allow the area to continue to be characterised by a rural feel, both within the development and when viewed from the A96(T).

Supporting information for the planning application demonstrates that parts of the green buffer are free from physical constraints, however, the Council continues to consider that the area shown as a green buffer in the IEDB should be maintained as such, for the reasons outlined above. Whilst the exclusion of the area from the allocated site may result in no formal use for the site, it is unlikely negative impacts may arise from it not forming part of the allocation. If the area is not viable for productive agricultural use due to its isolation, there are unlikely to be negative environmental impacts as a result of this. In terms of the appearance of the Scheduled Monument (Milton, ring-ditch 320m SSE of) [1], that occupies a large portion of the western side of the green buffer, it appears in an arable field as a mark in a cereal crop. It is not uncommon for these features not to be visible due to the vegetation and trees. It is not agreed that there would be an adverse impact to the appearance of the wider countryside, rather the land may take a more natural appearance in the future that may encourage greater biodiversity. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

### **INE08: Inverness Campus**

#### Highlands and Islands Enterprise (1312470)

In the IMFpLDP2 INE08 is allocated for mixed use, specifically community, business and office uses. The developer requirements for read: 'development in accordance with Policy 15c 'Inverness East Development Brief', planning permission 09/00887/PIPIN and related permissions'. The reason for these requirements was that the IEDB provides guidance for the remaining development opportunities at the campus and existing planning permissions are continuing to be implemented. The importance of the Inverness Campus is highlighted in the East Inverness Placemaking Priorities, which includes, support for further development of the Inverness Campus as a world-class business location for life sciences, digital healthcare and technology. It is considered that the existing Placemaking Priorities, uses and developer requirements provide sufficient flexibility that would allow for the support of an appropriate refreshed masterplan that may inform a new planning permission in principle, including the aspirations and uses explained in the respondent's representation.

With regards to the respondent's request for an extension to INE08 to the south side of the planned East Link road this is not supported. As part of the Scottish Government's commitment in the £315 million Inverness and Highland City Region Deal, Transport Scotland is taking forward plans for a single carriageway road connecting Inshes and Smithton [2]. Transport Scotland published draft Orders and an Environmental Impact Assessment for the proposed scheme in 2019. Following the consultation period, Scottish Ministers considered the remaining objections and published their decision letter which confirmed that a Public Local Inquiry was not necessary, and that Orders should be made as published. A firm commitment has therefore been made to the delivery of East Link during the period of the City Region Deal to 2027. East Link drawings [3] show that the requested extension areas include land required for the scheme, and will take the form of scrub planting, mixed woodland and planting and SuDS wetlands. This is consistent with the IEDB which shows the areas to comprise a combination of informal green space, retained and increased woodland. If the Reporter is so minded, then the Council would be supportive of illustrating the green networks as shown in the Green Infrastructure drawing in the IEDB [4] at this location and throughout the Inverness East Expansion Area in the interests of improved clarity.

Given the level of comment towards the delivery of East Link explained above, coupled with the intentions for developing the green network at this location it is not considered appropriate for the allocation to be extended at this location.

### **INE09: Eastfield Way**

#### Hazeldene (Inverness Ltd) per Turley (1271225)

Support for specified uses noted.

Policy 15 Development Briefs of the IMFpLDP2 explains that IEDB is a policy within the Plan that applies to sites within the development brief, this includes INE09 Eastfield Way. The assertion that the IMFpLDP2 will be internally inconsistent with regards to the uses specified in the IEDB and the uses supported in the allocation within the body of the Plan has substance. If the Reporter is minded to agree then the Council would suggest that the rolled forward development briefs which

will be “physically bound” within the IMFLDP2 document should have any incompatible provisions “greyed out” to indicate the Council’s most up to date planning policy position for the land affected. See Issue 18 General Policy 15: Development Briefs for further explanation of the Council’s position on this issue.

The final developer requirements for INE09 are for footfall generating proposals sequential assessment of city centre options and impact assessment on city centre. The reason for these developer requirements were that whilst the Council accepted that there is limited demand for office space in Inverness and alternative uses may be acceptable on the site, the Council did not undertake a capacity assessment to determine any levels of capacity for additional footfall generating development in Inverness. It was therefore considered appropriate to put the onus on a developer to demonstrate that any footfall generating proposal is suitable for its location and would have an acceptable impact on the city centre, consistent with NPF4. However, it is accepted that it may be overly onerous to require any potentially footfall generating development to undertake these studies, particularly those that are smaller in size or only a proportion of the proposal is made up of footfall generating uses. Given the wide range of scale and nature of uses which may come forward in the future on the site it would be challenging to specify criteria when a sequential assessment and impact assessment would be required. Rather it would be more appropriate for the planning authority to determine when these assessments may be required based on the nature of any proposals. Accordingly, if the Reporter is so minded, then the Council would support an amendment to the final developer requirements to read: ‘for footfall generating proposals sequential assessment of city centre options and impact assessment on city centre may be required.’

#### Hercules Unit Trust (968628)

The site is intended to be fully integrated with the adjacent Inverness Shopping Park (also known as West Seafield Retail Park) (directly east of the site) by means of active travel, public transport and vehicular access. It is anticipated that given the minimal distance between the site and Inverness Shopping Park (approximately 30 meters by foot and 90 metres from the Shopping Park’s bus stop) that there is a high potential for linked pedestrian trips. Furthermore, there are no obvious new development opportunities within Inverness Shopping Park to allocate new development.

The uses specified in the IEDB’s Indicative Masterplan are business/office use which differs from the uses now supported in the IMFLDP2. As explained in the response to Hazeldene (Inverness Ltd) representation above, the assertion that the IMFLDP2 will be internally inconsistent with regards the uses specified in the IEDB and the uses supported in the allocation within the body of the Plan has substance. If the Reporter is minded to agree then the Council would suggest that the rolled forward development briefs which will be “physically bound” within the IMFLDP2 document should have any incompatible provisions “greyed out” to indicate the Council’s most up to date planning policy position for the land affected. See Issue 18 General Policy 15: Development Briefs for further explanation of the Council’s position on this issue. This change would allow the allocation in the body of the Plan to take precedence where any inconsistencies arise.

The site has a long planning history. In summary: a planning application (ref:10/02161/PIP) for a mixed use development including restaurants, drive through restaurants, a public house/restaurant and a motorist centre on the site was refused by the Council in 2011 because it was contrary to the Inverness Local Plan [\*]. An appeal (ref: PPA-270-2068) was dismissed in 2012 [\*]. A further application (ref: 12/04555/PIP) for Connectivity strategy for Inverness Retail, Business and Leisure Park, Stoneyfield Business Park and University Campus, and development of four Class 3/drive-through units was refused in 2013 for reasons including it was contrary to the Inverness Local Plan and the HwLDP because no sequential assessment or impact assessment had been submitted [\*]. An appeal for that application (ref: PPA-270-2094) was also dismissed later that year [\*]. A representation to the now aIMFLDP to allocate the site for mixed-uses including business, commercial leisure, restaurants, drive-through restaurants and ancillary commercial activities was made, however the 2015 Examination Report explains that the Reporter did not support any change from business use to sanction commercial leisure or large restaurant development in the absence of evidence on the potential effect on the city centre. The Reporter did accept however that it may be difficult to secure business development on the site and that there may be other uses for which there is a stronger demand but which would not compete with the city centre [\*]. The Plan review provided an opportunity to reconsider the uses allocated on the site. A change to the specified uses to allow greater flexibility and viability for development was supported for the following reasons: a significant length of time has now passed since the refusal of the planning

applications on the site and the adoption of the IMFLDP; information from the landowners agents Graham and Sibbald found that there is an oversupply of vacant office accommodation within Inverness and the surrounding area and that there are more suitable and attractive sites that can accommodate business use nearby and the site has been vacant and unkempt for a significant length of time and an appropriate development would improve the appearance of the site and provide additional facilities at the retail park. These are considered sufficient justification for the inclusion of additional uses being acceptable on the site.

The site is allocated for business, office, leisure, tourism and storage and distribution uses in the IMFpLDP2. Whilst leisure and tourism are included within the mix of uses, this is not intended to support food and drink uses. This is because food and drink uses and hot food takeaways continue to be considered inappropriate at this location in the absence of any evidence of impact and sequential assessment. The Plan's glossary includes a definition of specified acceptable land uses outlined in allocations based on The Town and Country Planning (Use Classes) (Scotland) Order 1997, including housing, business, tourism, industry, community and retail. Notably, it excludes a definition of leisure or tourism uses. It is considered that it would be beneficial to include a definition of leisure uses consistent with The Town and Country Planning (Use Classes) (Scotland) Order 1997 to help clarify uses that would potentially be acceptable on the site. Tourism uses are not included within the The Town and Country Planning (Use Classes) (Scotland) Order 1997, however for completeness tourism could be included within the Uses glossary. Accordingly, if the Reporter is so minded, then the Council would suggest that the following text is included within the Uses section of the Plan's glossary: 'Leisure: Class 11 Assembly and Leisure, Tourism: Various dependant on site circumstances'. This would provide additional clarify that food and drink and hot food takeaway uses would not be supported on the site.

The final developer requirements for INE09 are for footfall generating proposals sequential assessment of city centre options and impact assessment on city centre. The reason for these developer requirements were that whilst the Council accepted that there is limited demand for office space in Inverness and alternative uses may be acceptable on the site, the Council did not undertake a capacity assessment to determine any levels of capacity for additional footfall generating development in Inverness. It was therefore considered appropriate to put the onus on a developer to demonstrate that any footfall generating proposal is suitable for its location and would have an acceptable impact on the city centre, consistent with NPF4. As explained previously, this allocation does in fact require an assessment of impact on the city centre for footfall generating proposals.

#### Scottish Environment Protection Agency (906306)

The Climate Change section of the Strategic Environmental Assessment for this site within the Environmental Report does not identify that any areas within the site are at risk of flooding contrary to SEPA's comment [7]. SEPA did not provide any comments regarding a risk of flooding on the site during the Plan preparation process. The site is not shown to be at risk of flooding on the SEPA Flood Maps V2, although there are small areas close to the boundary at risk from surface water flooding [8]. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### **INE11: Castlehill**

##### Robert Clinton (1323133)

The Council continue to support the allocation of Castlehill as it forms part of the established spatial strategy for East Inverness and the site is included within the IEDB. The adjacent Inverness Campus provides a generous amount of greenspace and new sports facilities will be provided within the campus. It would therefore be inappropriate to consider allocating the site for uses that differ from its allocation in the IMFpLDP2 and the IEDB.

Castlehill House is a B listed building that lies approximately 15m west of the site boundary. It is set within a large linear garden that extends west from the house. The garden is bounded by attractive mature trees. The IMFpLDP2 East Inverness inset map shows green network notation within the boundaries of the house and its garden.

The developer requirements set out in the IMFpLDP2 for this site are for development in accordance with Policy 15(c) Inverness East Development Brief; Drainage Impact Assessment; Tree Survey and Management Plan; holdback distance of 20m between woodland and development; no construction within root protection area; safeguard the setting of Castlehill House B Listed Building. Development criteria specific to this site and Inverness Campus are also provided within the IEDB.



The IEDB explains that high quality urban design is essential throughout the Inverness East expansion area. Any future masterplan for the site will ensure that key features of the site are reflected in its layout and design. The height of buildings is generally a development management matter that would be considered during any pre-application and planning application process. Boundary treatments between the site and Castlehill House would also be considered in detail during the development management process and would require a balance between security, the setting of the Listed Building and being in keeping with existing boundary treatments.

The IEDB does not show any through access close to Castlehill House.

With regards to impacts on trees, the developer requirements for the site already specify Tree Survey and Management Plan; holdback distance of 20m between woodland and development and no construction within root protection area. These developer requirements, alongside consistency with the IEDB and HwLDP tree related policies are considered to provide sufficient protection for the trees within the garden at Castlehill House.

Greenspace is included within the mix of uses on the site and provision of green space will be required in line with the IEDB and the HwLDP Policy 75 Open Space. This will allow for generous provision of greenspace within the development, including the provision of green networks which will provide physical, visual and habitat connections for greenspaces and therefore ensure accessibility for both people and wildlife.

Given the sites location adjacent to Castlehill House, there is potential for its amenity to be impacted. However, the mix of uses proposed for the site (housing, business, office, community and greenspace) are generally considered low intensity uses that are unlikely to result in excessive noise or odour being generated. Furthermore, the sites development criteria in the IEDB requires the residential amenity of adjacent neighbourhoods to be respected and inform the design and layout of new development. The HwLDP also includes policies that ensure any noise or odour created are mitigated to acceptable levels. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### **INE13: Ashton West**

Carol Munro (1312270)

The Council is aware that the landowners of the vast majority of this site do not wish to release the land for development during their lifetimes. Despite this, the site has been an established part of the Inverness East expansion area in a number of local development plans. The site is essential to delivering the East Inverness vision and providing essential infrastructure including East Link. The IEDB recognises this constraint and phases this part of the expansion area as a late phase of development that is dependent upon the delivery of East Link [\*]. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### **INE14: Cradlehall Court**

Calum Murray (1310442) and Elizabeth Murray (1312271)

The site adjoins a Cradlehall local neighbourhood centre which has a number of shops and services. The site is predominately open ground of rough grasses following the east side of the Scretan Burn. The area around the burn and within the west and north of the site is wooded with mature mixed broad leaf woodland.

The developer requirements for the site alongside IMFpLDP2 policies on green networks and nature preservation and enhancement and HwLDP tree and natural, built and cultural heritage policies will ensure that impacts on trees, habitats and protected species are minimised.

It is accepted that the site currently offers a degree of natural amenity to the neighbourhood, however the developer requirements specify that the riparian area must be protected and core paths retained and upgraded. Furthermore, the area to the east of the Scretan Burn is shown in the Plan as protected greenspace. These requirements will allow the wider area to continue to be enjoyed by local residents. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Ian Barke (1310627)

See response to Calum Murray and Elizabeth Murray above. The developer requirements specify a holdback distance of 20m is 'generally' required between woodland and new development. The outcome of the required tree survey and protection plan will determine a more precise holdback distance to ensure that existing trees and woodland are protected and enhanced. The riparian area relevant to this site is the continuous area of woodland to the east of the Scretan Burn that forms the western boundary of the site. Support for developer requirement for no new road junction onto Caulfield Road noted.

Sean Kelly per GH Johnston Building Consultants Ltd (1312507)

Support for principle of allocation and uses specified noted.

The planning history of this site is important to inform the Council's response to this representation which seeks recognition of potential to access the site from Caulfield Road. A planning application (ref:18/00825/PIP) for the development of commercial units and formation of access was refused in October 2018 because the proposed means of vehicular access (via a new junction off Caulfield Road) did not present a proposal that demonstrates development which integrates with the neighbouring local neighbourhood centre. The decision notice explains that for this reason the application as presented did not fully accord with HwLDP Policies 28 Sustainable Development; 29 Design Quality and Place-making; 34 Settlement Development Areas; 51 Trees and Development; 57 Natural, Built and Cultural Heritage and 58 Protected Species [\*].

In its comments on the application the Council's Transport Planning Team highlighted its concern that the development sought to introduce a new junction with substandard spacing from other junctions in an area where it is proven that there are significant issues with speeding traffic. However, it supported the applicant's argument that slowing the speed of traffic in the area so that it is closer to the speed limit will help to mitigate the closeness of the junctions. Therefore, it was prepared to accept new access but only with 'area wide' traffic calming. This is due to the strategic nature of Caulfield Road where isolated traffic calming features would not be appropriate. It is understood that the reason the landowner did not propose an access into the site from Cradlehall Court was due to third party landownership issues, rather than in the interests of the effective planning of the area.

In 2021 a number of road safety measures were installed on Caulfield Road close to Cradlehall Court. This included dropped kerbs and traffic crossing refuges close to Caulfield Road's junction with Cradlehall Court and another close to the site approximately 70 meters further west. Both these refuges allow for safer crossings for pedestrians to reach bus stops on Caulfield Road, shops and services at Cradlehall Court and Cradlehall Primary School on the south side of Caulfield Road.

Taking into account the above planning history and more recent road safety measures installed on Caulfield Road any new access from Caulfield Road is not supported for the following reasons: only a shared access will allow for meaningful integration by design with the existing neighbourhood centre; introduction of a new access from Caulfield Road conflicts with Council Standards; the newly implemented road safety measures would require to be relocated to facilitate a new junction to the detriment of road safety and active travel and an additional junction would interrupt the continuity of the safer route to school from the Castlehill area to the formal pedestrian crossing to the east. Furthermore any suitable 'area wide' traffic calming scheme to help mitigate a new access would likely incur significant cost to the respondent which may render development of the site unviable.

Scottish Environment Protection Agency (906306)

Accept that information provided by SEPA may mean the site is at risk from flooding. If the Reporter is so minded, then the Council would be supportive of an additional developer requirement that reads the following: 'Flood Risk Assessment (no development in areas shown to be at risk from flooding).'

### **INE17: Stratton Central**

Joanna Matheson (1310461)

INE17 Stratton Central is allocated for mixed use, specifically housing, community and retail. Its indicative housing capacity is 65. The sites developer requirements refer to the IEDB.

The creation of a 'Stratton Centre' at this location is a long standing commitment that is essential to realising the IEDB's vision and delivering its masterplan. The development criteria specific to Stratton (no 8) in the IEDB explains that mixed use development will be located at the junction of Barn Church Road and the Main Street forming a gateway feature, including public open space. This reflects the mix of uses described in the consented masterplan. Section 7: Phasing of the IEDB explains that this site is expected to be delivered during an early phase of the expansion area. Furthermore, planning consent is already in place for a mix of uses on this site [\*]. There is therefore sufficient assurances in place that the site will deliver a mix of uses during an early phase of the wider development. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

**INE18: Balloch Farm****Balloch Community Council (1271483)**

In both the aIMFLDP and the IMFpLDP2 the land around Balloch Village Hall and adjacent Balloch Primary School is shown as grey land within the SDA. The principle of development on grey land within SDAs is supported by HwLDP Policy 34 Settlement Development Areas. Therefore, provided detailed matters, for example access, design and layout, are appropriate, proposals for community facilities could be supported at this location. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

**Martin MacLeod (1311902)**

The site was shown as grey land within the Inverness SDA in the aIMFLDP. The principle of development on grey land within SDA is supported by the HwLDP. There was therefore no development plan protection for the site to be retained as a green wedge separating Culloden and Balloch.

Planning permission (reference: 19/04213/PIP) for 298 dwellings and associated works on this site was granted in August 2021[\*]. Representations to the planning application were considered and reported to the Council's South Applications Committee in January 2020. The principle of development on this site has therefore now been established and would be inappropriate to be revisited. The application was consistent with HwLDP policies. Its landscape strategy illustrates that trees around the site will be retained and form part of the wider green network within the site. The green network includes a number of linked greenspaces. In this sense, it is considered that the development of the site does not conflict with the overarching aims of the Plan.

The site comprises an area of predominantly agricultural land, as such it is not formally recognised as an area for community recreation and has no development plan protection to remain as such. There is a path network close to the site and a number of existing greenspaces nearby for community recreation. Furthermore, the development of the site will provide formal public access to it, including formal and informal spaces for recreation.

Residents of new housing will utilise existing local services. This was explored as part of the planning application and developer contributions towards increased primary and secondary school capacity, community facilities, enhanced paths, road improvements and recycling provision were secured. These contributions allow increased pressure on local services to be adequately mitigated.

Consistent with the HwLDP and Developer Contributions Supplementary Guidance a minimum of 25% affordable housing will be delivered on the site. The Council has no mechanism to secure additional affordable housing given the application has already been determined. It is important that affordable housing is provided in a range of locations throughout Inverness to meet housing needs. Accessibility is a key factor in determining the appropriateness of sites for affordable housing and a significant amount of new affordable housing has been provided within brownfield sites in Inverness City Centre in recent years.

A significant amount of land is allocated for development at East Inverness, including Stratton Farm, a new town at Tornagrain and a significant land allocation at Croy. These sites plus a number of others lie within the Inverness Housing Market Area. The total capacity of these sites provides sufficient land within this Housing Market Area to meet its Housing Land Requirement and also to provide a range of choice of housing sites. Further detail is provided in Issue 3 Housing Requirements. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

**Reporter's conclusions:****Reporter's recommendations:**

<b>Issue 38</b>	<b>Kiltarlity</b>	
<b>Development plan reference:</b>	Section 4 Places, Kiltarlity Settlement, PDF Pages 246-250	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Catriona Williamson (1310153)  Daniel Clark (1310130)  Gloag Investments per Savills (1324305)  SEPA (906306)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 22, Settlement Map 26 Kiltarlity Development Sites, PDF paragraph 201	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Settlement Map</b>  <u>Gloag Investments per Savills (1324305)</u>  Objects to the non-inclusion of MIR site reference KT05 for housing and community uses because: the village requires a greater medium to a longer term pipeline of housing land to support the longer term viability of its services, in particular the Tomnacross Primary School; there is spare capacity at the primary school to accommodate the development; NPF4 and 2019 Act require Local Planning Authorities to actively plan for repopulation; the site is attractive, centrally located and well screened; it meets the effectiveness criteria in PAN 2/2010 because it is in the respondent's single ownership, there are no physical or other constraints, there are no deficit public funding issues, it is marketable and its serviceable; Kiltarlity is a sustainable settlement and the site is sustainable near bus-stops and shinty pitch, and adjacent to the village hall; the additional land could expand the village hall facility, provide an all-weather sports pitch or a home working hub with electric vehicle charging facilities to complement the shinty pitch; adjoining land can allow much longer term expansion; Kiltarlity is more environmentally sustainable and economically viable than the Council assesses it to be and therefore more land should be allocated e.g. the primary school capacity issue has been overstated because it has room for expansion, recent house completions have been modest, the pupil product from completions has been modest and sustaining existing rural schools is important and endorsed by Scottish Government policy, the Council's 2022 School Roll Forecasts [*] predict that Tomnacross School will now not reach capacity until 2030, and new house completions can be phased by planning permission condition; there is adequate water and sewerage capacity to accommodate the development and serious development proposals will prompt Scottish Water to expand capacity if required (land for expansion is owned by the respondent who could facilitate such expansion); local employment opportunities have been underestimated because there are tourism businesses and home working; the site is within active travel distance of local facilities; Kiltarlity has an hourly Stagecoach bus service during working hours between Inverness and Muir of Ord which connect to rail services to all parts of Scotland; electric car provision is increasing and can make villages like Kiltarlity more sustainable in travel and emissions terms; the site is well linked to the existing Core Path Network; other recent permissions will improve the active travel link between Kiltarlity and the A862 helping the longer link to Beauly; Kiltarlity scores well against most of the Scottish Government's Place Standard criteria except play and recreation and this development site could offer a new play area; supply indicative layout [*] that shows that net additional woodland will be provided; other prime farmland has been developed in the village in recent years; and recent housing developments in the village haven't provided community infrastructure and reduced the dependence on commuting whereas this site could.</p> <p><b>KT01: Glebe Farm Phase 2</b>  <u>Catriona Williamson (1310153)</u></p>		

Objects to any road connection through between Phase 1 and Phase 2. Instead the road to the school should be widened because it is already congested. The construction period should be shortened because of the disturbance to householders during Phase 1.

Daniel Clark (1310130)

Objects because: loss of privacy; overlooking of respondent's property/garden; increased traffic on village roads; loss of outlook due to proposed housing proximity; construction disturbance and noise pollution; and, better housing sites elsewhere (undefined).

**KT02: Glebe Farm Frontage Land**

Catriona Williamson (1310153)

Objects to any built development on site because: residents purchasing adjacent properties were told this was the intention; land unsuitable for play park because existing facilities (at the shinty pitch) are in a far better location in terms of access, parking and safety; loss of privacy of existing residents; and, potential noise pollution; wildflower garden; hedging and trees would have higher amenity value.

Daniel Clark (1310130)

Objects to any built development on site because: loss of privacy; noise pollution; construction disturbance; and, higher amenity value if restricted to landscaping, paths, and benches.

**KT03: Kiltarlity Parish Church**

SEPA (906306)

Objects because of lack of adequate policy safeguard in terms of potential contamination of groundwater. Council have accepted these requirements for other burial grounds allocations.

**Modifications sought by those submitting representations:**

**Settlement Map**

Gloag Investments per Savills (1324305)

Allocation of MIR site reference KT05 for housing and community uses but specifically for 46 houses.

**KT01: Glebe Farm Phase 2**

Catriona Williamson (1310153)

Developer requirements to: clarify that there be no road connection between Phase 1 and Phase 2; for the road to the school to be widened and serve as the road access to Phase 2; and, to limit the construction period.

Daniel Clark (1310130)

Land redesignated as open countryside.

**KT02: Glebe Farm Frontage Land**

Catriona Williamson (1310153)

Clarification that the site should not accommodate any built development (assumed).

Daniel Clark (1310130)

Clarification that the site should not accommodate any built development (assumed).

**KT03: Kiltarlity Parish Church**

SEPA (906306)

Additional developer requirement *"Intrusive groundwater investigations to be undertaken in line with SEPA guidance."*

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


**Settlement Map**

Gloag Investments per Savills (1324305)

See Issue 3 Housing Requirements regarding the Council's response in disputing the claimed shortfall of effective housing sites. Within the Inverness HMA the Plan's 10 year, all sector Housing Supply Target (HST) is 4,405 units and corresponding Housing Land Requirement (HLR) 5,726




units. The Council's 2022 Housing Land Audit (HLA) programmes 6,888 units over a similar 10 year period and this total doesn't include small windfall developments. Therefore, there is no quantitative deficiency argument for allocating additional housing land. Kiltarlity is a Tier 3 settlement in the Plan's hierarchy because it has limited capacity in its infrastructure and facility networks, few local employment opportunities, and limited public transport and active travel connectivity to higher order centres and their facilities and opportunities.

Kiltarlity has limited capacity in its networks notably its sewage works and primary school at Tomnacross. The primary school has a physical capacity of 125 pupils and a current (2021/22) roll of 104 or 83% capacity but is forecast  to breach its 100% capacity in 2027/28. The local waste water treatment plant has a spare capacity of 42 housing units as of October 2022. It is therefore appropriate to safeguard this limited capacity for a site already allocated in the aIMFLDP, with a planning application pending and a site that should prove more economically viable and environmentally sustainable than the suggested expansion area. The lack of confirmed housebuilder interest in the expansion area is also an indication of doubt about the site's effectiveness.

Kiltarlity is not an area of Highland experiencing depopulation and its school is not threatened with closure. To the contrary, it is in the pressurised Hinterland within commuting range reach of the Inner Moray Firth's major work centres. The Council accepts that the site is relatively flat, is attractive, and is centrally located and well screened. However, its development would breach a defined and defensible landscape limit and open up the prospects of development across open fields to the north of the village. It is close to other village facilities but not to the primary school which requires a crossing of the main village road. The suggestion of a community use element is welcomed. The only current need is to relocate the play area at the shinty pitch to free up that land for additional shinty facilities use. The land suggested could have longer term (next Plan review) potential and the respondent could improve its suitability at that time by advance structural planting to subdivide the field and provide a new defensible settlement boundary. A landowner and developer approach to Scottish Water could also set in train the 7 year process to deliver a new or majorly extended waste water works. Electric vehicle charging facilities can be accommodated within existing parking areas at the village hall and shinty pitch. Tourist accommodation letting and home working employment tends to be part time and will be less important as post pandemic economic recovery continues and greater tax, planning and licensing control curtails the short term let market. The bus service to Muir of Ord and Inverness runs at best on an hourly basis, has a variable reliability record and is not time and price competitive compared to the option of driving. A combined bus and train journey to Inverness or other work centres is even less competitive. The site does have reasonable within settlement active travel connectivity and the Plan seeks improvements to strategic inter-settlement active travel links but these don't provide a justification for a large scale allocation at Kiltarlity. The offers of a play area and additional planting are welcomed but are made without commitment. The suggestion that the proposed development will reduce the settlement's dependence on commuting is a bold claim and again one made without detail and commitment. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

#### **KT01: Glebe Farm Phase 2**

Catrina Williamson (1310153)

The pending planning application for allocation KT01  shows no vehicular connection between it and the phase 1 houses. The developer requirements require improved active travel connections not vehicular connections. The same application does show widening of the primary school access road. A planning condition to control the length of construction period for a housing development particularly a self-build housing development would be difficult to enforce. Accordingly, the Council believes the Plan should remain unaltered in respect of this representation.

Daniel Clark (1310130)

The land is already allocated for housing development within the aIMFLDP. Therefore, the principle of development has already been established and previously consulted upon. It is a logical next phase of the housing within which the respondent lives and the respondent knew of the likely prospects of the land's development when purchasing the property. Privacy issues can be assessed and mitigated through the development management process. Accordingly, the Council believes the Plan should remain unaltered in respect of this representation.



**KT02: Glebe Farm Frontage Land**Catriona Williamson (1310153)

The frontage land is safeguarded for community use within the aIMFLDP, the Plan and by previous planning permissions and a related s75 legal agreement [1]. The south-west third of the site, under the terms of the agreement and connected permission, has potential for built (community use) development. There are ongoing discussions between the local community council, the Glebe phase 1 householders (who will be liable for joint ownership and factoring charges for maintenance of the whole site) and the landowner (who wishes to relinquish ownership and any future maintenance liability) as to who should own and maintain the land (or subdivided parts of it) in the future. These discussions also include debate over whether the community council (or another properly constituted local community body) should acquire ownership and if so then to what use the land should be put. The Council has no strong view on the mix and internal boundary split of community uses across the site. The only evidenced community facility need (apart from the burial ground extension referenced at KT03) is for a play area relocated from its current location at the shinty pitch which is on the edge of the settlement. This relocation would allow enhancement of shinty facilities adjacent to the pitch. It is unfortunate that, to date, there is no local resident consensus on even a play area use. Given the site's protracted planning history and unkempt appearance simply keeping it neat and tidy would be the low risk solution; i.e., removal of any reference to building or built development in the KT02 developer requirements wording. The Council would support such a change if the Reporter is minded to recommend it.

Daniel Clark (1310130)

See response to Catriona Williamson above.

**KT03: Kiltarlity Parish Church**SEPA (906306)

The Council agrees that an additional developer requirement to reference the potential risk of groundwater contamination would be appropriate. The Council would support SEPA's suggested change if the Reporter is minded to recommend it.

**Reporter's conclusions:****Reporter's recommendations:**

<b>Issue 39</b>	<b>Kirkhill</b>	
<b>Development plan reference:</b>	Section 4 Places, Kirkhill Settlement, PDF Pages 251-255	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Aird Community Trust per George Hogg (1311972)          Moureen Macmillan (953445)          O'Brien Homes (1323220)          Springfield (1147956)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 23, Settlement Map 27 Kirkhill, Development Sites, PDF paragraph 202-203	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Placemaking Priorities</b>  <u>Aird Community Trust per George Hogg (1311972)</u>          Supports but seeks a clearer Plan reference to the development of active travel link between Kirkhill and both Beaully and Inverness. This should also provide for local active travel needs e.g. to access the school or for local recreational use promoting health benefits.</p> <p><b>Settlement Map</b>  <u>Aird Community Trust per George Hogg (1311972)</u>          Supports but seeks reaffirmation of active travel proposals both within Kirkhill and from Kirkhill towards Beaully and Inverness (no reasons stated).</p> <p><u>Moureen Macmillan (953445)</u>          Objects to Settlement Development Area (SDA) not including site of former mansion house at Clunes which should be suitable for a house and business (hair and beauty salon/spa) because: the land was included within a previous development plan; there was a mansion house [*] on the site for over 100 years; the land is classed as previously developed under HwLDP Policy 42 and the proposed development will bring it back into beneficial use; a site investigation has been undertaken and contamination risks assessed and found capable of mitigation; the business is one suited to a peaceful rural location; there is no equivalent business in the local area so would diversify local choice and complement the local wedding venue at Achnagairn; the existing core path will be safeguarded (albeit realigned around the curtilage of the new property) its condition improved and overgrowing vegetation removed; the site has all service connections; the site is effective in terms of developer funding; the site has a recent history of fly tipping and anti-social behaviour; and, the adjacent house, Tearloch House was built within the garden ground of the mansion house and obtained planning permission.</p> <p><u>O'Brien Homes (1323220)</u>          Objects to the non-inclusion of development site KH1 of the aIMFLDP because: it benefits from drainage connections [*] which were installed and adopted by Scottish Water under the existing consent 07/00626/FUL in 2009/2010; the site is surrounded on 3 sides by existing housing and reduces the need to expand the settlement into the surrounding countryside; there is a current developer proposal to provide a range of housing types and tenures from affordable, mid-market rent and private housing and a planning application will be ready to lodge by end of 2022; adequate road access can be taken from the existing junction to the B9164; the site is within a sustainable walking distance of the primary school and community centre; the site benefits from the partially implemented planning permission 07/00626/FUL due to the drainage infrastructure having been built to serve the site; and, it complies with the Placemaking Priority to "Consolidate Kirkhill with new development closest to its facilities but to curtail larger, peripheral expansion."</p>		

Springfield (1147956)

Objects to the non-inclusion of development site KH05 of the MIR for housing because: it will endorse a scale of development that can support an active travel link to Beauly and attract new community services and facilities to the village thereby significantly reducing the level of car borne journeys; it will help sustain the local primary school that may otherwise close; all these matters will transform Kirkhill from an unsustainable to a sustainable location for future growth; and, reiterate previous Call for Sites [\*] and MIR submissions [1].

**Modifications sought by those submitting representations:**

**Placemaking Priorities**

Aird Community Trust per George Hogg (1311972)

Amendment to the Priority to clarify the need for an active travel link between Kirkhill and both Beauly and Inverness and that this link should also provide for local active travel needs e.g. to access the school or for local recreational use.

**Settlement Map**

Aird Community Trust per George Hogg (1311972)

More explicit Plan support for active travel proposals both within Kirkhill and from Kirkhill towards Beauly and Inverness (assumed).

Moureen Macmillan (953445)

Expansion of Settlement Development Area (SDA) to enclose site of former mansion house at Clunes.

O'Brien Homes (1323220)

Addition of housing development site on land identified as site KH1 in the aIMFLDP.

Springfield (1147956)

Addition of housing development site on land identified as site KH05 in the MIR.

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

**Placemaking Priorities**

Aird Community Trust per George Hogg (1311972)

The Plan's fifth bullet point already references an active travel link between Kirkhill and both Beauly and Inverness. The stated justification for such a link is agreed but justification text is not normally placed within policy wording in a local development plan. It would be more appropriate in a detailed project funding bid or in a detailed case seeking developer contributions. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

**Settlement Map**

Aird Community Trust per George Hogg (1311972)

Map 4 Active travel Network, General Policy 14 Transport and the fifth Kirkhill Placemaking Priority all promote the general principle of improving active travel connectivity both within larger settlements and between them, and of seeking developer contributions towards such provision. Also, the Plan's main settlement maps include local networks indicatively defined by orange-coloured pecked lines. Finally, larger, relevant allocations include specific active travel provision and developer contribution developer requirements. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

Moureen Macmillan (953445)

The Council accepts that a single, well designed house on the site of the former mansion house that safeguards the core path and woodland interests may be acceptable under the terms of the Council's Hinterland countryside policies particularly if it is connected to a business suited to a rural area. However, this scale of proposal does not justify an allocation or extension to the Settlement Development Area (SDA), which would most likely also include adjoining undeveloped land which would not be suitable for infill housing or other built development. However, if the Reporter is minded to agree with the respondent then the Council would suggest that the SDA extension only enclose the site of the former mansion house and its southern driveway.

O'Brien Homes (1323220)

The land is allocated for housing development within the aIMFLDP (site reference KH1). The site is proposed for deletion from the Plan because of doubts about its marketability (until recently its lack of confirmed housebuilder interest), the quantitative sufficiency of other allocated sites within the village and within the Inverness Housing Market Area (HMA), the limited capacity of the local primary school [\*] and sewage works [\*] both of which are forecast to breach their design capacities, and the third party landownership [\*] and/or tree loss problems in creating a suitable vehicular access to the site from the B9164. It is within active travel range of the settlement's facilities albeit they involve crossing the village spine road. It is greenfield but visually self-contained. Site KH02 is under construction and may be completed by the time of the Plan's adoption leaving only smaller, constrained infill sites to deliver a local housing land supply. The Council will be interested to see whether the stated intention to proceed to planning application stage before the end of 2022 materialises. If the Reporter is minded to agree with the respondent and reallocate the site then the Council would suggest the same boundary, land use and indicative housing capacity as site KH1 in the aIMFLDP. Additional developer requirements should include contributions towards local and strategic active travel links.

Springfield (1147956)

See response to O'Brien Homes above. Site KH05 was rejected at MIR stage because of its relative distance to the community centre and primary school, the quantitative sufficiency of other allocated sites within the village and within the Inverness Housing Market Area (HMA), and the limited capacity of the local primary school and sewage works both of which are forecast to breach their design capacities. It is also greenfield, close to high voltage overhead lines and not visually self-contained. The offer of active travel improvements is welcomed but made without commitment. The quantum of development required to attract new commercial facilities to Kirkhill sufficient to reduce overall car journeys to and from the settlement is far beyond the site's capacity. Similarly, the primary school is projected to breach its capacity and is not threatened with closure. Accordingly, the Council believes the Plan should remain unaltered in respect of this representation.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 40</b>	<b>Maryburgh</b>	
<b>Development plan reference:</b>	Section 4 Places, Maryburgh Settlement, PDF Pages 256-261	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Highland Housing Hub (1154846)  Maryburgh Community Council (1323267)  SEPA (906306)  The Firm of Angus MacLean per GHJ (1312296)  Woodland Trust (1312249)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 24, Settlement Map 28 Maryburgh, Development Sites, PDF paragraph 204-208	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Settlement Map</b>  <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><b>MB02: Land at Birch Drive</b>  <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><b>MB04: Land North of Maryburgh A835 Roundabout</b>  <u>Maryburgh Community Council (1323267)</u>  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.</p> <p><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>		

## 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 [1]. 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 [1] 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:**

<b>Issue 41</b>	<b>Muir of Ord</b>	
<b>Development plan reference:</b>	Section 4 Places, Muir of Ord Settlement, PDF Pages 262-268	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Burton Property Trust per Galbraith (1218162)  C &amp; 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>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 25, Settlement Map 29 Muir of Ord, Development Sites, PDF paragraph 209-211	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Placemaking Priorities</b>  <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 capacity (the primary school is full, the roads are bad, there is only 1 small shop and public transport is poor).</p> <p><b>Settlement Map</b>  <u>Danny Mackay (1220759)</u>  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</p>		

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 [1]); 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 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.

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 [redacted]) 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 [redacted] 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 [redacted], 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 [1] 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 [1]. 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:**

<b>Issue 42</b>	<b>Munloch</b>	
<b>Development plan reference:</b>	Section 4 Places, Munloch Settlement, PDF Pages 269-274	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Anne Thomas (1323247)  Broadland Properties per John Wright (1312043)  Scottish Government (Transport Scotland) (963027)  SEPA (906306)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 26, Settlement Map 30 Munloch, Development Sites, PDF paragraph 212-214	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Placemaking Priorities</b>  <u>Anne Thomas (1323247)</u>  Suggests that the Plan reference that development of the land south of the post office provides the opportunity of an active travel bypass of the village because: Transition Black Isle has already done feasibility work on this bypass link; it has undergone a public consultation; it has attracted Sustrans funding; a participation agreement request will be submitted; and, it would join up with paths and the minor road at Drumderfit.</p> <p><b>Settlement Map</b>  <u>Broadland Properties per John Wright (1312043)</u>  Supports ML01 as permitted and reports ML02 has developer interest. However, objects to non-inclusion of land (site reference ML05 in MIR) for 30 houses because: site is effective and deliverable and can mitigate its impact; there is a shortfall in the Mid Ross Housing Land Supply which now needs to be met on effective and deliverable sites in this HMA; the site will add range, choice and diversity to the local housing land supply; and, the supplied Development Framework [1] demonstrates how housing can be delivered whilst avoiding the sensitive parts of the site (Geological Conservation Review site) in an effective and deliverable manner whilst delivering the identified placemaking priorities in a settlement with identified capacity.</p> <p><u>Scottish Government (Transport Scotland) (963027)</u>  Concerned about any development that has the potential to generate traffic that will use the A9/B9161 Munloch Junction and therefore seeks a Plan reference to / requirement for developer contributions towards the cost of the vehicle queue detectors and signage installed at the junction. This requirement would formalise the existing approach that the Council and Transport Scotland are taking.</p> <p><b>ML03: Station Brae</b>  <u>Broadland Properties per John Wright (1312043)</u>  Supports continued allocation for community use but urges that should the school estate review conclude that this land is not required/feasible for this purpose then it should be brought forward as a windfall site within the settlement boundary for a small self build housing site.</p> <p><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> <p><b>ML04: Land North of A832</b>  <u>Broadland Properties per John Wright (1312043)</u></p>		

Seeks clarification of what uses are acceptable on the allocation. Supports site for business use.

**Modifications sought by those submitting representations:**

**Placemaking Priorities**

Anne Thomas (1323247)

Addition of Plan reference that development of the land south of the post office provides the opportunity of an active travel bypass of the village.

**Settlement Map**

Broadland Properties per John Wright (1312043)

Addition of residential allocation for 30 homes on land identified as site ML05 in the MIR.

Scottish Government (Transport Scotland) (963027)

Addition of a Plan requirement to seek a developer contribution from all non-single house developments that have the potential to generate traffic that will use the A9/B9161 Munloch Junction with the precise wording to be agreed in conjunction with Transport Scotland.

**ML03: Station Brae**

Broadland Properties per John Wright (1312043)

Addition of Plan commitment that should the school estate review conclude that this land is not required/feasible for educational purposes then it could accommodate a housing development infilling the Settlement Development Area (SDA).

SEPA (906306)

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

**ML04: Land North of A832**

Broadland Properties per John Wright (1312043)

Addition of clarification of acceptable uses.

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

**Placemaking Priorities**

Anne Thomas (1323247)

Site ML02 was granted a full planning permission [\*\*] for 15 residential units, a site for commercial development and an extension of the car park in December 2020. Active travel improvements to the primary school and community centre were secured as part of this permission but no contribution towards a more strategic link. The Plan's Placemaking Priorities for Munloch, the Plan's Delivery Programme, and the Plan's transport strategy do reference the importance of enhancing strategic active travel links in particular between Avoch and Munloch and the principle of seeking developer contributions towards it. Incorporating an additional "bypass" route for Munloch would be desirable if it provides a more direct and safer onward connection to Inverness via the Drumderfit road. If the current extant permission is not implemented then there may be an opportunity to renegotiate but adding a specific developer requirement for this site would be inappropriate. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

**Settlement Map**

Broadland Properties per John Wright (1312043)

The suggested additional development site (site reference ML05 in the MIR) is in the same ownership as allocation ML02, which has been allocated in successive Council development plans for almost 20 years but, to date, not been activated. It is not the function of a local development plan to provide a landowner with a balance sheet asset. The local primary and high schools have limited capacity as does the B9161 village spine road, which carries the majority of local traffic to the A9 junction which is subject to a current Transport Scotland safety study. 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 ML05 to meet any shortfall. Therefore, the Council believes the Plan should remain unaltered in respect of this issue.

Scottish Government (Transport Scotland) (963027)

Currently, the Council operates an informal protocol that requires developer contributions direct to Transport Scotland from housing development across the south and eastern Black Isle because these developments generate additional traffic movements across the Munloch A9/B9161 junction. Transport Scotland is progressing a wider road safety study of the A9 and its junctions between Tore and North Kessock [\*] and a more formal protocol may emerge from the work. The current arrangements have been effective perhaps because of the small sums of money required, the direct payment method, and the flexibility as to what improvements are funded. Full transparency would require specific designed and costed improvements, public consultation on a draft protocol, consideration of objections, and independent assessment of those objections before a final protocol is approved. Given the myriad of potential improvements that have been discussed during the ongoing safety study then it would be sensible to await the outcome of this work before committing all parties to a more formal protocol. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

**ML03: Station Brae**

Broadland Properties per John Wright (1312043)

There is no current new primary or nursery school for Munloch but the adjoining Avoch Primary School has capacity issues and its site is physically constrained. The Council's review of its school estate across the Black Isle is ongoing but unlikely to conclude within the Examination process period. The allocation is intended to provide options for additional primary school capacity across the wider area not just within the Munloch catchment. ML03 is enclosed by the proposed Settlement Development Area (SDA) and would represent a reasonable rounding-off of the settlement edge. Should, in the medium term, the site prove surplus to educational requirements then, at that time, alternative uses could be considered on their individual merits. However, there is no overriding justification for adding a housing use option at this juncture. 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.

**ML04: Land North of A832**

Broadland Properties per John Wright (1312043)

Support noted. Fraser's Coaches and Garage Ltd intends to enhance its existing transport service enterprise at the site and the Plan allocation is intended to encourage and support that intention partly as a means of improving the visual appearance of the site. Accordingly, the Council believes the Plan should remain unaltered in respect of this issue.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 43</b>	<b>Nairn</b>	
<b>Development plan reference:</b>	Section 4 Places, Nairn Settlement, PDF Pages 275-283	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p> Ailsa and Alex Russell (1324210)  Alan Bulcraig (1312334)  Alan Calder (1324548)  Alan McIntosh (1324270)  Alex Rankin (1311653)  Alisdair and Carol MacLean (1324193)  Andrew and Christina Jury (1324207)  Angus Macleod (1324183)  Ann Dawson (1324035)  Anne Balsanelli (1324208)  Ashleigh Bulcraig (1312214)  B and L Drayton (1324203)  Bob Thwaites (1312395)  Brigitte Stuart (1312489)  Tulloch Timber (Nairn) Ltd (1312481)  Cawdor Maintenance Trust per Galbraiths &amp; AF (1312525)  Chris Meecham (1261509)  Colin Macgregor (1323206)  Dave Rennie (1323505)  David Blair (1310839)  David Wilson (1323061)  Dawn McKinstrey (1324000)  Douglas Mackenzie (1323193)  Elsa Main (1323537)  Flora Wallace (1323494)  Forbes per G&amp;G (1271817)  GF Job Ltd (1323039)  H Anderson (1324211)  Hamish Bain (1105044)  Hilary Wilson (1324205)  Ian Bryce (1311451)  J Wells (1324219)  James Hodgkis per RR Urquhart (1323132)  Jamie Calder (1324204)  Jane Patience (1312367)  Jean McIntosh (1324217)  Joan Noble (931076)  John Gordon &amp; Sons Limited (1312476)  Julie Knight (1323137)  Julien Macnab (1324218)  Kate McArdle (1312033)  Kathleen Grant (1324226)  Kenna Warren (1310340)  Kirstin Laing (1312474)  L Aitken (1324209)  M Blakebrough (1324216)  Mark Gunn (1312546)  Mr &amp; Mrs J Thomson (1324202)  Nairn Access Panel (1312032)  Nairn BID (Lucy Harding) (1312297) </p>		



Nairn River Community Council (1312260)  
 Nairn West & Suburban Community Council (1323971)  
 Nairn Improvement Community Enterprise (NICE) per Alastair Noble (966948)  
 Norman Macleod (1312038)  
 Peter Stuart (1312488)  
 R D Gordon per GHJ (1312291)  
 S Calder (1323136)  
 Sheena Baker (1323994)  
 Shelagh Carson (1324195)  
 Springfield Properties (1147956)  
 Stephanie Hume (1324186)  
 Susan Hume (1324184)  
 The Nairn Consortium per Ryden (1271337)  
 Tracy King (1323540)  
 Veronica Mackinnon (1323170)  
 Violet and Gordon Fraser (1324206)  
 William Johns-Powell (1324201)

**Provision of the development plan to which the issue relates:**

Placemaking Priorities 27, Settlement Map 31 Nairn, Development Sites, PDF paragraphs 215-220

**Planning authority's summary of the representation(s):**

**Nairn General**

Alan Calder (1324548), Alan McIntosh (1324270), Ailsa and Alex Russell (1324210), Alisdair and Carol MacLean (1324193), Andrew and Christina Jury (1324207), Angus Macleod (1324183), Anne Balsanelli (1324208), Ann Dawson (1324035), B and L Drayton (1324203), Brigitte Stuart (1312489), Dawn McKinstrey (1324000), Elsa Main (1323537), H Anderson (1324211), Hilary Wilson (1324205), Ian Bryce (1311451), J Wells (1324219), Jamie Calder (1324204), Jean McIntosh (1324217), Julie Knight (1323137), Julien Macnab (1324218), L Aitken (1324209), M Blakebrough (1324216), Mr & Mrs J Thomson (1324202), Peter Stuart (1312488), S Calder (1323136), Shelagh Carson (1324195), Stephanie Hume (1324186), Susan Hume (1324184), Tracy King (1323540), Veronica Mackinnon (1323170), Violet and Gordon Fraser (1324206), William Johns-Powell (1324201)

All the above respondents object to any further significant new build housing development in Nairn at this stage for one or more of the following reasons: 1) impacts on the already constrained infrastructure, including the transport network, healthcare, schools, community and leisure facilities, water, sewage, electricity, public transport; 2) the new town of Tornagrain is not far away and should be the focus of growth; 3) the conversion of existing underutilised buildings should be explored; 4) more employment opportunities are needed; and, 5) loss of greenspace and the adverse impact on the environment.

Other points raised by one or more of the respondents include: 1) suggestion that the new secondary school should be built on a site proposed for housing; 2) query about the meaning of 'Mixed Use'; 3) Questions the need for the Plan to allocate 1,120 homes in Nairn, particularly given that the Housing Need and Demand Assessment shows Nairn population increased by only 355 between 2011 and 2018; and, 4) a new primary school was supposed to be built at Lochloy but it was never delivered, if this type of infrastructure is a requirement then it should be delivered.

David Wilson (1323061)

The Plan's analysis of the imbalances across 'people', 'place' and 'work' dimensions is weak and seems to have generated a proposed approach dominated by housing demands arising from people currently living elsewhere. The Plan should focus on the needs and infrastructure for the existing population rather than attracting more people. Previous development (notably Lochloy) has been badly planned. Requests that the Plan recognises that further major housing building be resisted until the Placemaking Priorities have been delivered, particularly making Nairn a tourism and recreation asset.

Joan Noble (931076)

Many elements of the Nairn Active Travel Plan are completely impractical, appear as a desktop exercise and require consultation before it gains any momentum. This should be looked on as a 'Blue Sky' wish list rather than a plan.

Kate McArdle (1312033)

Questions why there is still such a need for housing when there are many new houses being built in Nairn and Tornagrain etc and what proportion of affordable housing has been delivered. Emphasises the need for considering the cumulative impacts of development on infrastructure. Questions the plans for flood defences in Nairn, given the flood risks at Fishertown and other areas and lack of adequate wastewater treatment infrastructure.

Nairn Access Panel (1312032)

Believes that any plans for the town must be inclusive and integrate all disabled people in every aspect of the plans for Nairnshire. Specifically, there should be step-free access within Nairn Railway Station to ensure access to all the services. Questions what the plans are to ensure accessible active travel routes within the proposed housing developments, and their links to the town centre. All areas must have step-free, safe pavement access to all pedestrians. Believes this is a great opportunity to make Nairn an accessible town fit for the 21st Century and the Nairn Access Panel would be very happy to be involved in any future consultation and discussions.

**Nairn Settlement Map**

Cawdor Maintenance Trust per Galbraiths & Alan Farningham (1312525)

Landowner objects to the non-inclusion of land at Delnies for Housing (site reference NA6: Delnies in the adopted IMFLDP) because: 1) Nairn is identified as a Tier 1 Settlement and considered to be one of the most sustainable settlements within the Plan area for future strategic growth, a position supported by the landowner; 2) the site is allocated for 300 homes in the aIMFLDP (NA6: Delnies) and the HwLDP (Policy 17: Delnies) and planning permission was granted in 2015 (reference 08/00080/OUTNA) for a mixed use development including 300 homes, which was extended for a further 3 years in January 2021(20/00599/S42); 3) it is effective, being actively marketed and the exclusion of Delnies does not reflect the wider approach to allocating sites which benefit from planning permission; 4) the policy context sets out the close relationship between the development of Sandown and Delnies, notably the Zoning Concept Plan in the Sandown Development Brief clearly shows the principal access for Sandown coming off the A96 via a new roundabout through Delnies to the west and there is also reference made to the sharing of a new primary school; 5) Delnies will make an important contribution towards the delivery of affordable housing requirements, 75 units onsite and assisting the delivery of Sandown; and, 6) the reasons given for supporting Sandown could equally apply to Delnies given its immediate proximity.

Forbes per G&G (1271817)

Landowner objects to the non-inclusion of land at Moss-side Road being allocated for housing development because: 1) disputes officer's decision to not include the site within the Main Issues Report (MIR) as a viable development option and draws attention to the comprehensive site justification documentation (including Transport Statement) submitted in response to the MIR and believes that because the site was not promoted at the 'Call for Sites' stage it is being severely prejudiced just because of a lack of prior public scrutiny; 2) the site compares favourably against the policy context and priorities set out in the Plan; 3) the site is more effective in the short term than the two large-scale development allocations in the Plan, i.e. Nairn East and Delnies and there are now no live construction sites in Nairn; and, 4) more allocated land for housing development is needed that is demonstrably constraint free and which can be delivered in the early part of the new Plan period so Nairn can achieve its Placemaking Priorities.

Joan Noble (931076)

Supports the non-inclusion of Delnies because: 1) the extensive leisure uses were an important factor in the housing development gaining permission and therefore a housing only component shouldn't be taken forward; 2) inadequate infrastructure capacity such as A96 congestion, water and sewerage; and, 3) loss of agricultural land outwith the town. Also supports non-inclusion of Nairn South because without £4M investment in the local road network then development cannot take place.

John Gordon & Sons Limited (1312476)

Supports the non-inclusion of Nairn South (allocated as NA6 in the aIMFLDP) because: 1) any development not associated with the sawmill at Nairn South will landlock the sawmill and determine its development prospects for all time; 2) any impact on the operating requirements of the sawmill would be seriously prejudicial to the town, the economy, the company, the public interest and the housing market; 3) a number of transport related issues have yet to be resolved and the allocation of land at Nairn South is subject to consideration of transport and infrastructure - the main link to Nairn requires access to be taken under the railway bridge at the junction of Cawdor Road and Balblair Road, which is a notorious bottleneck and simply does not support the additional housing at Nairn South without a major reconfiguration of the railway underpass and these issues will not be remedied by the proposed A96 bypass; 4) significant conflict between the residential and industrial land uses, contrary to Policy 28 of HwLDP and development will not promote good mental health or wellbeing due to the impact of existing and increased industrial noise and traffic in the area, a position strengthened through the Planning (Scotland) Act 2019, and the conflict also extends to transport as the sawmill's activities include around 65 HGV movements per day into and out of the sawmill (both ways) as well as the potential intensification of sawmill activities either side of Balblair Road; and, 5) other more viable sites should be taken forward over Nairn South.

The proposed buffer between the industrial and residential sites is within the Nairn South allocation and the responsibility of others and must also be acknowledged in policy. The width/depth of a buffer should derive from a Noise Impact Assessment based on the uses and activities the sawmill proprietors propose.

Supports allocation NA07: Sawmill Expansion because: 1) the principle of development has been established in successive the local development plans since 2000 with an explicit requirement to take into account the need of the sawmill to expand and there is extant planning permission for the extension of the sawmill; 2) the sawmill is a major contributor to the local economy an expanding business and the town's largest employer and therefore essential to Nairn's prospects; and, 3) Any impact on the operating requirements of the sawmill would be seriously prejudicial to the town, the economy, the company and the public interest and the housing market.

#### The Nairn Consortium per Ryden (1271337)

The Consortium of landowner and developers object to the non-inclusion of Nairn South which is allocated in the aIMFLDP for mixed use development (including 520 housing units, employment and community uses) under site reference NA8: Nairn South, for the following reasons: 1) it is a logical and sustainable southern expansion of the existing settlement and can deliver the priorities in the Plan and national planning policies; 2) the other proposed large expansion sites are not effective (objections have been lodged to NA04: Sandown and NA05: Nairn East), whereas the Consortium are committed to delivering Nairn South; 3) it is a sustainable location which can deliver a 20 minute community and benefits from close proximity to the town centre, schools and other facilities and has direct train links to other key destinations; 4) it can deliver the proposed expansion of the Sawmill, which is under the Consortium's control, for additional employment opportunities; 5) the site has an associated planning history and the Council's actions were contrary to Scottish Planning Policy in not assisting with its progression; 6) detailed information has been provided in support of the proposal [redacted], including evidence that shows how appropriate mitigation can be delivered in terms of improving the transport network and updated masterplan; 7) there is collaboration now between all landowner and developer interests and this has allowed for opportunities to further enhance transportation and accessibility of the site; and, 8) the Consortium, along with much of the wider development industry and their representative, Homes for Scotland (HFS) share concerns over the Council's approach to identifying housing need and demand and considers there to be a shortfall in the land allocated for housing in Nairn.

#### Nairn West & Suburban Community Council (1323971)

Supports the non-inclusion of land at Delnies for Housing development because: 1) despite two planning consents nothing has been built; 2) it is recognised by Council officials that development of that site (especially for housing alone), separate and detached from the town, would be inappropriate; 3) housing development in the absence of the rest of the facilities which gained it planning permission (leisure, recreation and tourism) should not be allowed; 4) limited infrastructure capacity; and, 5) car dependent development on greenfield land is not consistent with planning policies.

Supports the non-inclusion of development allocations at Nairn South unless the infrastructure is in place first. This development is completely hamstrung by the Railway Bridge on Cawdor Road. Necessary road improvements before any development starts at Nairn South are estimated at over £4 million. Sewerage infrastructure would depend on major expenditure to separate surface water and sewage all the way to the sewage works.

Sheena Baker (1323994)

Supports the 'Fort Reay' area being developed along the lines of the pre planning drawings and ethos presented to the community May 2022.

### **Placemaking Priorities**

Nairn BID (Lucy Harding) (1312297)

Supports the Placemaking Priorities and particularly town centre regeneration, developing tourism opportunities, harbour development plans and active travel plans. Most important is the A96 dualling and subsequent detrunking within the town. Many of the desired objectives in the plan have been carried out by Nairn BID in the last 4 years. There is a need for a Local Place Plan and Nairn BID are keen to work collaboratively with the Council and others.

Nairn River Community Council (1312260)

Support the existing Placemaking Priorities and suggest an additional one for inclusion: "strengthening of local businesses and industry in Nairn through the provision of industrial and business land to enable expansion and growth and increase local employment opportunities". All of the priorities can only be fully realised once Nairn's considerable infrastructure deficiencies have been addressed and improved. Requests that housing development is focused in small, well designed and environmentally friendly clusters similar to that at Househill and Firhall. Opposes volume house building in Nairn. Emphasises the need for a Local Place Plan and for it to take primacy over the local development plan.

Nairn West & Suburban Community Council (1323971), Joan Noble (931076)

Support the Plan's vision for the future of the Inner Moray Firth area and Placemaking Policies for Nairn but states there must be means to deliver them. In terms of Nairn, the priorities are:

- 1) Environment - safeguard and enhance the natural environment, greenspaces and green networks. This is essential for the tourism industry which Nairn relies heavy on;
- 2) Town Centre - recycling of buildings and land to achieve a carbon clever community and preserve quality farmland. Support people living and working locally with the refurbishment of older town centre buildings and that this be identified as an explicit objective. Objects to any out-of-town retail and requests that parking remains free and protected from redevelopment.
- 3) Infrastructure - Nairn has been identified as a 'growing community' in the Plan but its infrastructure is under significant capacity pressures already (e.g. roads, schools, employment opportunities and environmental impacts). An 'Infrastructure First' approach is needed to support a growing community. Provision of fully functional modern sewage and water systems with no pollution of water courses or sea. Early commitment to Nairn bypass is essential to address congestion and safety issues and adding more users now is unacceptable. Endorses the support set out in the Ardersier section of the Plan for delivery/completion of the Moray Firth Coastal Trail and it merits greater priority in the Plan and deserves mention in the Nairn section.
- 4) Employment - More high quality local employment must be created to reduce commuting and support other local businesses. Requests that the Plan provide scope for expansion and more businesses at existing industrial and business sites at Balblair, Grigorhill and Balmakeith and that Nairn is granted Enterprise Zone status as per Forres and Inverness.
- 5) Housing - Not opposed to additional housing but infrastructure must be delivered first, development proportionate to the identified need and a focus on delivering 20 minute communities.
- 6) Localism - The Council to led on a localism policy which provides an equal share of resources to Nairn with a thriving town centre and a full range of its own services and facilities. Local Place Planning must take place, to focus on what the community's vision is for Nairn, its wants and needs.

Nairn Improvement Community Enterprise (NICE) per Alastair Noble (966948)

Confirms commitment to facilitate a Local Place Plan for Nairnshire and that the Economic Development Forum is an essential component of delivering the needs for Nairnshire.

Peter Stuart (1312488)

Supports many of the priorities, especially the implementation of a Local Place Plan. This plan should be in place before a strategic plan is drawn up.

**NA01: Achareidh**

Ann Dawson (1324035)

Objects because of need for adequate water and sewerage provision and adequate access to A96.

Bob Thwaites (1312395)

Objects to development and seeks protection of the land for enhancement of the wildlife habitat. Supports the Plan's desire to protect the wooded areas in this location and address the problem of vehicular access. Seeks protection of the wildlife habitat, to achieve greater biodiversity and better access to nature for the local community as a means of delivering positive benefits for the local community and environment.

Brigitte Stuart (1312489), Peter Stuart (1312488)

Object to the allocation due to a lack of infrastructure in Nairn but favour it over adjacent allocations as it is assumed suitable access can be delivered. Support subject to protection of red squirrels and pine martens.

David Blair (1310839)

Objects to development because: 1) well established red squirrel population within the allocation; 2) vehicular access is difficult to achieve; and, 3) no development should take place in Nairn until the A96 bypass is delivered.

Flora Wallace (1323494)

Objects to any development until infrastructure is in place, i.e schools, bypass and healthcare provision. Queries the access arrangements to the site; i.e., whether trees will need to be felled, whether the historical importance of the drystone wall at Tradepark Road (believed to be used by Bonnie Prince Charlie's army in 1746) has been taken into account, and whether the part of the road verge which is owned by the respondent will be used.

Hamish Bain (1105044), Veronica Mackinnon (1323170)

Object to all development allocations due to the lack of infrastructure and will continue to do so until all deficits are improved or resolved.

Kenna Warren (1310340)

Supports the allocation as it is a good chance to have a small housing development within Nairn.


Nairn Access Panel (1312032)

Questions what the plans are to ensure accessible active travel routes within the proposed housing developments, and their links to and from the town centre, e.g. the poor state of the Newton Path surface, particularly at the north end, requires extensive work to enable disabled people to traverse.

Nairn River Community Council (1312260)

Supports the allocation subject to the connection to the public sewer via the sewage works at Ardersier.

R D Gordon per GHJ (1312291)

Landowner supports the allocation because it: 1) is well positioned in terms of sustainability and location helps to deliver the Plan's objectives, particularly in delivering a consolidated expansion of Nairn, and 20 minute communities as per the draft NPF4; and, 2) will provide for a range of local housing requirements. Further information supplied  including details of two parcels of developable land (approx. 7ha) and proposed access arrangements.

Sheena Baker (1323994)

Supports the allocation but only after the town's infrastructure is radically rectified. Assumes road access can be suitably achieved following completion of the A96 bypass and seeks housing is more aesthetically pleasing than existing development at Achareidh.

**NA02: Former Showfield East**



Ann Dawson (1324035)

Objects because of inadequate parking and access to A96.

Alan Bulcraig (1312334), Alex Rankin (1311653), Ashleigh Bulcraig (1312214), Colin Macgregor (1323206), Ian Bryce (1311451), Jane Patience (1312367), Kathleen Grant (1324226), Norman Macleod (1312038), Sheena Baker (1323994), Shelagh Carson (1324195), Veronica Mackinnon (1323170)

Respondents object to the allocation for one or more of the following reasons: 1) it is a popular, safe, accessible and well located green space which is used by a variety of people and for a wide range of uses (e.g. dog walking, children's play area, formal sporting activities) and should be protected from development for the benefit of people's health and wellbeing and sports facilities enhanced (the football team have a 99 year lease); 2) the land proposed for development is used for parking during events and activities; 3) private views from neighbours houses will be obstructed by development; 4) the road network is already constrained, with several recent accidents and problems for ambulances during emergencies. Development will create additional traffic pressures and safety issues, including for pupils walking to school. If access is to be created, it would be better from the existing A96 after the bypass is completed; 5) the land supports important wildlife, such as woodpeckers inhabiting the trees; and, 6) the proposed site is flat but the other end, closest to the A96, is sloping and not suitable for sports.

Nairn Access Panel (1312032)

Seeks provision for a safe crossing for pedestrians of all-abilities to the only pavement on Lodgehill and to provide a pavement on both sides of Lodgehill Road.

Brigitte Stuart (1312489), Hamish Bain (1105044), Nairn River Community Council (1312260), Peter Stuart (1312488),

Objects to the allocation because: 1) the road network is already constrained; and, 2) all infrastructure deficiencies (e.g. A96 Nairn Bypass, water and sewerage, health and social services) need to be resolved prior to any new build development in Nairn.

Nairn West & Suburban Community Council (1323971)

Objects to the allocation because: 1) it is a valued green space in the centre of town and is increasingly used for men's and women's football teams; 2) there are access problems both from Lodgehill Road and the A96; and, 3) development of sports fields does not accord with government policy.

**NA03: Nairn Town Centre**

Ann Dawson (1324035)

Objects because of inadequate parking and access to A96.

Douglas Mackenzie (1323193)

Objects to any more development in the town centre (assumed) because: 1) greater priority should be given to the delivery of the bypass and congestion issues; and, 2) it may result in further loss of parking spaces.

Nairn Access Panel (1312032)

All areas must have step-free, safe pavement access to all pedestrians (specific design and layout comments provided). Examples of poor provision include inappropriate dropped kerbs at the A96/Library and the inaccessibility of the pavement from the Co-op to King Street roundabout. There is a need to create a safe, accessible and easily recognisable route from the town centre to the Links area of the town

Brigitte Stuart (1312489), Hamish Bain (1105044), Hilary Wilson (1324205), Ian Bryce (1311451), Joan Noble (931076), Nairn River Community Council (1312260), Nairn West & Suburban Community Council (1323971), Peter Stuart (1312488), S Calder (1323136), Sheena Baker (1323994), Shelagh Carson (1324195), Stephanie Hume (1324186), Susan Hume (1324184), Veronica Mackinnon (1323170)

Support regeneration of the town centre and highlight one or more of the following priorities for the area: 1) redevelopment of existing disused and run-down buildings to residential, commercial and community uses, especially the many unused upper floors, to ensure a vibrant, strategic market,



service and social centre for Nairnshire. Developers should be required to develop in the town centre and deliver their affordable housing contribution there; 2) the retention of significant footfall uses and developments as mentioned in Policy 6, including Nairn Library, museum, theatres. Suggestions are made about specific buildings and possible future uses; 3) retention of local built heritage, including the former social work building; 4) protection of free, central car parking spaces from redevelopment and to encourage residents from all outlying settlements, and visitors/tourists; 5) Nairn Town Centre Plan should be reviewed in the light of the issues with the recent flatted development in the town's car park, which had been designated for buses; 6) there should be no further out of town retail development as proposed in the NPF4 Policy 25; and, 7) support for delivery of a Local Plan Place which is being prepared.

Norman Macleod (1312038)

Believes car parking in Nairn town centre is lacking, particularly during the tourist season, and this underprovision has been exacerbated by the new building.

**NA04: Sandown**

Ann Dawson (1324035), Brigitte Stuart (1312489), Chris Meecham (1261509), David Wilson (1323061), James Hodgkis per RR Urquhart (1323132), Hamish Bain (1105044), Ian Bryce (1311451), Joan Noble (931076), Nairn River Community Council (1312260), Nairn West & Suburban Community Council (1323971), Norman Macleod (1312038), Peter Stuart (1312488), Sheena Baker (1323994), Shelagh Carson (1324195), Stephanie Hume (1324186), Susan Hume (1324184), Veronica Mackinnon 1013 (1323170)

Respondents object to the allocation and request that it be changed to protected green space and for community uses for one or more of the following reasons: 1) it is inalienable Common Good Land and is therefore legally constrained (through a Council-led consultation, the people of Nairn, and the Community Councils made it overwhelmingly clear (97%) that they do not want this asset sold off for housing) and therefore the Council have no legal right to sell it for housing; 2) there is an over provision of housing; 3) there is insufficient infrastructure capacity to support any significant new build development in Nairn and infrastructure must be provided first, and not be charged against Nairn Common Good Fund; 4) due to the current economic climate, now it not the time to consider selling it; 5) other uses should be explored, particularly those which retain the land for community benefit and enhance the environmental qualities (one respondent suggests some housing may be appropriate but only as decided by the community to tie in with other uses); 6) the land is a haven for wildlife, including protected species such as badgers; 7) residential and commercial development should be located in the town centre; 8) noise and disruption over a period of 5-10 years would be detrimental to the amenity of surrounding properties; and, 9) the local road network around the site is poor and an accident blackspot.

Nairn Access Panel (1312032)

Seeks the provision of a safe crossing to allow pedestrians of all-abilities to cross the A96 trunk road.

The Nairn Consortium per Ryden (1271337)

Objects to the allocation because it may be ineffective because of its inherent legal (Common Good) and deliverability constraints. Cites that 85% of all respondents to a recent consultation on the Sandown Common Good Land were clearly opposed to its disposal by sale.

Tracy King (1323540).

Questions what guarantees can be given that the current residents of Nairn as well as new residents would benefit from the proceeds of any sale of the Common Good Land.

**NA05: Nairn East & NA06: East of the Retail Park**

Ailsa and Alex Russell (1324210), Alan Calder (1324548), Alan McIntosh (1324270), Alisdair and Carol MacLean (1324193), Andrew and Christina Jury (1324207), Angus Macleod (1324183), Ann Dawson (1324035), Anne Balsanelli (1324208), B and L Drayton (1324203), Brigitte Stuart (1312489), Dave Rennie (1323505), David Wilson 903 (1323061), Dawn McKinstrey (1324000), Elsa Main (1323537), H Anderson (1324211), Hamish Bain (1105044), Hilary Wilson (1324205), GF Job Ltd (1323039), Ian Bryce (1311451), J Wells (1324219), Jamie Calder (1324204), Jean McIntosh (1324217), Joan Noble (931076), Julien Macnab (1324218), Kirstin Laing (1312474), L Aitken (1324209), M Blakebrough (1324216), Mark Gunn (1312546), Mr & Mrs J Thomson

(1324202), Nairn River Community Council (1312260), Nairn West & Suburban Community Council (1323971), Norman Macleod (1312038), Peter Stuart (1312488), S Calder , (1323136), Shelagh Carson (1324195), Stephanie Hume 1378 (1324186), Susan Hume (1324184), Tulloch Timber (Nairn) Ltd (1312481), Veronica Mackinnon (1323170), Violet and Gordon Fraser (1324206), William Johns-Powell (1324201)

The following grounds of objection have been raised by one or more of the respondents against NA05: Nairn East, with some of the respondents raising similar grounds of objection against NA06: East of the Retail Park.

*Impact on local services and infrastructure* – the significant increased population (estimated by some respondents to be between 1,500-3,400) will put pressure on already overstretched and substandard infrastructure and services.

- Impact on water and wastewater infrastructure – queries regarding the proposed upgrades to both water and wastewater treatments systems.
- Impact on schools – any new facilities must include suitable land for primary and nursery school provision and sports/parking etc.
- Impact on health facilities and emergency services – questions how this will be addressed as there are already significant waiting lists for NHS doctors and dentists. If development happens then healthcare facilities should be provided on the site.
- Infrastructure capacities must be sufficient for the higher end of the indicative capacity (850 units).
- Land safeguards are needed for the gas pipeline and electricity cables which pass through the site.
- All infrastructure deficiencies must be resolved (e.g. traffic congestion, lack of water and problems with pressure, sewage overflows, flooding, electricity outages due to capacity limits and poor digital connectivity) prior to any development of the site. Belief that NPF4 Policy 8 Infrastructure First requires infrastructure to be delivered before development.

*Impact on the transport network* – the current road network cannot cope at present let alone with any additional traffic. Granny Barbour Road is in part a single-track road and is already busy with HGV traffic to the industrial sites and poses a safety risk. It is still uncertain when the A96 dualling project including Nairn Bypass will go ahead, if at all given the emphasis on modal shift. Given the poor existing network, the completion and operation of the A96 Nairn Bypass is essential, and no development should take place until it is complete.

*Flood risk* – large parts of the site, and surrounding area, are at risk of flooding with the Auldearn Burn bursting its banks in the past. Development would have downstream flooding impacts, e.g. at Fishertown. This issue will be made worse by climate change. SEPA identified the burn as less than good status for its physical condition. A flood study was due to follow in 2022 but it has been delayed until 2025, this should be completed before development.

*Environmental impacts* - due to the increasing need for food security, high quality farmland should be safeguarded from development. Development of greenfield land will only have adverse impacts on the environment, including on protected species. It would also lead to air and noise pollution and impact on the views of existing properties. The area is rich in wildlife and an important habitat.

*Planning history* – the Reporter dismissed the site as part of the aIMFLDP Examination Report. The Council aligned with this position at the Main Issues Report stage in 2020 and identified the land as 'non-preferred'. Both documents cited infrastructure constraints for not supporting it. No consultation has been undertaken or clear justification provided by the Council for now proposing to allocate it for development. The Proposed Plan allocation coincided with the developer submitting a Proposal of Application Notice (POAN). Lochloy is an example of how the necessary infrastructure (e.g. drainage, transport and education) has not been delivered as part of development. The same developer (Springfield) is leading Nairn East. Developers' promises/mitigation are never delivered.

*Community aspirations* - the people of Nairn do not want the development and this should be listened to. The community want to carry out a Local Place Plan to determine their own future and development proposals.

*No need for scale of development* - there is no housing need to justify such an allocation.

*Incompatible Neighbouring uses* – the site is adjacent to a pet crematorium, cemetery, electrical substation, and industrial estates. Residential development should not be in close proximity to these uses.

*Impact on adjoining businesses*

- adjoining industrial businesses are major employers in the town and will be significantly impacted by housing development at Nairn East. The land should be allocated/protected for industrial and business uses to allow existing and new businesses to grow. The Agent of Change principle aims to protect existing businesses from housing development on neighbouring land. The Plan does nothing to protect the businesses. Heavy industry and housing in close proximity are incompatible uses and to ignore this issue would go against Council/national policy.
- Respondents include the two largest employers at the Grigrohill Industrial Estate including Tulloch Timber Ltd and GF Job Ltd. Alongside these are submissions from Gordon Shearer Plant Hire, More Plant and Building Ltd and Pet Crematorium [1]. Detailed information is provided from these businesses [1], including scale (such as number of employees and turnover), operational requirements (such as transport movements and operating hours), future expansion and investment plans and risks arising from the proposed development. Details of another, growing haulage business operating out of part of the sawmill site are also provided by Tulloch Timber Ltd. Key additional issues raised by the two businesses include: 1) the need for the business to invest in substantially more security and safety measures to protect itself and residents, and potentially add sound proofing mitigation, all of which are not required at present and would be a significant expense; 2) no reference is made in the Plan to the existing adjoining industrial estate in relation to the type of activities or expansion requirements and the issues which will inevitably arise due to a residential development; 3) if there was an opportunity to expand the business in Nairn, combined with improved road network links for HGVs, there would be incentive to operate only from Nairn, providing additional employment to the area; 4) the Council's decision not to support Nairn South is based on the impacts on the transport network and the adverse impact on the operations of the adjoining sawmill, this position contradicts that at Nairn East which is very similar.

*Other points raised by one or more of the respondents*

- A requested reduction in the scale of the proposed housing development. One respondent suggests a 50% reduction and another suggests 10ha (enough for 40 houses) west of the cemetery to be retained.
- Residential development may be suitable in the long term when infrastructure is delivered but not now.
- Mitigation must include flood prevention along the Auldearn Burn adjacent to Balmakeith park and replacement of the inadequate culvert.
- Nairn River Community Council, along with some other respondents, want the area allocated for industrial and business uses. One respondent suggests 40ha for commercial expansion adjoining Grigrohill Industrial estate.

Nairn Access Panel (1312032)

Requests that a new pavement be provided on both sides of the road, reaching the Househill development retail units, with a safe crossing to the Househill development. Also a safe, accessible and easily recognisable route from the town centre to the Links area of the town.

The Nairn Consortium per Ryden (1271337)

Objects because: 1) it directly conflicts with the overarching planning and placemaking objectives, particularly the attempt to 'consolidate the expansion of Nairn with growth focussed on areas which are well connect to the town and facilities and can deliver improved active travel links', which is identified as a key Placemaking Priority within the Plan. The Strategic Environmental Assessment (SEA) highlights the conflicts; 2) the Council identified the site as 'non-preferred' at Main Issues Report stage on the grounds of its distance to the town centre and, need for significant infrastructure and flood risk but has undertaken a U-turn without any justification; and, 3) Nairn South is a more

appropriate site, being much closer to the town centre and key facilities, contained within the landscape, and has the potential to maximise the benefits of the planned A96 bypass.

Sheena Baker (1323994)

Supports the principle of development on the site but not until the town's infrastructure has been upgraded first, including wastewater and flood prevention / mitigation measures.

Springfield Properties PLC (1147956)

Supports the allocation because: 1) respondent undertook and submitted comprehensive written representations and supporting documentation covering transport, flood risk, environmental considerations and a developer framework. The intention is to refine these documents and make them available for public comment as an integral part of the Development Brief process, prior to submitting a formal application for planning permission to the Council; 2) the supporting information shows that there are no insurmountable physical, infrastructural or environmental constraints to future development and compares favourably within the Government's 'effectiveness' criteria; 3) respondent is fully committed to an inclusive and wholly transparent public engagement exercise as part of the preparation of the site Development Brief (as required in the Plan); 4) the site could successfully accommodate a sensitively designed housing-led mixed-use development which embraces the landscape characteristics of both the immediate and wider surrounding area; 5) the proposed development could effectively integrate with the existing transport network following the introduction of a series of non-car promoting measures and sustainable transport initiatives; and, 6) Springfield Properties has an established track record in delivering houses on allocated land in Nairn, whereas all other housing allocations have failed to be delivered.

**NA07: Sawmill Expansion**

Ann Dawson (1324035)

Comments that the allocation's impact on traffic in and around Nairn needs to be carefully planned.

Jean McIntosh (1324217)

States "Total madness, where is the infrastructure for roads, schools etc etc"

John Gordon & Sons Limited (1312476)

Supports the allocation because: 1) it has been supported within the local (development) plan since year 2000 and site benefits from an extant planning permission for an extension of the sawmill; 2) the sawmill is a major employer; and, 3) its potential to grow and remain competitive is essential to Nairn's prospects. The Plan should follow the provisions in the HwLDP and the Nairn South Strategic Masterplan. Reference should be specifically made to avoiding any potential impact on the expansion of the sawmill. Allocation of the land at NA07 as Sawmill Expansion is separable from the additional provision of a buffer on other adjoining land forming part of NA06, if allocated. This buffer is required to protect against noise, dust, odours, and fumes. Provision of an adequate buffer to protect any users of land outwith the sawmill against any potential current and future use of the allocated sawmill site is, and should be, the responsibility of others and must also be acknowledged in policy. Comments relating to Nairn South are provided above within the Settlement Map section.

Nairn Access Panel (1312032)

States that there is a lack of provision of pavements on Balbair Road from the sawmill to Cawdor Road. Development of the site should include provision of a safe paved route for pedestrians from the sawmill to the Cawdor Road, and a safe crossing at Cawdor Road.

Brigitte Stuart (1312489), Hamish Bain (1105044), Ian Bryce (1311451), Nairn River Community Council (NRCC) (1312260), Peter Stuart (1312488), S Calder (1323136), Stephanie Hume (1324186), Susan Hume (1324184), Veronica Mackinnon (1323170)

Respondents support the allocation because the sawmill is a major employer in the town and its expansion would enable further employment and support the Agent of Change principle. One respondent requests that the allocation is extended to allow for further expansion of the sawmill to increase employment and grow the economy. In order to ensure a Nairn Bypass is in place as soon as possible, the NRCC suggests a change to a more cost effective solution of a single lane carriageway bypass with three roundabouts one at Nairn South, which would open up Nairn South for further industrial expansion and development

## **Modifications sought by those submitting representations:**

### **Nairn General**

Alan Calder (1324548), Alan McIntosh (1324270), Ailsa and Alex Russell (1324210), Alisdair and Carol MacLean (1324193), Andrew and Christina Jury (1324207), Angus Macleod (1324183), Anne Balsanelli (1324208), Ann Dawson (1324035), B and L Drayton (1324203), Brigitte Stuart (1312489), Dawn McKinstrey (1324000), Elsa Main (1323537), H Anderson (1324211), Hilary Wilson (1324205), Ian Bryce (1311451), J Wells (1324219), Jamie Calder (1324204), Jean McIntosh (1324217), Julie Knight (1323137), Julien Macnab (1324218), L Aitken (1324209), M Blakebrough (1324216), Mr & Mrs J Thomson (1324202), Peter Stuart (1312488), S Calder (1323136), Shelagh Carson (1324195), Stephanie Hume (1324186), Susan Hume (1324184), Tracy King (1323540), Veronica Mackinnon (1323170), Violet and Gordon Fraser (1324206), William Johns-Powell (1324201)

These respondents seek a change in the Nairn content of the Plan to state opposition to any significant new build housing development in Nairn until infrastructure capacity issues have been resolved, including within the transport network, healthcare, schools, community and leisure facilities, water, sewage, electricity, public transport provision.

#### Ann Dawson (1324035)

Seeks an absolute and unwavering commitment that new schools will be provided.

#### David Wilson (1323061)

Seeks a Plan restriction on significant new build housing development in Nairn until the Placemaking Priorities have been delivered.

#### Joan Noble (931076)

None stated but seeks further consultation on any future Active Travel Plan.

#### Kate McArdle (1312033)

None stated but seeks clarity on why there is still such need for housing and the status of the plans for flood defences in Nairn.

#### Nairn Access Panel (1312032)

A Plan requirement for step-free access within Nairn Railway Station to ensure access to all the services (assumed). Seeks clarity on the plans for ensuring accessible active travel routes within the proposed housing developments, and their links to the town centre. All areas must have step-free, safe pavement access to all pedestrians and safe crossings with improved connections to the Links.

### **Nairn Settlement Map**

#### Cawdor Maintenance Trust per Galbraiths & AF (1312525)

Add the site referenced NA6: Delnies in the adopted IMFLDP as a Housing allocation.

#### Forbes per G&G (1271817)

Add a site at Moss-side Road to the Plan as a Housing allocation.

#### Joan Noble (931076)

None stated.

#### John Gordon & Sons Limited (1312476)

None stated. However, if NA8: Nairn South as per the aIMFLDP is reintroduced then the Plan should acknowledge that the proposed buffer between the industrial and residential sites is on the 'Nairn South' allocation and is the responsibility of others. The width/depth of a buffer should derive from a Noise Impact Assessment based on the uses and activities the sawmill proprietors propose.

#### The Nairn Consortium per Ryden (1271337)

Add the site referenced NA8: Nairn South in the aIMFLDP for mixed use development (520 housing units, employment and community uses). Amendment of the Developer Requirements to confirm



that a strategic masterplan for the site would be a developer-led requirement as opposed being Council-led.

Nairn West & Suburban Community Council (1323971)

None stated.

Sheena Baker (1323994)

Add the 'Fort Reay' site to the Plan as a housing allocation (assumed).

### **Placemaking Priorities**

Nairn BID (Lucy Harding) (1312297)

None stated.

Nairn River Community Council (1312260)

Addition of the following additional Placemaking Priority: "strengthening of local businesses and industry in Nairn through the provision of industrial and business land to enable expansion and growth and increase local employment opportunities". Removal of all large-scale housing allocations and replacement with smaller-scale allocations (locations unspecified) (assumed).

Nairn West & Suburban Community Council (1323971)

Addition of a similar reference to Nairn section as per Ardersier section in relation to the delivery/completion of the Moray Firth Coastal Trail and provide greater priority elsewhere in the Plan. Allocation of land for expansion of existing industrial and business sites at Balblair, Grigorhill and Balmakeith. Addition of Plan lobbying statement that Nairn is granted Enterprise Zone status as per Forres and Inverness.

Nairn Improvement Community Enterprise (NICE) per Alastair Noble (966948)

Addition of a cross reference to the Local Place Plan that is being carried out and its importance (assumed).

Peter Stuart (1312488)

A commitment for a Local Place Plan to be prepared in advance of the Local Development Plan (assumed).

### **NA01: Achareidh**

Ann Dawson (1324035)

A Plan restriction on significant new build housing development in Nairn until infrastructure capacity issues have been resolved, these include within the transport network, healthcare, schools, community and leisure facilities, water, sewage, electricity, public transport provision.

Bob Thwaites (1312395)

Removal of the allocation and a replacement protected green space notation.

Brigitte Stuart (1312489), Peter Stuart (1312488)

A Plan restriction on significant new build housing development in Nairn until infrastructure capacity issues have been resolved, these include within the transport network, healthcare, schools, community and leisure facilities, water, sewage, electricity, public transport provision.

David Blair (1310839)

Removal of the allocation.

Flora Wallace (1323494)

A Plan restriction on significant new build housing development in Nairn until infrastructure capacity issues have been resolved, these include within the transport network, healthcare, schools, community and leisure facilities, water, sewage, electricity, public transport provision.

Hamish Bain (1105044), Veronica Mackinnon (1323170)

A Plan restriction on significant new build housing development in Nairn until infrastructure capacity issues have been resolved, these include within the transport network, healthcare, schools, community and leisure facilities, water, sewage, electricity, public transport provision.



Kenna Warren (1310340)

None stated.

Nairn Access Panel (1312032)

Addition of a Developer Requirement to address the poor state of the Newton Path surface, particularly at the north end, which requires upgrading to enable disabled access.

Nairn River Community Council (1312260)

Addition of a Developer Requirement requiring the connection of any development to the public sewer be via the sewage works at Ardersier.

R D Gordon per GHJ (1312291)

None stated.

Sheena Baker (1323994)

A Plan restriction on significant new build housing development in Nairn until infrastructure capacity issues have been resolved, these include within the transport network, healthcare, schools, community and leisure facilities, water, sewage, electricity, public transport provision.

### **NA02: Former Showfield East**

Ann Dawson (1324035)

Removal of allocation or addition of Developer Requirements to ensure adequate parking and access to A96 (assumed).

Alan Bulcraig (1312334), Alex Rankin (1311653), Ashleigh Bulcraig (1312214), Colin Macgregor (1323206), Ian Bryce (1311451), Jane Patience (1312367), Kathleen Grant (1324226), Norman Macleod 255, 256, 257, 258 (1312038), Sheena Baker (1323994), Shelagh Carson (1324195), Veronica Mackinnon (1323170)

Removal of the Housing allocation and a replacement protected green space notation.

Nairn Access Panel (1312032)

Addition of Developer Requirements to ensure provision for a safe crossing for pedestrians of all abilities to the only pavement on Lodgehill, also beneficial to provide a pavement on both sides of Lodgehill Road.

Brigitte Stuart (1312489), Hamish Bain (1105044), Nairn River Community Council (1312260), Peter Stuart (1312488)

Removal of the Housing allocation from the Plan.

Nairn West & Suburban Community Council (1323971)

Removal of the Housing allocation from the Plan.

### **NA03: Nairn Town Centre**

Ann Dawson (1324035)

Addition of Developer Requirements to ensure development must include adequate parking and access to A96 (assumed).

Douglas Mackenzie (1323193)

Removal of the allocation.

Nairn Access Panel (1312032)

Addition of a Developer Requirement that all areas must have step-free, safe pavement access to pedestrians and to create a safe, accessible and easily recognisable route from the town centre to the Links area of the town (assumed).

Brigitte Stuart (1312489), Hamish Bain (1105044), Hilary Wilson (1324205), Ian Bryce (1311451), Joan Noble (931076), Nairn River Community Council (1312260), Nairn West & Suburban Community Council (1323971), Peter Stuart (1312488), S Calder (1323136), Sheena Baker

(1323994), Shelagh Carson (1324195), Stephanie Hume (1324186), Susan Hume (1324184), Veronica Mackinnon (1323170)

Addition of a requirement to the Nairn section that developers must develop in the town centre and deliver their affordable housing contribution there (assumed). Addition of a Developer Requirement to safeguard central car parking spaces from redevelopment and to remain free of charge (assumed). Addition of a reference to a review of the Nairn Town Centre Plan (assumed).

Norman Macleod (1312038)

None stated.

#### **NA04: Sandown**

Ann Dawson (1324035), Brigitte Stuart (1312489), Chris Meecham (1261509), David Wilson (1323061), James Hodgkis per RR Urquhart (1323132), Hamish Bain (1105044), Ian Bryce (1311451), Joan Noble (931076), Nairn River Community Council (1312260), Nairn West & Suburban Community Council (1323971), Norman Macleod (1312038), Peter Stuart (1312488), Sheena Baker (1323994), Shelagh Carson (1324195), Stephanie Hume 1380 (1324186), Susan Hume (1324184), Veronica Mackinnon (1323170)

Removal of the allocation and replacement with a protected green space notation and/or a only Community use allocation.

Nairn Access Panel (1312032)

Addition of a Developer Requirement for the provision of safe crossing to allow pedestrians of all abilities to cross the A96.

The Nairn Consortium per Ryden (1271337)

Removal of the allocation.

Tracy King (1323540),

None stated.

#### **NA05: Nairn East & NA06: East of the Retail Park**

Ailsa and Alex Russell (1324210), Alan Calder (1324548), Alan McIntosh (1324270), Alisdair and Carol MacLean (1324193), Andrew and Christina Jury (1324207), Angus Macleod (1324183), Ann Dawson (1324035), Anne Balsanelli (1324208), B and L Drayton (1324203), Brigitte Stuart (1312489), Dave Rennie (1323505), David Wilson (1323061), Dawn McKinstrey (1324000), Elsa Main (1323537), GF Job Ltd (1323039), H Anderson (1324211), Hamish Bain (1105044), Hilary Wilson (1324205), Ian Bryce (1311451), J Wells (1324219), Jamie Calder (1324204), Jean McIntosh (1324217), Joan Noble (931076), Julien Macnab (1324218), Kirstin Laing (1312474), L Aitken (1324209), M Blakebrough (1324216), Mark Gunn (1312546), Mr & Mrs J Thomson (1324202), Nairn River Community Council (1312260), Nairn West & Suburban Community Council (1323971), Norman Macleod (1312038), Peter Stuart (1312488), S Calder (1323136), Shelagh Carson (1324195), Stephanie Hume (1324186), Susan Hume (1324184), Tulloch Timber (Nairn) Ltd (1312481), Veronica Mackinnon (1323170), Violet and Gordon Fraser (1324206), William Johns-Powell (1324201)

Most respondents seek removal of allocations NA05: Nairn East and NA06: East of the Retail Park. A smaller number of respondents seek the following modifications: 1) allocate NA05 for Industrial and Business uses; 2) allocate NA05 and NA06 for industrial uses only; 2) a significant reduction in the scale of housing development. GF Job seeks removal of the allocation but if taken forward then requests that there is: zonal buffering between the industrial estate and proposed housing; transport infrastructure improvements; current problems (unspecified) with Lochloy development area addressed; and, land set aside in the Plan for the expansion for existing and new business and industry.

Nairn Access Panel (1312032)

Addition of a Developer Requirement for a new pavement on both sides of the road, reaching the Househill development retail units, with a safe crossing to the Househill development.

The Nairn Consortium per Ryden (1271337)

Removal of allocation.

Sheena Baker (1323994)

A Plan restriction on development of the site until the town's infrastructure has been upgraded first, including wastewater, flood prevention, and subject to suitable flood mitigation.

Springfield Properties PLC (1147956)

None.

**NA07: Sawmill Expansion**

Ann Dawson (1324035)

Addition of a Developer Requirement for transport impacts to be fully assessed and mitigation delivered (assumed).

Jean McIntosh (1324217)

Removal of allocation.

John Gordon & Sons Limited (1312476)

None if Plan content remains unaltered but if Nairn South is reintroduced then seeks that the provisions set out in the HwLDP and the Nairn South Strategic Masterplan be carried forward including the separation of the sawmill expansion from any other development and that that separation buffer be funded and delivered by others.

Nairn Access Panel (1312032)

Addition of a Developer Requirement for the provision of pavements on Balbair Road from the sawmill to Cawdor Road and a safe paved route for pedestrians from the sawmill to Cawdor Road, and a safe crossing at Cawdor Road.

Brigitte Stuart (1312489), Hamish Bain (1105044), Ian Bryce (1311451), Nairn River Community Council (1312260), Peter Stuart (1312488), S Calder (1323136), Stephanie Hume (1324186), Susan Hume (1324184), Veronica Mackinnon (1323170)

Most respondents request that the allocation is extended to allow for further expansion of the sawmill.

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

**Nairn General**

Alan Calder (1324548), Alan McIntosh (1324270), Ailsa and Alex Russell (1324210), Alisdair and Carol MacLean (1324193), Andrew and Christina Jury (1324207), Angus Macleod (1324183), Anne Balsanelli (1324208), Ann Dawson (1324035), B and L Drayton (1324203), Brigitte Stuart (1312489), Dawn McKinstrey (1324000), Elsa Main (1323537), H Anderson (1324211), Hilary Wilson (1324205), Ian Bryce (1311451), J Wells (1324219), Jamie Calder (1324204), Jean McIntosh (1324217), Julie Knight (1323137), Julien Macnab (1324218), L Aitken (1324209), M Blakebrough (1324216), Mr & Mrs J Thomson (1324202), Peter Stuart (1312488), S Calder (1323136), Shelagh Carson (1324195), Stephanie Hume (1324186), Susan Hume (1324184), Tracy King (1323540), Veronica Mackinnon (1323170), Violet and Gordon Fraser (1324206), William Johns-Powell (1324201)

*Legal obligations*

The Planning Authority has a statutory obligation to prepare development plans which provide a framework for the sustainable growth of our communities. The Plan seeks to identify an effective and appropriate level of land supply for housing, employment and community uses to support the current and future needs of each settlement identified in the Inner Moray Firth area.

*Housing requirements*


The Council's approach to identifying the housing land requirement is discussed in greater detail in Issue 3: Housing Requirements. In summary, however, the levels of growth required are identified through various factors, with a key source of evidence for housing being the Housing Need and Demand Assessment (HNDA) . This approach is in line with NPF4 and the process must follow Scottish Government guidance on the subject.

Table 3 '10 Year (2020-2029) Inner Moray Firth Plan Area Minimum Housing Requirement (MHLR) Based on 2020 HNDA' of the Plan sets out the Housing Land Requirement (HLR) for each of the

Housing Market Areas (HMA). For the Nairnshire HMA the 10-year HLR is 515 new homes. This figure is derived from the HNDA (source data) along with several adjustments. These adjustments include an allowance for future "ineffective" housing stock - taking account of the proportion of future house completions that will be "lost" and unavailable to the mainstream affordable and market sectors because they will become second homes, holiday rentals, business use rentals, short term lets/AirBnBs or vacant. It also includes a flexibility allowance to help ensure that the land is effective and available. Recently, this has been set by the Scottish Government within National Planning Framework 4, at 30% for rural authorities such as Highland. Across the Nairnshire HMA, the Plan allocates land for a total of 540 units, with 510 units in Nairn and 30 units in Auldearn.

The new town at Tornagrain is also considered relevant when assessing the housing needs of Nairnshire. Whilst located within Inverness district and therefore within the Inverness HMA, Tornagrain lies only 6.5 miles east of Nairn and has formed an integral part of the growth strategy for the A96 corridor as set out in HwLDP and the aIMFLDP. Tornagrain new town has consent for almost 5,000 homes, alongside a range of community and employment uses. Development has steadily increased since the first housing completions in 2017. This has been matched with the delivery of several key facilities and upgrades to infrastructure. The new train station at Dalcross, which lies less than 0.5 miles to the north of Tornagrain, is also due to open in late 2022 and will provide direct connections with Nairn. In addition, it is noted that there is a potential overprovision of housing land within the Inverness HMA. The HLR for Inverness is 5,726 and the draft Housing Land Audit's estimated programme is for 6,888 completions over the next 10 years.

### *Infrastructure*

In line with the Revised NPF4's Infrastructure First policy direction, the Council has put infrastructure considerations at the heart of the Plan review. Engagement has taken place throughout the process with relevant internal Council services, along with relevant external partners to assess the impacts and the necessary infrastructure improvements required to accommodate the proposed development. Feedback received during the public consultations on the need for infrastructure, and its timing and delivery, has also been taken into account.

In line with the Infrastructure First policy which is being promoted by Scottish Government, these infrastructure upgrades need to be delivered at the right time and in balance with development. See Issue 13: Delivering Development and Infrastructure for more detail on the Council's response to concerns regarding infrastructure needs and delivery.

The main infrastructure and mitigation measures required have been addressed within the Plan itself, i.e. covered by general policies, Placemaking Priorities, Developer Requirements and the associated Delivery Programme [1]. The Environmental Report [2] and Habitats Regulations Appraisal [3] have also been key to this process.

In relation to the A96 Nairn Bypass, the Council acknowledge the significant pressures that the current arrangements have on Nairn and are committed to prioritising its delivery. As highlighted within the settlement text and Placemaking Priorities, the delivery of the bypass is a fundamental priority for Nairn as it will reduce the level of through traffic in the town centre, enable the delivery of a sustainable transport network and create opportunities to transform the dynamics of the town centre. Following feedback provided during the consultation on the Main Issues Report, references to the importance of the A96 bypass in the Plan were strengthened, including showing the proposed route of the dualled A96 on the Nairn settlement map. The status of the A96 Nairn bypass (which has Ministerial consent but, as of yet, no programme for delivery) has also influenced the level of development being supported within the Plan.

In relation to waste and wastewater, the Council engages regularly with Scottish Water about capacity impacts arising from development and plans for network investment across Highland. This work involves considering the status of sites within the Development Plan, but also weighed against other information, such as the latest forecast on build out rates as shown in the Housing Land Audit. To ensure that suitable analysis can be undertaken, and an initial programme of mitigation identified, Scottish Water also encourage prospective developers to engage early with them.

For Nairn, Scottish Water confirmed that Network Impact Assessments for drainage, water and wastewater have been completed in recent years. This has involved modelling the existing network

with consideration of both the individual and cumulative impacts which would arise from potential development sites. The Network Impact Assessments also set out potential mitigation and solutions for ensuring sufficient capacity in the network. In most cases, Scottish Water only commit to investment decisions to upgrade its infrastructure when there is sufficient certainty over the type, scale and location of development, e.g. following planning permission being granted.

Many of the other infrastructure assets highlighted by respondents are not the responsibility of the Council to manage, maintain or upgrade. In these cases, it is the obligation of the infrastructure provider to ensure suitable capacity is in place to accommodate development. For example, the electricity network is the responsibility of the Scottish Government, water and wastewater is the responsibility of Scottish Water and healthcare is largely provided by NHS Highland. Issues relating to inadequacies with the current service or concerns over plans for upgrading of these assets in Nairn should be directed to those public agencies directly.

Many of the other points raised are reflective of the issues highlighted within the Placemaking Priorities for Nairn and some are addressed via specific site allocations in the Plan.

In relation to the other points raised:

- 1) The Council's Education and Learning Service is leading on the site selection for the new secondary school. At present the preferred site is within the grounds of the existing school due mainly to it being within Council ownership and because much of the infrastructure required is already in place. The process to finalise the plans and secure planning permission is ongoing at this stage.
- 2) See the Plan's Glossary for a definition of 'Mixed Use'
- 3) See above and Issue 3: Housing Requirements for the response to concerns about the Council's approach to identifying the housing needs and allocating land.
- 4) Education infrastructure needs are based on a combination of factors, but two of the most important datasets are the School Roll Forecasts and Housing Land Audit [\*\*\*]. Both these sources of data are reviewed and monitored on an annual basis and the pressures can change over time. Consequently, decisions to build new schools are carefully and regularly scrutinised and it is not typically appropriate to require that new schools must be delivered as part of developments.

Accordingly, the Council believes the Plan's content should remain unaltered in respect of these issues.

Ann Dawson (1324035)

The response above sets out the Council's approach to assessing education impacts.

David Wilson (1323061)

The response above sets out the Planning Authority's legal obligations and approach to infrastructure delivery.

Joan Noble (931076)

The active travel masterplans which accompanied the Plan were funded and prepared by Sustrans. As set out in the introduction of the Nairn Active Travel Masterplan, it "has been informed by a rigorous desktop study, a comprehensive stakeholder and public engagement exercise, and by existing and emerging active travel guidance." It goes on to state that "These actions are a starting point that will enable the Council to identify funding to develop detailed feasibility and design of potential options, to undertake public and stakeholder consultation, and implement the actions. All of this subsequent work will be subject to prior approval by elected Members at appropriate Committees."

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

Kate McArdle (1312033)

See above and Issue 3: Housing Requirements for the Council's response to issues relating to housing need. See above and Issue 13: Delivering Development and Infrastructure for more detail on the Council's response to concerns regarding the cumulative impacts on infrastructure and delivery.



In terms of considering flood risk, the Council are currently undertaking the first stage of a Flood Study for Nairn, primarily focussing on flood risk from the River Nairn and Auldearn Burn. This first stage in the process is to develop a baseline hydraulic model of the watercourses and determine the extent of flood risk to adjacent communities. Topographic survey work to help build the model has already taken place and the modelling work is ongoing. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### Nairn Access Panel (1312032)

Nairn Access Panel raises valid design issues which are applicable throughout the Highland region. The existing Local Transport Strategy (LTS) [1] sets out some of the priorities for the needs of disabled people and other groups with specific access requirements. The Council is currently reviewing the LTS and consideration will be given to such needs and engagement will be undertaken with Access Panels. The Council also encourages Access Panels to input into the planning application process. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### **Nairn Settlement Map**

##### Cawdor Maintenance Trust per Galbraiths & AF (1312525)

The Council has not taken forward the site referenced NA6: Delnies in the aIMFLDP as a Housing allocation for several reasons. Firstly, the site is detached from Nairn's existing settlement edge. This issue has the potential to be compounded with the recent decision on 8 August 2022 by the Nairnshire Committee not to proceed with disposal of Sandown lands at this time (allocation NA04: Sandown within the Plan) and, led by Nairn and Nairnshire Community Partnership, and relevant sub-groups as part of an Area Place Planning process, to undertake a fresh review of the future possible uses. This raises uncertainty about how and when the adjoining site will be delivered and raises the possibility that if Delnies were to be developed then it would remain detached for the foreseeable future. As a standalone development, Delnies would not represent a natural expansion of Nairn and would have an adverse impact on the landscape. The accessibility of the site may also be further compromised as public transport provision could be less viable for a standalone development and active travel provision within the Sandown site may not be achievable, at least in the short to medium term. These issues also raise concerns about whether the creation of a school at Delnies (the planning permission requires a school site to be provided at nil cost to the Council) would be in a desirable location.

The 300 homes granted permission under planning reference 08/00080/OUTNA was part of an extensive mixed use development focused around leisure and tourism uses, including a championship golf course, equestrian centre, hotel etc. Whilst there is extant permission in principle for the entire proposal (reference 20/00599/S42, which granted an extension for a further three years on 22nd January 2021) [1], only the housing component appears to have had recent developer interest. Despite the clear position to deallocate the site in the Plan no further formal engagement has taken place and no representations submitted by a developer.

As part of the permission, vehicular access to the Delnies site is by way of a high-capacity roundabout on the A96 trunk road. This is a substantial and expensive piece of infrastructure which, having been unsuccessfully appealed through a Section 42 application (15/04666/S42), raises concerns over the deliverability of the site. The Council, therefore, also continues to have concerns about the deliverability of the site. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### Forbes per G&G (1271817)

Land referenced as 'Lochdhu' at Moss-side Road was submitted as part of the Main Issues Report consultation by the landowner via their agent. The site suggestion was considered by officials in the same amount of detail as all other new site suggestions made at MIR consultation stage. The Council did not undertake a consultation on additional housing sites submitted at MIR stage because the Proposed Plan contains sufficient development sites to meet forecast housing requirements. As set out in the Nairnshire Committee covering report from 1 December 2021 [1], the Council did not consider that the Nairn Housing Market Area required more housing allocations beyond those identified within the MIR. This lack of a quantitative need was a key reason for not giving equal consideration to wholly new housing sites submitted in response to the MIR relative to those within



the approved development plan and/or submitted at Call for Sites stage. As set out above, this position still stands.

Despite this, the Council acknowledge that there is some planning merit to the site. In particular, and in comparison to certain other sites, there are no major or insurmountable infrastructure requirements. Existing active travel links could be utilised and enhanced to key destinations and a bus route exists on Sandown Road and Moss-Side Road. There is a fairly direct active travel connection to the train station but it still lies approximately 2km away. Development of the site would have limited impacts on the landscape given its relatively secluded location, low lying topography and it being bounded by mature woodland. The Council's Forestry Officer has confirmed that, as stated within the Site Promotion Document [1], compensatory woodland has been provided nearby and there is no obligation to replant the site. The Council considers that, as per the respondent's supporting statement, an indicative housing capacity of 100 units would be reasonable (the site extends to 5.45ha which equates to almost 20 units per ha). However, given the removal of woodland cover across the entire site, the provision of green networks (e.g. native species planting) would be necessary to better connect the surrounding networks. It is noted that the indicative layout provided includes areas shown as 'greenspace' [2].

However, the site lies on the western fringes of the settlement and approximately 2.5km from the town centre. There are few facilities near the site or on the western side of Nairn and as a housing only proposal it does not respond to the other needs of the town. It is therefore unlikely to deliver a 20 minute community. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue, unless the Reporter is minded to include it.

Joan Noble (931076)

Support for the Proposed Plan position is noted.

John Gordon & Sons Limited (1312476)

Support for the Proposed Plan position in relation to Nairn South is noted. Given that the Council is not proposing any further change to Nairn South, the suggested additional Developer Requirements are not considered necessary. However, if the site was to be reintroduced by the Reporter, then the Council would support the respondent's suggested amendments to the Developer Requirements.

The Nairn Consortium per Ryden (1271337)

The Council recognises that Nairn South (Mixed Use allocation reference NA8: Nairn South in the adopted IMFLDP) has some planning merit, in particular its close proximity to key facilities including education, health care, town centre and the train station. At first glance, it appears that Nairn South is a logical direction for the strategic expansion of Nairn. The Council also recognise the resources which have been put into delivering the site and ongoing developer interest. However, there are significant transport connectivity constraints between the site and the town centre, including narrow roads, inadequate and absent sections of footpath and bottlenecks. In addition, Balblair Road represents the most direct route into the town from the proposed development site but provides the only access option for John Gordon and Sons' sawmill, a major industrial business and employer in the area. The sawmill, which lies to the north of the site, generates large volumes of HGV traffic which are required to access/egress the sawmill southbound on Balblair Road. With the sawmill spread over both sides of Balblair Road and the way in which it has expanded over time, there are several wide bell mouth junctions required for HGV movements. In addition, the other route into the town is via Cawdor Road which itself becomes narrow as it enters the built environment of Nairn and is further constrained by many adjoining residents parking their cars on the carriageway. Both Balblair Road and Cawdor Road converge at the railway underpass which narrows to a single carriageway and single pavement. The proposed route for the A96 does not include a high capacity junction which could be directly accessed from the south of Nairn. It therefore does not offer a solution to the transport constraints.

In their response, the Consortium identify Cawdor Road as being the main vehicular access for the proposed development to and from the key destinations in Nairn. However, the active travel desire line for many residents would likely be via Balblair Road. A pedestrian railway bridge has been proposed, and the Consortium have indicated through the review of the Plan that it is still deliverable and could be constructed within the early stages of development. However, there are some concerns over both the benefits and deliverability of such infrastructure. Other than providing a link

to the secondary school, it does not appear to provide particularly valuable connections to other key destinations. Also, as has been seen by the recent concept designs issued by the Council for a similar bridge at Lochloy on the east of Nairn [1], when ensuring step-free access and taking into account the additional height requirements for overhead structures to accommodate proposed electrification of the railway line, the bridge and its associated structure require far greater engineering. This will ultimately add to the relatively high infrastructure costs of such a bridge and present amenity issues for residents on the north side of the bridge.

During the Examination of the aIMFLDP, the Reporter placed a requirement on the Council to undertake and adopt a masterplan for the site and set out the transport requirements. Whilst the Council commenced this work with the commissioning of a Nairn South Transport Appraisal Report in 2016 [1], the Council was not in a position to complete the work and fulfil these requirements. Regular contact has occurred during this time between the Consortium and the Council on this matter. The transport appraisal, identified that 320 housing units and business space, could be accommodated at Nairn South with a series of possible options to improve the transport network. The appraisal was issued for public consultation by the Council following its preparation, and several of the possible interventions were challenged by representees.

The Transport Statement, within the respondents supporting information [1], states that they are “confident that the identified solutions could be explored further through a detailed Transport Assessment which identifies a suitable mitigation strategy to accommodate circa 520 homes and mix of uses at Nairn South, as allocated within the extant LDP.” The Council notes that the Consortium now includes all landowners and developers and they highlight that it offers the ability to make improvements to the internal road network. Whilst this may provide some assistance, it does not overcome the major transport challenges.

The development of Nairn South would also bring noise-sensitive properties into an area which currently has existing noise sources, particularly John Gordon and Sons sawmill. To inform the Plan review the applicant has submitted a review of the noise impact assessments to date [1]. In reviewing this, the Council’s Environmental Health Officer notes that it has taken into account future expansion of the neighbouring sawmill onto the land allocated as NA07 but, at the same time, that it places the onus on the sawmill to ensure that any future changes do not adversely impact on existing noise sensitive properties. At present, it is not known whether the sawmill has specific proposals for the expansion site. It is likely that further liaison between them and the developers would be required to ensure suitable mitigation is delivered and an up-to-date noise assessment would be required.

Based on the above, the Council is not satisfied that the transport constraints can be suitably overcome to ensure a sustainable, inclusive, safe and accessible transport network. It is considered that the transport issues, which lie at the heart of the decision on the site’s suitability, remain unresolved at this time. Accordingly, the Council believes the Plan’s content should remain unaltered in respect of this issue. As the Council is not proposing a change to the Plan, the suggested amendment to the Developer Requirement to confirm that a strategic masterplan for the site would be a developer-led requirement as opposed being Council-led is not being considered further. However, if the site was to be reintroduced by the Reporter, then the Council would support this amendment to the Developer Requirements.

#### Nairn West & Suburban Community Council (1323971)

Support for the Plan position is noted.

#### Sheena Baker (1323994)

It is assumed that the proposed development referred to by the respondent is for 15 homes at Fort Reay which was submitted to the Council as a Proposal of Application Notice, reference 22/02240/PAN [1]. The site has been suggested too late in the plan making process for the Council to consider its inclusion. Not one of the respondent, landowner and developer lodged bids at Call for Sites stage or comment during the MIR consultation process despite extensive publicity. The land is included within the Nairn Settlement Development Area and is not protected green space. Therefore, should an application for housing or any other use come forward on the site then the principle of development would be supported by HwLDP Policy 34: Settlement Development Areas. Accordingly, the Council believes the Plan’s content should remain unaltered in respect of this issue.

## **Placemaking Priorities**

Nairn BID (Lucy Harding) (1312297)

Support noted.

Nairn River Community Council (1312260)

The suggested additional Placemaking Priority is considered reasonable as it reflects many of the views expressed during this consultation and wider aspirations to strengthen the employment base in Nairn. Therefore, if the Reporter is so minded, the Council would support the inclusion of a Placemaking Priority along the lines of: "Strengthen the local economy and increase local employment opportunities through the protection of established industrial and business sites and support for suitable new sites to enable further growth". See the response above relating to the Planning Authority's approach to infrastructure delivery. As set out in an earlier response, it is not considered a reasonable position to remove all large-scale housing allocations from the Plan. The main site options, including those new sites submitted at Call for Sites stage, for Nairn were shown within the MIR. Within the Plan, many of the smaller sites have been taken forward for inclusion as allocations. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

The Plan already highlights the Council's awareness of the ambitions within Nairn to undertake a Local Place Plan and its support and encouragement for so doing. In line with new legislation, Local Place Plans registered through the Council will not be part of the 'development plan' as defined by the Planning Act but will feed into the preparation of the Local Development Plans. It is also noted that the Nairn and Nairnshire Community Partnership, and relevant sub-groups, are intending to undertake an Area Place Planning process to better coordinate available resources. Whether these two plans, and the process to prepare them, are merged or not, they have potential to build agreement about the challenges and opportunities facing Nairn and help to inform planning and investment decisions. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Nairn West & Suburban Community Council (1323971)

Support for the Plan's vision and the Placemaking Priorities is noted. Whilst some of the Placemaking Priorities are directly related to planning and the local development plan, the delivery of others is reliant on external groups, including community organisations, businesses and partner agencies. The Placemaking Priorities are ultimately aimed at both guiding development decisions and promoting coordinated action amongst stakeholders to deliver the agreed objectives. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue. The delivery of the Moray Firth Coastal Trail is already identified within the Placemaking Priorities for Nairn, as it is for other settlements within the A96 corridor. The business allocation at Balmakeith Industrial Estate (NA10 in the aIMFLDP) was dropped from this Plan as the industrial estate is almost entirely built out. The Plan already allocates land at Balblair (NA07) for the expansion of the sawmill and set out in the list of acceptable uses for NA05: Nairn East, both business and industrial uses are supported at Grigorhill. Enterprise Zones are designated by the Scottish Government and are beyond the remit of the local development plan process. Accordingly, the Council believes the Plan's content should remain unaltered in respect of these issues.

Nairn Improvement Community Enterprise (NICE) per Alastair Noble (966948)

See the Council's response above relating to the role and implementation of the Local Place Plan. The Economic Development Forum has no statutory role within the planning system and is therefore outwith the remit of this Plan.

Peter Stuart (1312488)

Support noted. See the Council's response above relating to the role and implementation of the Local Place Plan.

**NA01: Achareidh**

Ann Dawson (1324035)

See the response above relating to the Planning Authority's legal obligations and approach to infrastructure delivery.

Bob Thwaites (1312395)

The allocation is considered to form part of the effective housing land supply. Despite the large size of the allocation, the developable areas are limited to the open areas of agricultural grazing land. The Developer Requirements already seek to protect and enhance the existing habitats of mature woodland and for a protected species survey to be carried out. Policy 2 'Nature Protection, Preservation and Enhancement' of the Plan also seeks to ensure that development proposals demonstrate a positive contribution to biodiversity. Accordingly, the Council believes the Plan's content should remain unaltered in respect of these issues.

Brigitte Stuart (1312489), Peter Stuart (1312488)

See the response above relating to the Planning Authority's legal obligations and approach to infrastructure delivery. See the response above which relates to concerns raised about the environmental impacts of developing the allocation.

David Blair (1310839)

See the response above relating to the Planning Authority's legal obligations and approach to infrastructure delivery. See the response above which relates to concerns raised about the environmental impacts of developing the allocation. The Council recognises the access constraints which need to be addressed as part of the development and this is reflected in the relatively low indicative housing capacity for the site (30 units). The Plan also already identifies the Developer Requirement for a Transport Assessment/Statement to be prepared including details of suitable access arrangements and upgrades to the public road. Accordingly, the Council believes the Plan's content should remain unaltered in respect of these issues.

Flora Wallace (1323494)

See the response above relating to the Planning Authority's legal obligations and approach to infrastructure delivery. See the response above relating to concerns about the access arrangements to the site. Whilst the Council has no record of the Jacobite army using the wall, if the wall survives from that era, then it is possible it was used (as is the case for others walls between Nairn and Culloden Moor). To protect the wall and any other archaeological remains, if the Reporter is so minded, the Council would support the following Developer Requirements being added: "Retain and restore the dry-stone wall on Tradespark Road wherever possible" and "programme of work for the evaluation, preservation and recording of any archaeological and historic features".

Hamish Bain (1105044), Veronica Mackinnon (1323170)

See the response above relating to the Planning Authority's legal obligations and approach to infrastructure delivery.

Kenna Warren (1310340)

Support for the Plan position is noted.

Nairn Access Panel (1312032)

The Plan already identifies the need for improvements to the active travel network. The particular details of these improvements, including any maintenance issues, will be determined as part of the planning application process and any specific project work. However, if the Reporter was so minded, the Council would support the Developer Requirement being amended to read "improve active travel linkages, including disabled access, through the site..."

Nairn River Community Council (1312260)

A response on the topic of how infrastructure requirements are identified, including wastewater, is set out above.

R D Gordon per GHJ 375 (1312291)

Support for the Plan position is noted.

Sheena Baker (1323994)

See the response above relating to the Planning Authority's legal obligations and approach to infrastructure delivery. In relation to the design of the houses, there is already a Developer Requirement ensuring "sensitive development within the curtilage and setting of the Listed Building".

Accordingly, the Council believes the Plan's content should remain unaltered in respect of these issues.

### **NA02: Former Showfield East**

Ann Dawson (1324035)

The allocation covers the eastern part of the former showfield and access would be taken from Lodgehill Road. As the A96 runs along the western edge it is not reasonable to require access from it. The Plan already identifies the need for enhanced parking provision. Accordingly, the Council believes the Plan's content should remain unaltered in respect of these issues.

Alan Bulcraig (1312334), Alex Rankin (1311653), Ashleigh Bulcraig (1312214), Colin Macgregor (1323206), Ian Bryce (1311451), Jane Patience 471 (1312367), Kathleen Grant (1324226), Norman Macleod (1312038), Sheena Baker (1323994), Shelagh Carson (1324195), Veronica Mackinnon (1323170)

The Council recognises that the former showfield is an important green space, providing a variety of sporting and recreational functions, for both the immediate neighbours and wider community. This is reflected in the majority of the site being identified as a protected greenspace in the Plan. However, the former showfield is an extensive area with parts of it largely under used for the vast majority of the year and there are no known plans to better utilise the greenspace function of the eastern side. The allocation has been reduced in size to approximately half of that allocated in the aIMFLDP, which ensures that the integrity of the wider greenspace is retained. The Placemaking Audit being introduced by the Plan will also ensure that development protects and enhances the traditional local character and design of adjoining properties. In addition, it is considered that the reduced scale of development (20 homes) can be accommodated on the road network whilst allowing the retention of the important formal and informal sporting and recreational functions. The Plan also identifies the need for development to provide an "overall net enhancement of retained greenspace including provision of reconfigured sports pitch of at least equivalent size and quality with sufficient surrounding land for spectators and enhanced parking and access provision". The Plan also seeks to improve the remaining greenspace by requiring the developer to deliver a "permeable layout with enhanced active travel links through the site." In recognition of the requirement to enhance access and parking to the remaining showfield alongside any housing development, and to allow flexibility for any other community uses that fit with the role and function of the former showfield, if the Reporter is so minded, then the Council would support Community being added to the list of acceptable uses.

Nairn Access Panel (1312032)

Whilst there is limited scope for a pedestrian access on the northern side of Lodgehill Road, the Access Panel raise a valid issue about the need for a safe crossing. If the Reporter is so minded, the Council would support amending the last Developer Requirement to read "pedestrian crossing for all-abilities at Lodgehill Road and ensure permeable layout...".

Brigitte Stuart (1312489), Hamish Bain (1105044), Nairn River Community Council (1312260), Peter Stuart (1312488)

See the response above relating to the Planning Authority's legal obligations and approach to infrastructure delivery. See the response above which relates to similar grounds of objection to the allocation.

Nairn West & Suburban Community Council (1323971)

See the response above which relates to similar grounds of objection to the allocation.

### **NA03: Nairn Town Centre**

Ann Dawson (1324035)

As the A96 runs through the allocation there is no need for a requirement stating access be taken from the A96. In terms of car parking, given the nature of the town centre allocation, it is not for the Plan to monitor the availability of parking spaces or specify a requirement safeguarding all spaces from redevelopment. If and when such proposals emerge they will be considered on their merits and against relevant general policies and other material considerations. This includes the Nairn Community Town Centre Plan, referred to in the Proposed Plan, which sets out priorities and options for parking, such as community ownership, more efficient layout, dedicated coach parking etc.



Accordingly, the Council believes the Plan's content should remain unaltered in respect of these issues.

Douglas Mackenzie (1323193)

Town centre regeneration is a key priority both on a national and local level. The Plan includes a Town Centre First Policy which directs development to the centre in the first instance. The regeneration of Nairn town centre has been a key priority for both the Council and the community for many years and the allocation is aimed at highlighting the variety of exiting opportunities for redevelopment and renovation and better utilisation of the spaces available. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Nairn Access Panel (1312032)

A response has been provided above on the general principles of improving disabled access. The fifth Placemaking Priority identifies the need to "Further regenerate and enhance the harbour as a leisure and tourist destination and create better connections with the town centre." In relation to the point raised about the connections to the Links, if the Reporter is so minded, this statement could be amended to accommodate this "Further regenerate and enhance the harbour as a leisure and tourist destination and create better and more defined connections with the town centre and the Links"

Brigitte Stuart (1312489), Hamish Bain (1105044), Hilary Wilson (1324205), Ian Bryce (1311451), Joan Noble (931076), Nairn River Community Council (1312260), Nairn West & Suburban Community Council (1323971), Peter Stuart (1312488), S Calder (1323136), Sheena Baker (1323994), Shelagh Carson (1324195), Stephanie Hume (1324186), Susan Hume (1324184), Veronica Mackinnon (1323170)

The proposed Town Centre First Policy in the Plan promotes and supports many of the issues raised by respondents, such as directing development (including housing) to the town centre, redevelopment of underutilised buildings and restricting out of town retail. However, the Plan is not the most appropriate place to identify specific buildings or uses for redevelopment or change of use. The Local Place Plan, Area Place Plan and/or Town Centre Plan are more suitable for specific proposals such as those suggested to be considered further. Due to the limited size and development opportunities available within the town centre, it is not a reasonable position to direct all housing development to the town centre. The concerns about car parking have been responded to above.

Norman Macleod (1312038)

The concerns about car parking have been responded to above.

**NA04: Sandown**

Ann Dawson (1324035), Brigitte Stuart (1312489), Chris Meecham (1261509), David Wilson (1323061), James Hodgkis per RR Urquhart (1323132), Hamish Bain (1105044), Ian Bryce (1311451), Joan Noble (931076), Nairn River Community Council (1312260), Nairn West & Suburban Community Council (1323971), Norman Macleod (1312038), Peter Stuart (1312488), Sheena Baker (1323994), Shelagh Carson (1324195), Stephanie Hume (1324186), Susan Hume (1324184), Veronica Mackinnon (1323170)

The fact that the site is a Common Good asset has been considered as part of the site selection process and the Plan text recognises that due process needs to be undertaken to confirm the future plans for the site. Conversely, the non-allocation of the site and its likely subsequent removal from the settlement development area (SDA) would prevent any scenario for development being taken forward for any part of the site.

The Nairnshire Committee has provided in-principle support for the land to be promoted as a development site in successive development plans. This has included the approval of the Sandown Development Brief [X] as statutory Supplementary Guidance in 2013, which was prepared in collaboration with the community through a charrette process. The purpose of the Brief was to set a framework for addressing housing needs, delivering business and community space and safeguarding corridors for enhanced green space and biodiversity. The release of the site for development would also have led to a financial sales receipt for the Nairn Common Good Fund. The legislative process for releasing Common Good Land was considered as part of the delivery of the



allocation and this is reflected in only 150 units being shown as an indicative housing capacity for the 10 year plan period.

Notwithstanding the response to the comments above, since approving the Proposed Plan content in December 2021, the Nairnshire Committee on 8 August 2022 agreed not to proceed with disposal of Sandown lands (NA04: Sandown) at this time and to undertake a fresh review of the future possible uses through an Area Place Planning process led by Nairn and Nairnshire Community Partnership and relevant sub-groups. The Area Place Planning work is expected to commence in the coming months. As such it is considered appropriate to retain the allocation through the Plan to allow the Area Place Plan to consider built development at Sandown and provide flexibility on the future uses for the site. With the future uses to be reviewed, the relevance of the approved Development Brief is uncertain. To ensure there is sufficient flexibility for future plans to be considered, if the Reporter is so minded, then the Council would therefore support removal of all references to the Sandown Development Brief from the Plan. If such a change is taken forward then should the Reporter be so minded, the Council would support an additional Developer Requirement being added for a Transport Assessment to be undertaken.

Responses are provided above which set out the Planning Authority's legal obligations in relation to allocating sufficient housing land, the approach to identifying the housing land requirement and to infrastructure delivery in general. Whilst the Sandown Development Brief also sets out detail on the infrastructure needs and how biodiversity can be safeguarded, it is suggested above that reference is removed to it from the Plan. These issues can be reconsidered when the future plans for the site are confirmed. Accordingly, the Council believes that whilst the Mixed Use (Housing, Business and Community) allocation and its boundary should remain unaltered, if the Reporter is so minded, then the Council would support the removal of reference to Sandown Development Brief and that the total housing capacity of 350 units is removed, leaving the 150 units expected during the Plan period.

#### Nairn Access Panel (1312032)

Whilst there is already a Developer Requirement which highlights the need for improved active travel connections from the site, if the Reporter is so minded then the Council would support reference being added to ensure the provision of a safe crossing of the A96 Trunk road.

#### The Nairn Consortium per Ryden (1271337)

The response above addresses the grounds of objections raised.

#### Tracy King (1323540).

Legislation is in place which ensures that proceeds from leasing or selling Common Good assets are retained in the relevant Common Good Fund.

#### **NA05: Nairn East & NA06: East of the Retail Park**

Ailsa and Alex Russell (1324210), Alan Calder (1324548), Alan McIntosh (1324270), Alisdair and Carol MacLean (1324193), Andrew and Christina Jury (1324207), Angus Macleod (1324183), Ann Dawson (1324035), Anne Balsanelli (1324208), B and L Drayton (1324203), Brigitte Stuart (1312489), Dave Rennie (1323505), David Wilson (1323061), Dawn McKinstrey 1281 (1324000), Elsa Main 1222 (1323537), GF Job Ltd (1323039), H Anderson 1411 (1324211), Hamish Bain 1005 (1105044), Hilary Wilson 1398 (1324205), Ian Bryce 157 (1311451), J Wells 1419 (1324219), Jamie Calder 1396 (1324204), Jean McIntosh 1415 (1324217), Joan Noble 1186 (931076), Julien Macnab 1417 (1324218), Kirstin Laing 643 (1312474), L Aitken 1406 (1324209), M Blakebrough (1324216), Mark Gunn (1312546), Mr & Mrs J Thomson (1324202), Nairn River Community Council (1312260), Nairn West & Suburban Community Council (1323971), Norman Macleod (1312038), Peter Stuart (1312488), S Calder (1323136), Shelagh Carson (1324195), Stephanie Hume (1324186), Susan Hume (1324184), Tulloch Timber (Nairn) Ltd (1312481), Veronica Mackinnon (1323170), Violet and Gordon Fraser (1324206), William Johns-Powell (1324201)

Responses are provided above which outline the Planning Authority's legal obligations in preparing a local development plan. Also set out above are responses in relation to identifying housing land requirements, the general approach to infrastructure delivery, and the role of a Local Place Plan.

#### *Wastewater*

Scottish Water has confirmed that the developer promoting the site (Springfield Homes) has carried out early engagement with them and extensive work has been undertaken to assess the potential

impacts of developing NA05: Nairn East. This has included modelling impacts on the networks and the identification of necessary mitigation. Ultimately, Scottish Water believe viable solutions can be delivered to accommodate the development and raise no objection to the proposed allocation.

### *Schools*

The Council's Education and Learning team, who are responsible for the school estate in Highland, have been engaged throughout the process and development scenarios and associated infrastructure needs have been considered. As reflected in the Developer Requirements for NA05, a new primary school is forecast to be needed to accommodate the full build out of Nairn East. Land for the school and contributions towards its delivery will be sought and the requirement is set out in the Plan. The Council has committed to replace the secondary school and, as Scottish Government funding is typically allocated based on current school roll needs, the capacity of the new school is expected to be lower than the existing school. Based on the latest school roll forecast [1], Nairn Academy is not expected to go beyond 64% of its current physical capacity during the forecasting period (i.e. the next 15 years). It is therefore anticipated that there will be scope to expand the school in the future if such pressures arise.

### *Transport/A96 bypass*

It is broadly recognised and accepted that the transport network requires major upgrading to accommodate the development of Nairn East. As set out in the responses above, the dualling of the A96 trunk road, including the creation of the Nairn bypass, has been a key priority for the Council, the community, businesses and other stakeholders for many years. As an essential requirement, it has also been identified within the Transport Appraisal and Delivery Programme which support the Plan.

Its importance is clearly demonstrated by the comments received on the Plan. Members of the community, including both community councils, and businesses have voiced strong opposition to further major housing development prior to the A96 bypass being delivered. The local councillors echo these concerns about the potential for this development to exacerbate existing transport problems in Nairn.

The current arrangement, with the A96 Aberdeen to Inverness trunk road running through the centre of Nairn, causes major congestion and raises a range of health and safety concerns. The potential impacts of air pollution from vehicles using the A96 in Nairn were assessed within a recent Council report on 'Air Quality and Highland Schools' to the Care, Learning and Housing Committee in October 2019 [1]. It reported that monitoring was undertaken to investigate the impact of A96 traffic pollution at Nairn Rosebank Primary School and it found that nitrogen dioxide concentrations were significantly below the UK Air Quality Objectives within the school grounds. In addition, concerns that the traffic issues have been getting worse over time are backed up by Transport Scotland's traffic count data which shows a steady increase of traffic volumes passing through Nairn on the A96 between 2008 and 2018 [1].

The A96 dualling is a national project (identified in both the existing National Planning Framework (NPF3) and draft NPF4) and is at an advanced stage with detailed design work having been completed and a timeframe of 2030 for completion. The 31km section between Inverness to Nairn (including Nairn Bypass) is the only section which lies within the Plan area. Draft Orders were published in November 2016 and, following a Public Local Inquiry in October and November 2018, Scottish Ministers agreed in February 2021 the made Orders with modifications. The proposed scheme includes grade separated junctions at Nairn West and East, as well as a bypass around the south side of Nairn and a range of other necessary structures, lay-bys, de-trunking of sections of the existing A96, and active travel provision. As part of the Cooperation Agreement with the Scottish Green Party, the Scottish Government agreed to a transparent, evidence-based review of the A96 dualling programme be undertaken with the final report due by the end of 2022. However, the Inverness to Nairn (including the bypass) section was excluded from the review and continues to have Ministerial consent.

The Council is committed to prioritising modal shift and ensuring that active travel connections to key destinations are enhanced (a position strengthened by the introduction of Policy 14: Transport in the Plan which is in line with National Transport Strategy 2 [1]), and in Nairn the ability to deliver the necessary changes is reliant on the bypass (and de-trunking of the existing A96 which runs

through Nairn). This will enable the transition to more sustainable transport movements. The findings in the independently commissioned ARUP Nairn Active Travel Masterplan, [1] which was prepared to inform the local development plan, reflect this position. The report states: “The A96 dualling has been a key consideration in the development of this masterplan” and the delivery of the Nairn Bypass “will lead to de-trunking of the A96 through Nairn town centre. This will significantly reduce severance through the town and create opportunities to implement high quality active travel infrastructure through Nairn town centre.” It goes on to note that “The A96 is currently a clear barrier to active travel movement, with large volumes of cars and HGVs passing through the town.” It also found that the impacts are not just on the A96 itself but extend across Nairn: “Vehicles use Altonburn Road, Seafield Street and Marine Road as an alternative (rat-run) to the A96 when it is busy.” The ability to deliver development and more sustainable travel movement patterns in line with the National Transport Strategy is therefore predicated to a large extent on the delivery of the A96 Bypass. Taking the above into account and to ensure that an Infrastructure First approach is truly taken in relation to local and trunk road capacity constraints in Nairn, the Council supports an additional Developer Requirement being added to the Plan which clarifies that the development of Nairn East is wholly dependent on the completion of the Nairn Bypass. Accordingly, the Council would suggest, if the Reporter is so minded, that the following statement is inserted at the beginning of the list of Developer Requirements: “Delivery of the A96 Nairn Bypass is a prerequisite to the development of NA05: Nairn East and NA06: East of the Retail Park.”

It should be noted that the Developer Requirements already highlight the need for the developer to prepare a Development Brief for Nairn East which will need to be prepared collaboratively and consider and address in more detail issues including infrastructure delivery, layout and phasing.

#### *Utilities*

It is the responsibility of the developer to engage early with utility providers to ensure any necessary upgrade/mitigation is delivered to accommodate development. The gas mains pipeline is a known constraint which will be considered as part of the masterplanning of the site.

#### *Local Place Plan*

It is believed that the community wish to progress its Local Place Plan prior to the adoption of the second Inner Moray Firth Local Development Plan. This will provide an opportunity to further discuss many of the issues raised as part of this consultation (not just relating to NA05 or any other allocation) and seek agreed outcomes and a coordinated plan of action for improving facilities, infrastructure and delivery. The Local Place Plan, and preparation of any further evidence, would then be an important consideration in informing the content of the Development Brief.

#### *Flood risk*

Flood risk has been assessed as part of the Environmental Report and, with input from SEPA, has been a key factor in influencing allocation decisions. Large areas to the north west of the site and along the Auldearn Burn are at risk of pluvial and fluvial flooding. In support of the site submission during the Call for Sites, Springfield Homes included a Flood Risk Assessment for the site and within their initiative masterplan it highlighted how those areas can be excluded from development. Springfield Homes has proposed that these areas could become accessible green spaces combining formal recreational spaces and informal green corridors. In addition, appropriate surface water management measures will need to be developed during the design of the site and the drainage system. Further analysis will be required to help inform the decision making on the Development Brief and for any subsequent planning application.

#### *Environmental impacts*

The list of Developer Requirements already sets out several issues which will need to be addressed in order to protect and enhance the environment. These relate to green and blue networks with positive recreational and environmental features, undertaking protected species surveys, contaminated land survey, and a landscaping plan which promotes green, healthy, well connected and resilient spaces. The only parts of the site which are classified as ‘prime agricultural land’ (classified 3.1 or above), i.e. land to the north west, coincide with the areas shown at risk of flooding and will therefore be safeguarded from development.

#### *Planning history*

The decisions made during the last plan review are noted but the circumstances and proposal at Nairn East are significantly different. Whilst taking account of the planning history, the issues and site options have been looked at afresh as part of this Plan review.

Regulations set out that within a Main Issues Report (MIR), the Council should present an initial preference on how to deal with the issues raised and on the site options. In preparing the MIR for this plan review, the site at Nairn East was identified as 'non-preferred' largely because, there was ongoing interest in the other strategic expansion site options, all of which were allocated in the aIMFLDP, and therefore the scale of development proposed at Nairn East was considered to exceed what was needed for Nairn. At that time, for example, there was active developer interest expressed in relation to Delnies (which benefits from an extant permission in principle for 300 homes and includes land for a new primary school) and Nairn South (which has been subject to extensive input from the developers/landowners, Council and community). Alongside this, given its scale, Nairn East represented a significant expansion and, as set out in the MIR, there were initial concerns about the layout (when taking account of areas at risk of flooding) and the infrastructure requirements.

Between the Nairnshire MIR content being approved in December 2020 and the content of the Proposed Plan in December 2021, and including the responses made during the MIR consultation, it emerged that only relatively minor amendments were being presented by respondents as part of additional mitigation for known constraints relating to Nairn South and no further progress had been made with Delnies. The legal requirements associated with Common Good ownership of Sandown were also better factored into the phasing of the site - the Plan identifies that less than half (150 units) of a total capacity of 350 units is effective within the Plan period.

Although the MIR correctly highlighted the need for significant new infrastructure associated with Nairn East (including the A96 bypass, active travel improvements, a potential new primary school, and mitigation to protect existing businesses), constraints to its ultimate delivery are not considered insurmountable. Also, the scale of the development (which for the reasons given above is now considered more appropriate to support) better enables viable delivery of the necessary infrastructure. Whilst the MIR identified the site as non-preferred, it highlighted that the site had some planning merit (which is not the case for many other non-preferred sites in the MIR). In hindsight, an Alternative notation may also have been equally applicable at that stage. However, it should be noted that the MIR holds no weight in decision making and the preferences within it are in no way binding. The role of the MIR is to present the options and an initial view is provided by the Council to stimulate debate. The Statement of Conformity with Participation Statement [1] sets out the Council's approach to consultation. It outlines how statutory requirements were fulfilled and, in many ways, the Council went far beyond the minimum requirements.

#### *Neighbouring uses/adjoining businesses*

The potential impacts which a major expansion at Nairn East could have on the existing businesses at Grigorhill and other neighbouring properties have been taken into account during the preparation of the Plan. Many of the business are involved in heavy industry, including the two largest employers, Tulloch Timber Ltd which is a sawmill supplying industry, and GF Job Ltd which offers a range of civil engineering, ground works, haulage and quarry services. The existing industrial estate is located in the centre of the site, with development proposed to the north, south and west. The scale of the allocation allows for suitable mitigation (including the design and layout of land uses, landscaping/buffer areas, and transport infrastructure) to be incorporated into the masterplan to avoid constraining existing businesses.

It is also highlighted that Industry is already included within the mix of acceptable uses for Nairn East. The intention of this is to set out support in principle for the expansion of the existing businesses and for appropriate land to be assigned to it as part of the Development Brief. This position follows that set out in the Employment section of the Plan (see pages 50-57) which reports a shortage of industrial land in the region and that this poses a risk to economic growth. One way the Plan seeks to help address this is by introducing Policy 7: Industrial Land which offers greater protection for existing sites and clearer support for suitable new sites. The shortage of industrial land is evident in Nairn, particularly at Grigorhill industrial estate which has no known vacant/available plots for lease or sale and occupancy appears to be at 100%. The local businesses which have responded to the consultation have also stated a clear desire to expand their operations.

Therefore, to ensure that the needs of the area are being properly addressed and the proposed development offers more than simply strategic levels of housing growth, if the Reporter is so minded, then the Council would support an additional Developer Requirement which sets out an explicit requirement for industrial land to be provided (which should also be covered by the Development Brief). This could be along the lines of: "land provided to accommodate the expansion of industrial activities (Class 5 and 6) at Grigorhill (the amount of land will be determined through further assessment of business needs)".

In terms of compatibility of uses, it was a conscious decision in preparing the Plan to not include green network notation on the map to indicate a buffer strip alongside the existing industrial uses. This was to avoid it being misinterpreted as pre-empting the layout and land uses of the site and the ability to simply include a landscaped buffer as mitigation. Whilst general policies in HwLDP set out the need for developments to consider safety and amenity impacts on existing properties/businesses and future residents, it is acknowledged that suitable Development Requirements would help to highlight upfront the importance of this issue. If the Reporter is so minded, then the Council would therefore support a Developer Requirement being added along the lines of: "ensure the Agent of Change principle is fully considered and that sufficient mitigation is in place to avoid potential future conflict between any noise-sensitive land uses being introduced to the area and the current operation and future expansion of existing economic activity." Also, the Council would support a Developer Requirement along the lines of "Noise impact assessment, and any other necessary impact assessments such as those relating to air quality, light, odour and vibration". The matter of businesses needing to invest in additional security and safety measures as a result of neighbouring development is recognised but is not a policy consideration. Other than the suggested amendments set out above, the Council believes the Plan's content should remain unaltered in respect of these issues.

#### Nairn Access Panel (1312032)

Whilst the upgrades suggested by the Access Panel may be valid, a comprehensive assessment of active travel and access connections will need to be undertaken as part of the preparation of the Development Brief and any subsequent planning application. There is also a Developer Requirement for a "Transport Assessment to include details of early delivery of enhanced active travel connections to town centre and other key destinations, public transport provision, and vehicular connection between A96 and Granny Barbour Road;" and to "retain and enhance the core path and National Cycle Network routes which adjoin the site". The National Cycle Network referred connects the Househill area to the site. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### The Nairn Consortium per Ryden (1271337)

The Placemaking Priority to consolidate the expansion of Nairn reflects a wider aim of rounding off the town to the main extent of built development. In the case of Nairn East, that includes the industrial estate at Grigorhill and retail/housing at Househill. It is recognised that Nairn South would fit with this Placemaking Priority but, for the reasons set out in the relevant section above, it is not included in the Plan. The response above addresses the other issues raised. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

#### Sheena Baker (1323994)

See the response above relating to the Planning Authority's legal obligations and approach to infrastructure delivery.

#### Springfield Properties PLC (1147956)

The reasons given in support of the Plan position are noted.

### **NA07: Sawmill Expansion**

#### Ann Dawson (1324035)

The Plan already includes the following Developer Requirements: "Transport Assessment including mitigation to address likely additional level of vehicular trip generation and its impact on road network in and around Nairn; enhancement of active travel connections to the town centre." Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.



Jean McIntosh (1324217)

The allocation is associated with the proposed expansion of the sawmill which is a major employer in the town and relevant mitigation is identified in the list of Developer Requirements. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

John Gordon & Sons Limited (1312476)

The reasons given in support of the Plan position are noted. Whilst the Council is not suggesting reallocating Nairn South as a major mixed use allocation, if the Reporter is so minded then the Council would support the Developer Requirements associated with a Nairn South allocation including: 1) a suitable buffer to be created to protect the current and future expansion operations of the sawmill on the allocated site NA07; 2) arrangements to be made by the developer to ensure the delivery and maintenance of the buffer.

Nairn Access Panel (1312032)

The Plan already identifies a Developer Requirement to ensure "enhancement of active travel connections to the town centre." A more detailed assessment of viable active travel and access improvements will be undertaken at that stage. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Brigitte Stuart (1312489), Hamish Bain (1105044), Ian Bryce (1311451), Nairn River Community Council (1312260), Peter Stuart (1312488), S Calder (1323136), Stephanie Hume (1324186), Susan Hume (1324184), Veronica Mackinnon (1323170)

The area of land allocated is understood to meet the expansion needs of the sawmill. This is evidenced by the supportive representation submitted by John Gordon and Sons Ltd. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

**Reporter's conclusions:**

**Reporter's recommendations:**



<b>Issue 44</b>	<b>North Kessock</b>	
<b>Development plan reference:</b>	Section 4 Places, Munloch Settlement, PDF Pages 284-288	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<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>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 28, Settlement Map 32 North Kessock, Development Sites, PDF paragraph 221-224	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Placemaking Priorities</b>  <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><b>Settlement Map</b>  <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 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</p>		

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 Munlochy 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 Munlochy A9 junction. The use will better manage existing campervan journey demand across Highland not increase it.

**Reporter's conclusions:**

**Reporter's recommendations:**



<b>Issue 45</b>	<b>Seaboard Villages</b>	
<b>Development plan reference:</b>	Section 4 Places, Seaboard Villages Settlement, PDF Pages 289-293	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Catherine Vass (1261406)  Coral Allan (1312311)  Kate (Katherine) Simpson (1303285)  Marnie O'Connor (1312526)  Moirra Mackenzie (1312215)  NatureScot (1266529)  Nigg &amp; Shandwick Community Council (1312227)  Nina Westwater (1312346)  Robert Mackenzie (1218607)  Shandwick Estate c/o Ian F Callie per BNP Paribas Real Estate UK (1220304)  Victoria Shearer (1312351)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 29, Settlement Map 33 Seaboard Villages, Development Sites, PDF paragraphs 225-228	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Settlement Map 28 Seaboard Villages</b>  <u>Shandwick Estate c/o Ian F Callie per BNP Paribas Real Estate UK (1220304)</u>  Objects to the non-inclusion of the land at New Street and Shore Street [as per location map supplied *] as a housing site for 15 units. Objects to the land being shown as 'greenspace'. Objects for the following reasons: would help meet demand for new homes in the area given the removal of some sites allocated in the adopted plan and reduction in capacity of sites identified in the MIR as 'preferred sites'; Seaboard Villages is classified as a Main Settlement in IMFpLDP2; additional housing land would ensure the future vitality and viability of the settlement and facilitate growth in tourism and economic development; access, drainage, open space, landscaping and all ancillary site services can be accommodated on site; is infill development within settlement boundary; offers scope to improve or upgrade existing community recreational facilities. Supporting statements [*] have been provided by the representee which outline site location, assessment of site context, planning history, response to IMFpLDP2, revised indicative site layout, site viability, urban design principles, flood risk assessment and 3D modelling.</p> <p><b>SB02 Land South of Shore Street</b>  <u>Nigg &amp; Shandwick Community Council (1312227)</u>  Objects to the allocation for the following reasons: the changing to the boundary and site numbers between the current adopted Plan and the stages of the IMFpLDP2 has been very confusing, unclear why part of SB07 has been added to SB02 and no explanation has been provided; the developer requirements for the site are unclear with open bracket after "Flood Risk Assessment" and no closed brackets so that subsequent comments are not clarified as to whether they just apply to the previous assessment. If they are stand-alone issues, then they show the considerable problems the Council identifies with this site; existing water supply and pressure issues; questions if the developer requirement "improve active travel linkages out of the site" refers to the single track road with limited passing places that provides access to the site, which is unsuitable for use by Motor Homes and will likely be damaged by construction traffic; questions if the Council has a budget to repair the road or if there has been a survey conducted to set out developer's responsibilities to improve the road prior to any development.  In the MIR the following statements were made:</p> <ul style="list-style-type: none"> <li>- Expansion of the village's is constrained by the steep coastal slope and the "Shandwick Stone" Scheduled Monument to the North.</li> </ul>		

- Placemaking Priorities 29 Protect the setting of the “Shandwick Stone” Scheduled Monument and the areas of prime agricultural land.

NatureScot (1266529)

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

Kate (Katherine) Simpson (1303285)

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

Moira Mackenzie (1312215)

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

Catherine Vass (1261406) and Coral Allan (1312311)

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

Nina Westwater (1312346)

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

Victoria Shearer (1312351)

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

Marnie O'Connor (1312526)

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

Robert Mackenzie (1218607)

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

**Modifications sought by those submitting representations:**

**Settlement Map 28 Seaboard Villages**

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

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

**SB02 Land South of Shore Street**

Nigg & Shandwick Community Council (1312227)

Deletion of allocation.

NatureScot (1266529)

Addition of developer requirements to protect the features of the Rosemarkie and Shandwick Coast SSSI, and to ensure development avoids the coastal edge. Removal of reference to potential coastal protection works.

Kate (Katherine) Simpson (1303285)

Deletion of allocation (assumed).

Moira Mackenzie (1312215)

Deletion of allocation (assumed).

Nina Westwater (1312346)



Deletion of allocation (assumed).

Victoria Shearer (1312351)

Deletion of allocation (assumed).

Marnie O'Connor (1312526)

Deletion of allocation (assumed).

Catherine Vass (1261406) and Coral Allan (1312311)

Deletion of allocation (assumed) and show as greenspace.

Robert Mackenzie (1218607)

None.

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

#### **Settlement Map 28 Seaboard Villages**

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

#### Greenspace

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

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

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

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

#### Housing Supply

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

It is acknowledged that the site itself has merit in particular its central location and relatively easy access to key facilities. The Council also accepts that access, drainage, open space, landscaping and all ancillary site services may be able to be accommodated on site subject to any necessary mitigation. However, taking into account the quantitative need for housing and the potential impact on the character and historic settlement pattern, the Council does not accept that housing would be

acceptable on this site. Accordingly, the Council believes the greenspace should be retained without modification.

### **SB02 Land South of Shore Street**

#### Nigg & Shandwick Community Council (1312227)

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

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

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

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

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

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

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

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

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

#### NatureScot (1266529)

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

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

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

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

#### Affordable housing, housing supply

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

#### Need for tourist accommodation

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

#### Visual amenity, loss of view

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

#### Impact on natural environment

Any future developer will have to comply with statutory controls to ensure that protected species are not disturbed. There is also protection offered through HwLDP Policy 57 Natural, Built and Cultural Heritage, Policy 58 Protected Species and Policy 59 Other Important Species to ensure any impacts are addressed and mitigated. It is considered that the Developer Requirement to Demonstration of no adverse effect on the integrity of Moray Firth SAC and Moray Firth SPA, which is mitigation introduced via the associated Appropriate Assessment, is sufficient. Policy 2 'Nature Protection, Preservation and Enhancement' of IMDpLDP2 also seeks to ensure that development proposals demonstrate a positive contribution to biodiversity.

#### Inadequate infrastructure

Some of the key pieces of infrastructure are not the responsibility of the Council and it is for the infrastructure provider who has the obligation to ensure suitable capacity is in place. In particular, the electricity network is the responsibility of the Scottish Government, water and waste water is the responsibility Scottish Water and SEPA. Issues relating to inadequacies with the current service or concerns over plans for upgrading of the assets should be directed to those public agencies directly. In terms of overall water treatment capacity, the Seaboard Villages are within the Assynt-Newmore Water Operational Area (WOA) and Scottish Water has confirmed that this area has sufficient levels of treatment capacity to provide water. Issues in May 2022 were localised network incidents (pressure and interruption to services) and Scottish Water has confirmed that these incidents were attended and resolved in line with their agreed service commitments to customers. Scottish Water would not grant any connections to the public networks be they current or proposed, unless modelling was undertaken and formal agreement was in place for any developer to mitigate the

detrimental impact to existing customers that any new development might cause. The topic of infrastructure needs and delivery is discussed more widely within Issue 13: Delivering Development and Infrastructure.

#### Road infrastructure, road safety

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

#### Built Heritage

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

#### Coastal erosion, shore paths

Coastal erosion has been considered through the Strategic Environmental Assessment and a Developer Requirement has been identified: 'coastal protection works may be required'. However, based on the advice from NatureScot that this could have the potential of worsening coastal erosion along the neighbouring undefended coast and potentially damage part of the Rosemarkie and Shandwick Coast SSSI, then as requested by NatureScot, the Council would be supportive of deleting this developer requirement and replacing it with one that states that development must avoid the coastal edge. It is accepted that this site may increase use of the coastal path and as such one of the placemaking priorities is to improve and enhance the shore paths.

#### Flood Risk

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

#### Loss of greenspace, loss of agricultural Land

The land is farmland not formal greenspace both within the aIMFLDP and the Plan. The settlement map for Seaboard Villages shows considerable areas of greenspace. A portion of the site is classed as 3.1 in the Land Capability for Agriculture (LCA). The LCA classification is used to rank land on the basis of its potential productivity and cropping flexibility. Class 1 represents land that has the highest potential flexibility of use whereas Class 7 land is of very limited agricultural value. The land is used for rough grazing.

NPF4 advises that LDPs should protect locally, regionally, nationally and internationally valued soils, including land of lesser quality that is culturally or locally important for primary use. However, NPF4 also contains policies relating to the avoidance of a myriad of other development constraints and also requires planning authorities to identify sufficient land for all uses. NPF4 recognises that few proposals will comply with all of its provisions and therefore it is necessary for any decision maker to assess which parts of NPF4 point in favour of a development and which do not. Similarly, the Council in making its Plan site selection decisions has taken account of land capability for agriculture but weighed this factor against others (as detailed in the Strategic Environmental Assessment [1] process).

In this case, development on prime agricultural land is supported because sustainable tourism is part of the overall spatial strategy for the Plan and an increasingly important part of the Inner Moray

Firth economy. The Plan therefore supports development which increases the length of people's stay and visitor spending. This site is well placed within the villages and it is considered an opportunity to help achieve an essential component of the strategy. The settlement text also recognises that the location of the villages is an attractive place for visitors and there is a potential for this to provide economic and employment opportunities. As such the Council does not propose changing the site to greenspace.

Alternative sites

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

Pollution

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

Non-material considerations

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

Robert Mackenzie (1218607)

Support for the allocation is noted.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 46</b>	<b>Strathpeffer</b>	
<b>Development plan reference:</b>	Section 4 Places, Strathpeffer Settlement, PDF Pages 294-297	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Andy Wilcox (1312341)  Annette Findlay-Shirras (1323047)  Caroline Rham (1270416)  David Brownless (1271269)  Helen Smith (1312380)  Jean MacPhail (1310339)  John Coupland (1310223)  John Millar (1269017)  John Wombell (1264121)  Kit Bowen (1267501)  Peter Walling (1310620)  Rowella Clarke (1312534)  Strathpeffer Community Council (1272875)  Wyvis Plant &amp; Power Ltd per GH Johnston Building Consultants (1312466)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 30, Settlement Map 34 Strathpeffer, Development Sites, PDF paragraphs 230-234	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Placemaking Priorities</b>  <u>John Millar (1269017)</u>  Supports the placemaking priorities as stated.</p> <p><u>Peter Walling (1310620)</u>  Agrees with specified priorities on tourist sector, built and natural heritage and infill and redevelopment of existing buildings, but desires early completion of Peffery Way. Retaining the greenspace and green networks is vital. Does not want any further expansion of village boundaries.</p> <p><u>Caroline Rham (1270416)</u>  Supports the scale and location of the housing in IMFpLDP2 and the restriction of further development to the west of the village. Seeks a nature conservation designation at Loch Kinellan which could be used to assess any future housing developments at Kinellan.</p> <p><u>Andy Wilcox (1312341)</u>  Supports removal of MIR allocations at Kinellan. The village has reached its natural boundary and further development would be disproportionate to the historic character and green credentials of the village.</p> <p><u>Helen Smith (1312380)</u>  Supports placemaking priorities. Would like an additional placemaking priority for active travel to provide a shared space or segregated walking/wheeling/cycling lane from Millnain/Blairninich to allow residents there to access Strathpeffer safely and connect with the Peffery Way. Alternatively create a new active travel link directly between the Peffery Way and Millnain/Blairninich. At present, walking and cycling on the Dingwall -Strathpeffer Road is unpleasant and dangerous due to the lack of pavement or segregated cycling lane, with a pavement only starting at the Achterneed junction. This deters people living in Millnain/Blairninich from using active travel to reach Strathpeffer or Dingwall, both of which are within easy cycling distance and also, especially Strathpeffer, within walking distance for most people.</p>		



Annette Findlay-Shirras (1323047)

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

**Settlement Map**

Kit Bowen (1267501)

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

John Millar (1269017)

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

Strathpeffer Community Council (1272875)

Supports the settled view of the Council for Strathpeffer as long as no further changes are made. Supplies copy of letter submitted by Community Council to the MIR consultation [1], the views expressed in it remain the views of the Community Council.

Annette Findlay-Shirras (1323047)

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

John Wombell (1264121)

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

**SP01 Kinellan North**

John Millar (1269017)

Would have preferred no further development in this area but accepts limited development of site and the developer requirements. Keen for greenspace in area to be protected from development.

Peter Walling (1310620)

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

David Brownless (1271269)

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

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

Objects to the scale of this site and non-inclusion of land to the north as per existing allocation in adopted IMFLDP. Seeks reallocation of part of SP1 from adopted IMFLDP, for residential development for 20-30 units with potential for reduced site area and capacity. The IMFLDP2 allocates a small section of land at SP01 Kinellan North for housing. Asserts that is as additional capacity and scope beyond this limited inclusion of a current planning application boundary. The inclusion of additional land would provide an effective housing supply and specifically self-build opportunities. Claims the Housing Land Supply assumptions which have guided allocations are unlikely to be sufficient to deal with the needs and demand presented in Strathpeffer and the wider area, over the plan period. Additional housing land would support a growing economy and a wider range of housing options. Strathpeffer is identified as a main settlement within the settlement hierarchy yet provides very few housing opportunities. The growth strategy is underpinned by a new

settlement hierarchy which is a change to the current adopted IMFLDP 2015 and relies upon projection figures initially derived from a 2015 based Housing Need and Demand Assessment. A subsequent update has been provided through 2018 National Records for Scotland household projections, which seems to be based upon assumptions made immediately post the 2008/2009 housing market recession. The Council's intention is that the level of housing land allocations in the Proposed Plan are based on a Highland-wide Housing Need and Demand Assessment 2020 (HNDA) that is still low and disputed by Homes for Scotland as well as National Housebuilding Companies. This additional land in Strathpeffer would support the aims of the IMFpLDP2 to build more houses environmentally sustainable and economically viable locations that will be affordable, self-built and/or adapted for an ageing population. As per planning permission 18/04658/FUL and its conditions, there is provision made for access into the site and the associated masterplan that was out forward in the Design Statement shows an intention to make sure that the overall SP1 allocation is delivered as anticipated in the adopted IMFLDP. A more recent Planning Submission (20/04475/PIP) is seeking to obtain planning consent in principle for 1 detached house, 2 semis and 4 flats (now 3 detached dwellings). This application connects into the access road. Supplies copy of Development Framework Plan [\*].

### **SP02 Nutwood**

John Millar (1269017)

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

Jean MacPhail (1310339)

Objects to the allocation for the following reasons: site was rejected from adopted IMFLDP; previously rejected by community due to the need for extensive earthworks, tree and hedge removal, surface water run-off problems, conservation village issues, school capacity and existing sites remaining undeveloped, re-routing of large electricity cables and road-worthiness issues, these previous reasons for objection still stand; excessive recent growth of village.

John Coupland (1310223)

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

Rowella Clarke (1312534)

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

### **Modifications sought by those submitting representations:**

#### **Placemaking Priorities**

John Millar (1269017)

None

Peter Walling (1310620)

Seeks early completion of the Peffery Way

Caroline Rham (1270416)

Seeks a nature conservation designation at Loch Kinellan.

Andy Wilcox (1312341)

None

Helen Smith (1312380)

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

Annette Findlay-Shirras (1323047)

None

**Settlement Map**

Annette Findlay-Shirras (1323047)

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

Kit Bowen (1267501)

Provide additional greenspace and green networks (locations specified).

John Millar (1269017)

None

Strathpeffer Community Council (1272875)

None

John Wombell (1264121)

Further protection for the environment at Kinellan.

**SP01 Kinellan North**

John Millar (1269017)

Seeks additional protection for greenspace from development.

Peter Walling (1310620)

None

David Brownless (1271269)

None

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

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

**SP02 Nutwood**

Rowella Clarke (1312534)

Delete allocation (assumed)

John Coupland (1310223)

Delete allocation and/or cover with Conservation Area designation.

John Millar (1269017)

Delete allocation (assumed)

Jean MacPhail (1310339)

Delete allocation (assumed)

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

**Placemaking Priorities**

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

Support for placemaking priorities noted.

Peter Walling (1310620)

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

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

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

Caroline Rham (1270416)

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

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

Andy Wilcox (1312341)

Support for allocation at Kinellan noted.

Helen Smith (1312380)

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

**Settlement Map**

Kit Bowen (1267501)

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

Green networks provide the physical, visual and habitat connections for greenspaces and therefore ensure accessibility for both wildlife and people. Development can be more flexibly accommodated within or adjacent to a green network as long as the network's connectivity and integrity is

maintained, and it is incorporated into a development as a positive landscape and design feature. Greenspaces are protected from development by Policy 4 Greenspace and are areas that are formally recognised and safeguarded places that contribute to the character and setting of a place and provide amenity, biodiversity, recreation and other benefits.

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

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

John Millar (1269017)

Support for content of village mapping noted.

Strathpeffer Community Council (1272875)

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

Annette Findlay-Shirras (1323047)

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

John Wombell (1264121)

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

### **SP01 Kinellan North**

John Millar (1269017)

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

Peter Walling (1310620)

Support noted.

David Brownless (1271269)

Support for scale of allocation noted.

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

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

### ***Housing Supply***

The Plan's Settlement Hierarchy [THC\*\*\*] sets out a strategic view on where future growth should occur, targeting future growth at locations which are most economically viable and environmentally sustainable. In the settlement hierarchy Strathpeffer is a Tier 3 settlement; Tier 3 settlements are identified as a partially sustainable location suitable for a local scale of growth. As such, the IMFpLDP2 allocates land for 22 houses within the next two years and the settlement text and placemaking priorities also state that there are opportunities for redevelopment of existing buildings and small-scale housing development on brownfield infill sites. It is acknowledged that the site

could, just like many other sites, provide self-build opportunities, affordable housing, support a growing economy and a wider range of housing options. However taking into account the quantitative need, there is enough housing supply in Strathpeffer. Comments made regarding housing land supply within the Plan are addressed within Issue 3: Housing Requirements.

#### Access

It is acknowledged that as per planning permission 18/04659/FUL and its conditions (for 42 houses), there is provision made for access into the site. However, since the publication of the IMFLDP2 planning permission in principle has been granted in August 2022, at SP01 for 3 houses (20/04475/PIP). The proposal was amended from 7 units to three houses. The proposal includes an indicative layout along with details of an access track into the site from Caberfeidh Place. The access for the three houses is a private access and is unsuitable to access land immediately to the north. The proposal does not block access to land to the north but it does not include a suitable access either. If in the future any development does occur in land to the north a new access will be required across this site.

#### **SP02 Nutwood**

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

#### Settlement Development Area and Growth of Village

The Planning authority has a legal obligation to prepare development plans which provide a framework for growth in the future. The Plan seeks to identify appropriate levels of land supply for housing, employment and community uses for each settlement to support sustainable growth of each settlement identified in the Plan area. As such the settlement boundary will change over time. It is acknowledged that there has been recent housebuilding at Kinellan however the IMFLDP2 allocates land for 22 houses within the next 10 years which is considered reasonable. Comments made regarding housing land supply within the Plan are addressed within Issue 3: Housing Requirements.

#### Viability of Site

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

#### Alternative sites remain undeveloped

The allocation at SP01 in the aIMFLDP has been partially developed with 42 units. IMFLDP2 allocates a smaller site at Kinellan for 7 units.

#### Impact on the historic built environment

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

#### Loss of greenspace and Extension of Conservation Area

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

#### Impact on tourism



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

#### Tree and Hedge removal

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

#### Surface water/drainage

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

#### Education and Healthcare Infrastructure

Health care is largely provided by NHS Highland and is not the responsibility of the Council. Issues relating to inadequacies with the current service or concerns over plans for upgrading of the assets in Strathpeffer should be directed to NHS Highland directly. Education infrastructure needs are based on a combination of factors, but most importantly the School Roll Forecasts and Housing Land Audit. Both these sources of data are reviewed on an annual basis and the pressures can change over time and even from year to year. The developer of the site will be required to contribute towards any increased infrastructure provision required as a direct consequence of the development consistent with the Council's Developer Contributions Supplementary Guidance, this includes increased school capacity.

#### Electricity Cables, Ground levels, Road access and junction visibility

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

#### Active travel connections

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

#### **Reporter's conclusions:**

#### **Reporter's recommendations:**

<b>Issue 47</b>	<b>Tain</b>	
<b>Development plan reference:</b>	Section 4 Places, Tain Settlement, PDF Pages 298-308	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Cairngorm Properties per GH Johnston Building Consultants (1220297)  David Lauritson (1323207)  Gavin MacDonald (1312250)  Gavin Ward (1312533)  Highland Housing Hub (1154846)  Jan Witts (1310251)  Katrina McKenzie (1312313)  Lauren Gardner (1312312)  MacDonald &amp; Muir Ltd/Glenmorangie Ltd per Bidwells LLP (1273032)  NatureScot (1266529)  Oliver Fleming (1324106)  Pat Munro (Alness) Limited (1312301)  Patricia Toshney (1310597)  Rosslyn Borland (1324105)  Sarah Smith (1323051)  SEPA (906306)  Sportscotland (1323065)  Stuart &amp; Leslie Campbell (1324541)  Transport Scotland (1324298)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 31, Settlement Map 35 Tain, Development Sites, PDF paragraphs 235-241	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Placemaking Priorities</b>  <u>MacDonald &amp; Muir Ltd/Glenmorangie Ltd per Bidwells LLP (1273032)</u>  Objects to de-allocation of site TN1 for housing for the following reasons: site continues to be suitable for housing; proximity to employment and other services; accessible; sustainable. Request that the site is allocated for Mixed Use (housing/education/business) because the landowner has been approached by Gro-for-You, an organisation financially supported by the Scottish Government, HIE, private and corporate business who are seeking to develop an educational environmental campus at Tain. Contact with the Council's Planning Department has already been made. The site at Tain would be one of three in Highland, acting as an education and business incubator. The site is close to existing supermarkets and adjacent to the NC500 (North Coast 500 route) which would attract tourist revenue. The site is considered effective because: it has the capacity to deliver a mix of housing including affordable housing; aligned with SPP policy principle for sustainability as per paragraph 28; sits within the settlement boundary of Tain; previous planning consent (07/01267/FULRC) for residential development; active interest in site; close to services and local facilities; good transport connections; could consolidate the north-west of the settlement; level topography; no environmental constraints; aligned to draft NPF4.</p> <p>Objects to non-allocation of land at Morangie Farm and requests land to be allocated for industrial use for a bio-energy plant for the following reasons: climate change and the climate emergency are key themes in draft NPF4 and a bio-energy plant would reduce the distillery's dependence on fossil fuels and carbon. It would also align with the Low Carbon Development section and paragraph 42 in the Proposed Plan; company has a good track record of committing to a sustainable future by enhancing biodiversity of the Dornoch Firth to restore oyster reefs by purifying the by-products created through the distillation process;</p>		

would be similar to successful on site bio-energy plant at Glendullan distillery in Speyside; in immediate proximity to the distillery; benefits from minimal constraints - land is available, adequate, has level topography, direct access off the A9, no environmental or cultural heritage designations; part of site is already developed for underground LPG storage and benefits from associated access.

Patricia Toshney (1310597)

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

**Settlement Map 30 Tain**

Cairngorm Properties per GH Johnston Building Consultants (1220297)

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

Objects to the non-identification of site (TN5 in adopted IMFLDP) for the following reasons: concerned that the Housing Land Supply assumptions are unlikely to be sufficient to deal with the needs and demands presented for Easter Ross over the plan period, national population projections don't reflect buoyant local housing market; 10% growth allowance for Greenport/Freeport jobs led growth is insufficient; representations made at MIR stage were not fully considered, summary of MIR comments, recommended responses and mapping supplied to Easter Ross Committee were insufficient in detail; disputes assumption that the site is not deliverable within the Plan period, it has always been expected that development of the site would take longer than 10 years and two sites west of the bypass owned by the Council are being promoted as providing houses over the longer-term; sites at Craighill, Tain Royal Academy, Burgage Drive, Croft Arthur and Viewfield are all owned by either Highland Council or Albyn Housing Society; sites to the west of the bypass, whilst being promoted by Local Members, are less suited to development and less effective than the land at TN5; it has an approved Masterplan and has live/active developer interest; site has always been available for development since its first allocation in 2007, landowner has incurred costs in promoting it for development; is serviced by existing infrastructure with direct road and drainage access available via Asda roundabout; previously land has been considered as too large for the market or for the needs of developers in terms of upfront Infrastructure costs, however in February 2022 an offer from Cairngorm Properties Ltd was accepted for all of the land; a PAN was submitted in April 2022, reported to the Council's North Planning Applications Committee on 15 June 2022, first community consultation undertaken on 25 May 2022 and steps currently being undertaken to commence formal pre-application process for a new masterplan and Permission in Principle; first phase of housing could be available in the next two years; concerned that the Council is willing to allow development to proceed at TN09 potentially removing the overall development requirements of the approved Master Plan from that part of the land; questions whether land to the west of the bypass and the Tain Academy site will be able to provide early delivery of housing; the mixed use allocation of the existing Tain Royal Academy site is not expected to be redeveloped to deliver housing and other uses for another 3 to 4 years; would support the delivery of the emerging concept of the 20-minute neighbourhood, is well positioned in location and sustainability terms giving access to existing path networks, retail, education, recreation/leisure, community and public transport provision; will deliver non-residential uses to meet local needs and demands over time; can meet a range of housing types including self build plots and affordable housing and could help achieve the self-build policy in IMFpLDP2; self-build plots could divert pressure from developing houses in the countryside; development of land west of the A9 was rejected by Reporters to the previous Local Plan Inquiry in 2005 and IMFLDP Examination in 2015.

Highland Housing Hub (1154846)

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

Transport Scotland (1324298)

Objects to allocations TN03, TN04, TN05 and TN06 and seeks their deletion as they do not meet sustainable travel and investment hierarchies. If the allocations are kept then required trunk road network improvements must be listed within the Plan as per DPMTAG.

In accordance with SPP paragraphs 274 and 275 (and reiterated within the draft NPF4 Policies 8 and 10), the plan should identify any required infrastructure improvements and how they will be funded and delivered. To achieve this the Council will be required to undertake junction modelling of the allocations for Tain as the level of development has the potential to cumulatively impact the A9 trunk road and associated junctions. How people will safely cross the trunk road should also be considered. Any required mitigation from this should be included within IMDpLDP2 to fully outline the infrastructure requirements to deliver the spatial strategy. Transport Scotland has determined that the level of development allocated in Tain has the potential to cumulatively impact the A9 trunk road junctions. The Highland Council has undertaken a DPMTAG based appraisal engaging with Transport Scotland throughout the process. The appraisal identifies a total of 193 housing units and approximately 30ha of business which results in a maximum of 591 trips over the 10 year period of the plan taken from the Council's Transport Appraisal Trip Rate Spreadsheet undertaken as part of the DPMTAG based appraisal. As a result of trip generation information provided by the Council, it is considered further assessment of the A9 junctions around Tain is required to determine the cumulative impact to ensure the level of traffic can be safely and sufficiently accommodated within the current junctions or if junction improvements are required. As detailed within SPP and the draft NPF4, any infrastructure improvements should be identified within the plan, with information provided on how they will be funded and delivered. This information is crucial in providing an infrastructure first approach to planning as outlined within the draft NPF4.

### **TN03 Ardlarach Farm**

#### SEPA (906306)

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

#### Cairngorm Properties per GH Johnston Building Consultants (1220297)

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

#### Gavin Ward (1312533)

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

#### Rosslyn Borland (1324105)

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

#### NatureScot (1266529)

Recommend removing due to concerns over deliverability. It will be extremely challenging to develop adequate mitigation measures in a Recreation Access Management Plan (RAMP) to avoid significant disturbance to Capercaillie in the Morangie Forest SPA arising from recreational use by occupants of housing in TN03, and thus to demonstrate no adverse effects on site integrity. The advice from Nature Scot is based on reviewing: the distribution of capercaillie records and leks in and around the SPA; an indication of current patterns of recreation in the area from the Strava global heatmap; and the location of TN03 and likely patterns of recreational use by occupants, in relation to areas used by capercaillie. If the allocation is not removed a Recreation Action Management Plan (RAMP) would need to be produced to ascertain whether mitigation is practically possible to remove the risk of significant disturbance to capercaillie in the SPA, and if so, what measures are required. The scale and nature of the work required to produce the RAMP should be outlined in a revised Developer Requirement, along with a warning that mitigation may not be possible and the site may not be effective. The developer requirement for a RAMP should be amended to state that it should contain the following: a study/survey of current levels and patterns of recreational use around Tain and Morangie Forest SPA, including infrequent and dispersed recreational types and behaviours that are known to be particularly disturbing for capercaillie; expert predictions of how existing levels and patterns of recreational use would change should TN03 be developed; a review of whether existing data on capercaillie use of the Morangie Forest SPA area is sufficient, or whether additional survey effort is required. If so, it should be commissioned; an assessment of the predicted changes in recreational use alongside capercaillie use of the woods to identify which predicted changes could result in significant disturbance to capercaillie; and identification of a package of mitigation measures, and arrangements for their long term monitoring and maintenance, to remove each of these risks. This may or may not prove to be possible. Mitigation measures would likely include, but not be restricted to: provision of alternative recreational opportunities of equivalent amenity and convenience; long term monitoring and management within the SPA to remove any new informal paths that develop in sensitive areas; and trackside vegetation screening in sensitive parts of the SPA. Awareness raising and promotion of responsible behaviour, as suggested in the current developer requirement, would not be effective without additional measures given the ease of access from TN03 to areas used by capercaillie, including for breeding. The current wording used in the Developer Requirements about the RAMP implies a significantly greater degree of deliverability than is the case. Note that the Developer Requirements refer to the Dornoch Firth and Morrich More SAC and the Dornoch Firth and Loch Fleet SPA, when the concern should actually be with the Morangie Forest SPA, and we assume this to be an error. It should be amended to refer to the Morangie Forest SPA.

#### Transport Scotland (1324298)

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

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



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

#### **TN04 Croft Arthur**

##### Lauren Gardner (1312312)

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

##### Katrina McKenzie (1312313)

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

##### Roslyn Borland (1324105)

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

##### Cairngorm Properties per GH Johnston Building Consultants (1220297)

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

##### Gavin Ward (1312533)

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

##### Oliver Fleming (1324106)

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



Gavin MacDonald (1312250)

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

NatureScot (1266529)

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

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

Recommend modifying the developer requirements to make the nature and scale of the work required for Recreation Access Management Plans, to contain the following: a study/survey of current levels and patterns of recreational use around Tain and Morangie Forest SPA, including infrequent and dispersed recreational types and behaviours that are known to be particularly disturbing for capercaillie; expert predictions of how existing levels and patterns of recreational use would change should TN04 (and TN05, TN06) be developed; a review of whether existing data on capercaillie use of the Morangie Forest SPA area is sufficient, or whether additional survey effort is required. If so, it should be commissioned; an assessment of the predicted changes in recreational use alongside capercaillie use of the woods to identify which predicted changes could result in significant disturbance to capercaillie; and identification of a package of mitigation measures, and arrangements for their long term monitoring and maintenance, to remove each of these risks. Mitigation measures would likely include, but not be restricted to: provision and promotion of alternative recreational opportunities of equivalent amenity and convenience; and long term monitoring and management within the SPA to remove any new informal paths that develop in sensitive areas. Awareness raising and promotion of responsible behaviour, as suggested in the current developer requirement, is unlikely to be effective alone without additional measures. Developer Requirements refer to the Dornoch Firth and Morrich More SAC and the Dornoch Firth and Loch Fleet SPA only. The Morangie Forest SPA is missing, and we assume this to be an error. We advise that this is amended to include reference to the Morangie Forest SPA.

Transport Scotland (1324298)

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

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

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

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

### **TN05 West of Viewfield Road**

#### Cairngorm Properties per GH Johnston Building Consultants (1220297)

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

#### Gavin Ward (1312533)

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

#### Roslyn Borland (1324105)

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

#### NatureScot (1266529)

Advises that this allocation will have likely significant effects both individually and cumulatively on the capercaillie qualifying interest of Morangie Forest SPA as a consequence of increased recreational disturbance. Noted that the site has been subject to an HRA for the Morangie SPA in combination with TN03, TN05 and TN06, however we advise that an HRA for this site as AA Alone for this SPA is required. It may be possible to mitigate the risk of these allocations causing significant

disturbance to capercaillie in Morangie Forest SPA, but further information and assessment would be needed to confirm. Advice from NatureScot is based on reviewing the distribution of capercaillie records and leks in and around the SPA; an indication of current patterns of recreation in the area from the Strava global heatmap; the locations of TN05 (and TN04, TN06) and likely patterns of recreational use by occupants, in relation to areas used by capercaillie.

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

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

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

#### Transport Scotland (1324298)

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

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

In accordance with SPP paragraph 273, the plan should identify active travel networks and promote opportunities for travel by more sustainable modes in the following order of priority: walking, cycling, public transport, cars and should facilitate integration between transport modes. Draft National Planning Framework 4 (NPF4) states that the planning system should support development that

minimises the need to travel unsustainably and prioritises walking, wheeling, cycling, public transport and shared transport options in preference to single occupancy private car use for the movement of people.

### **TN06 Viewfield**

#### Gavin MacDonald (1312250)

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

#### Cairngorm Properties per GH Johnston Building Consultants (1220297)

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

#### Gavin Ward (1312533)

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

#### Stuart & Leslie Campbell (1324541)

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

#### Rossllyn Borland (1324105)

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

#### NatureScot (1266529)

Advises that this allocation will have likely significant effects both individually and cumulatively on the capercaillie qualifying interest of Morangie Forest SPA as a consequence of increased recreational disturbance. We note that this site has been subject to an HRA for the Morangie SPA in-combination with TN03, TN04 and TN05, however, we advise an HRA for this site as AA Alone for this SPA is required. It may be possible to mitigate the risk of these allocations causing significant disturbance to capercaillie in Morangie Forest SPA, but further information and assessment would



be needed to confirm. Advice from NatureScot is based on reviewing the distribution of capercaillie records and leks in and around the SPA; an indication of current patterns of recreation in the area from the Strava global heatmap; the locations of TN06 (and TN04, TN05) and likely patterns of recreational use by occupants, in relation to areas used by capercaillie.

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

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

#### Transport Scotland (1324298)

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

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

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

and shared transport options in preference to single occupancy private car use for the movement of people.

Pat Munro (AIness) Limited (1312301)

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

**TN07 Land to Rear of Craighill Primary School**

Sportscotland (1323065)

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

**TN08 Tain Royal Academy**

David Lauritson (1323207)

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

Sarah Smith (1323051)

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

Sportscotland (1323065)

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

**TN09 East of Burgage Drive**

Jan Witts (1310251)

Objects for the following reasons: loss of greenspace and outlook; would result in an over-built area; construction disruption; alternative sites available adjacent to Asda; Council should concentrate on repairs to existing paths and roads before building more housing.

Plan has incorrectly labelled the site as being off Seaforth Road, Burgage Drive actually loops round and terminates at corner of TN09. Maps and road signs have been incorrect for years and has led to issues with emergency services and postal deliveries

Patricia Toshney (1310597)

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

**TN10 Blarliath**

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

Fully support the allocation of TN10: Blarliath.



**TN11 Glenmorangie**

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

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

**Modifications sought by those submitting representations:****Placemaking Priorities**

Patricia Toshney (1310597)

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

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

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

Allocation of land at Morangie Farm for industrial use.

**Settlement Map 30 Tain**

Highland Housing Hub (1154846)

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

Cairngorm Properties per GH Johnston Building Consultants (1220297)

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

Transport Scotland (1324298)

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

**TN03 Ardlarach Farm**

Gavin Ward (1312533)

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

Rosslyn Borland (1324105)

Delete allocation (assumed).

Cairngorm Properties per GH Johnston Building Consultants (1220297)

Delete allocation.

NatureScot (1266529)

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

Transport Scotland (1324298)

Delete allocation.

SEPA (906306)

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

**TN04 Croft Arthur**

Cairngorm Properties per GH Johnston Building Consultants (1220297)

Delete allocation.

Oliver Fleming (1324106)

Delete allocation (assumed).

Gavin MacDonald (1331)

Delete allocation (assumed).

Rosslyn Borland (1324105)

Delete allocation (assumed).

Gavin Ward (1312533)

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

NatureScot (1266529)

Revise the developer requirement for a Recreational Access Management Plan.

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

Transport Scotland (1324298)

Delete allocation.

Lauren Gardner (1312312)

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

Katrina McKenzie (1312313)

Delete allocation (assumed).

#### **TN05 West of Viewfield Road**

Cairngorm Properties per GH Johnston Building Consultants (1220297)

Delete allocation.

Gavin Ward (1312533)

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

Rosslyn Borland (1324105)

Delete allocation (assumed).

NatureScot (1266529)

Revise the developer requirement for a Recreational Access Management Plan.

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

Transport Scotland (1324298)

Delete allocation.

#### **TN06 Viewfield**

Cairngorm Properties per GH Johnston Building Consultants (1220297)

Delete allocation.

Gavin Ward (1312533)

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

Rosslyn Borland (1324105)

Delete allocation (assumed).

NatureScot (1266529)

Revise the developer requirement for a Recreational Access Management Plan.

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

Transport Scotland (1324298)

Delete allocation.

Gavin MacDonald (1312250)

Delete allocation (assumed).

Stuart & Leslie Campbell (1324541)

Delete allocation (assumed).

Pat Munro (AIness) Limited (1312301)

None

#### **TN07 Land to Rear of Craighill Primary School**

Sportscotland (1323065)

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

#### **TN08 Tain Royal Academy**

David Lauritson (1323207)

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

Sarah Smith (1323051)

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

Sportscotland (1323065)

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

#### **TN09 East of Burgage Drive**

Jan Witts (1310251)

Delete site (assumed).

Patricia Toshney (1310597)

Delete site (assumed) and show as greenspace.

#### **TN10 Blarliath**

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

None

#### **TN11 Glenmorangie**

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

Extend allocation boundary.

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

#### **Placemaking Priorities**

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

#### Non-Inclusion of Site Previously Consulted on

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

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

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

#### Inclusion of Site not Previously Consulted on

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

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

However the land sits outwith the SDA, is physically removed from the rest of the settlement and is not considered an appropriate extension of the SDA. Accordingly, the Council believes the Plan content should remain unaltered in respect of this site.

#### Patricia Toshney (1310597)

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

#### **Settlement Map 30 Tain**

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

#### Non-Inclusion of Site Previously Consulted on

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

#### Housing Land Supply

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

#### MIR comments

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

#### Deliverability of site

Planning permission was granted in 2013 for a mix of uses (10/02217/PIP) and was renewed in 2017 under 16/03969/PIP for a mix of uses supported by a masterplan. NPF4 states that local development plans should allocate sites that are effective or expected to become effective in the plan period. At the time of preparing the MIR and indeed when considering and recommending the content of the IMFpLDP2, there was considerable doubt over the effectiveness of the site, given the amount of time that has passed since the original and renewed applications. The IMFpLDP2 therefore took the opportunity for a fresh approach to the delivery of housing development in Tain and at the Easter Ross Area Committee in November 2021 it was recommended that there were other more centrally located and viable sites and once these were developed then the land at Knockbreck Road could provide a potential future long-term direction of growth for Tain. However the potential effectiveness of the Knockbreck site has recently changed as it has been confirmed that landownership has changed. A PAN (22/01716/PAN) was submitted in April 2022 for mixed use development comprising up to 250 residential units, community uses, business/tourism uses, open space and ancillary infrastructure which corresponds with the masterplan previously approved under applications 10/02217/PIP and 16/03969/PIP. The agent for the landowner is indicating that steps are currently being undertaken to commence formal pre-application process for a new masterplan and Permission in Principle. No pre-application or planning application has been received by the Council.

#### Alternative sites

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

#### Location of site

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

#### Transport Scotland (1324298)

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

to inform mitigation required on the A9 to support sites TN03-TN06. However, in order that the Plan can address Transport Scotland's concerns about the trunk road junctions, if the reporter was so minded, the Council would be supportive of the following additional Placemaking Priority: "Development in Tain may have the potential to cumulatively impact the A9 Trunk Road. Following Transport Scotland's Strategic Transport Appraisal Guidance, an appraisal of the impacts and potential solutions to address them may be required to be undertaken by applicants of any major-scale planning application in Alness".

### **TN03, TN04, TN05, TN06**

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

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

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

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

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

### General comments for land west of A9

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

### Alternative locations for housing

The levels of growth required are identified through various factors, but for housing, as required within NPF4, a key source of evidence is the Housing Need and Demand Assessment. The topic of overall housing land requirement is considered more widely in Issue 3. Representees have set out a number of sites which they think should be developed prior to land west of the bypass. IMFpLDP2 allocates land for housing at TN01 The Grove, TN02 Kirksheaf Road, TN08 Tain Royal Academy, TN09 East of Burgage Drive, all of which are central sites within the A9 bypass. The placemaking priorities already encourage development in the centre of Tain by referring to improving the town centre environment, diversifying activity and improving accessibility and developing new uses for redundant space and buildings, including The Grove and Tain Picture House. Land adjacent to Morangie Hotel is allocated for housing in the aIMFLDP as TN1 and in IMFpLDP the site is not allocated but it remains within the SDA boundary. Further details on this site can be found in the Placemaking Priority section above. Land adjacent to Asda (Knockbreck and Burgage Farm) – for further discussion on this refer to response to Cairngorm Properties above. Land at Stagcroft Park is allocated in IMFpLDP as TN07 Land to the Rear of Craighill Primary School for the new 3-18 campus and for some housing. With regards to re-use of future redundant school sites, Tain Royal Academy is allocated (TN08) for Mixed Use including housing in IMFpLDP2. However it is acknowledged that there is no reference to the other school sites that will become redundant once



the new 3-18 Campus is functioning. If the Reporter is so minded, the Council would be supportive of additional text being added to the settlement text to reflect this.

#### Phasing of sites

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

#### Road access and safety, infrastructure

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

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

#### Natural heritage, protected species

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

#### Flood risk and Drainage

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

#### Other development priorities

The Council accepts there are many other development priorities for Tain as a whole, however the Planning authority has a legal obligation to prepare development plans which provide a framework for growth in the future. The Plan seeks to identify appropriate levels of land supply for housing, employment and community uses for each settlement to support sustainable growth of each settlement identified in the Plan area. A new school campus is recognised in the settlement text and features as an allocation (TN08). The placemaking priorities already include developing new uses for redundant space and buildings, including The Grove and Tain Picture House.

#### Consultation, hinterland, construction noise

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

#### Greenspace

Whilst there are no formal greenspaces in area west of the A9 the Tain settlement map does identify some green network. This recognises the important physical, visual and habitat connections it provides and ensures these qualities are protected from development. The development of this site will result in the creation of formal amenity space for the residents which in the future could become

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

#### Agricultural land

There is an assertion that TN06 should be left as agricultural land. The eastern half of the site is classed as prime agricultural land, the remainder heading west towards the forest is not. NPF4 advises that LDPs should protect locally, regionally, nationally and internationally valued soils, including land of lesser quality that is culturally or locally important for primary use. However, NPF4 also contains policies relating to the avoidance of a myriad of other development constraints and also requires planning authorities to identify sufficient land for all uses. NPF4 recognises that few proposals will comply with all of its provisions and therefore it is necessary for any decision maker to assess which parts of NPF4 point in favour of a development and which do not. Similarly, the Council in making its Plan site selection decisions has taken account of land capability for agriculture but weighed this factor against others (as detailed in the Strategic Environmental Assessment [\*] process). This site is allocated because of the absence of better alternatives and as an essential component of the settlement strategy. The Plan's Settlement Hierarchy sets out a strategic view on where future growth should occur, targeting future growth at locations which are most economically viable and environmentally sustainable. In the settlement hierarchy Tain is a Tier 1 settlement; Tier 1 settlements are identified as the most sustainable locations suitable for a strategic scale of growth.

#### Infrastructure, services

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

#### Impact on amenity

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

#### Pat Munro (Ainess) Limited (1312301)

Support for allocations TN04, TN05 and TN06 is noted.

#### **TN03, TN04, TN05, TN06**

##### Transport Scotland (1324298)

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

#### **TN03 Ardlarach Farm**

##### NatureScot (1266529)

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

NatureScot are recommending that the developer requirement for a RAMP should be amended to state that it should contain the following: a study/survey of current levels and patterns of recreational

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

To align with the Habitats Regulations Appraisal (HRA) and ensure the environmental designations are fully protected, if the Reporter is so minded, the Council would support the suggested amendments by NatureScot being made to the Developer Requirement for TN03. The Council recognises that the mitigation required to ensure avoidance of any adverse effect of the integrity of Morangie Forest SPA may be onerous on a developer and may cause issues with the deliverability of the site. It has now been confirmed by NatureScot that that through the HRA it can not be ascertained that allocations TN03, TN04, TN05 and TN06 will not adversely affect the integrity of Morangie Forest SPA, individually or cumulatively.

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

#### SEPA (906306)

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

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

##### NatureScot (1266529)

Habitats Regulations Appraisal (HRA) and the Appropriate Assessment of Morangie Forest SPA identified mitigation in the form a Recreational Management Action Plan (RAMP) and this was included in TN04, TN05 and TN06 as a developer requirement. Text was also included at paragraph xx on the IMFpLDP2 that requires any development to assess and demonstrate measures which ensure avoidance of any adverse effect of the integrity of Morangie Forest SPA and the final placemaking priority states: 'avoid any adverse effect on adjacent European nature conservation sites'. However following from on from further investigation from NatureScot on the local distribution of capercaillie and recreation since the publication of IMFpLDP2, NatureScot are recommending that the mitigation for a RAMP is revised. NatureScot are recommending modifying the developer requirement to make the nature and scale of the work required for Recreation Access Management Plans, to contain the following: a study/survey of current levels and patterns of recreational use around Tain and Morangie Forest SPA, including infrequent and dispersed recreational types and behaviours that are known to be particularly disturbing for capercaillie; expert predictions of how existing levels and patterns of recreational use would change should TN04, TN05 and TN06 be developed; a review of whether existing data on capercaillie use of the Morangie Forest SPA area is sufficient, or whether additional survey effort is required. If so, it should be commissioned; an assessment of the predicted changes in recreational use alongside capercaillie use of the woods to identify which predicted changes could result in significant disturbance to capercaillie; and identification of a package of mitigation measures, and arrangements for their long term monitoring and maintenance, to remove each of these risks. To align with the Habitats Regulations Appraisal (HRA) and ensure the environmental designations are fully protected, if the Reporter is so minded, the Council would support the suggested amendments by NatureScot being made to the Developer Requirement for TN04, TN05 and TN06. It has now been confirmed by NatureScot that that through the HRA it can not be ascertained that allocations TN03, TN04, TN05 and TN06 will not adversely affect the integrity of Morangie Forest SPA, individually or cumulatively.

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

### **TN07 Land to Rear of Craighill Primary School**

Sportscotland (1323065)

The section of the allocation which is in the grounds of Craighill Primary School, has open space included in its current use which is not shown as protected greenspace in recognition that the land is part of the allocated land for the 3-18 Campus. Subsequent to the IMFpLDP2 being published for consultation, planning permission (21/05639/FUL) was granted in 2022 for the Erection of community campus including nursery, school, playgrounds, sport pitches and associated infrastructure. It has subsequently become extant with a notice of initiation being submitted in September 2022. In terms of sports field provision the permission includes: one grass pitch measuring 100m x60m with flood lighting; 2no. 3G pitches, one measuring 100m x 60m, the second measuring 60m x 40m; 3no. enclosed Multi Use Games Areas (MUGA). If the Reporter is so minded the Council would be supportive of the recommended additional developer requirement from Sportscotland that references the requirement for replacement outdoor sports facility which satisfies the national policy tests.

### **TN08 Tain Royal Academy**

David Lauritson (1323207)

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

Sarah Smith (1323051)

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

Sportscotland (1323065)

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

### **TN09 East of Burgage Drive**

Jan Witts (1310251) and Patricia Toshney (1310597)

Loss of greenspace and over built area

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

(TN5) in the aIMFLDP. The allocation in IMFpLDP2 is for housing and community uses and there is a developer requirement which states that the community use is safeguarded for greenspace only.

Loss of view

There is no legal right to a private view.

Construction pollution/disturbance

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

Alternative sites

The levels of growth required are identified through various factors, but for housing, as required within NPF4, a key source of evidence is the Housing Need and Demand Assessment. The topic of overall housing land requirement is considered more widely in Issue XX. As reported to The Easter Ross Area Committee in November 2021, the site is considered to be a viable site which can provide housing in a central location.

Housing/Roads Repairs, Town Centre Viability

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

Map Base

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

**TN10 Blarliath**

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

Support noted.

**TN11 Glenmorangie**

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

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

**Reporter's conclusions:**

**Reporter's recommendations:**



<b>Issue 48</b>	<b>Tomatin</b>	
<b>Development plan reference:</b>	Section 4 Places, Tomatin Settlement, PDF Pages 309-313	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Network Rail (1312503) Helen and Andrew Bailey (1312485)		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 32, Settlement Map 36 Tomatin, Development Sites, PDF paragraphs 242-246	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Placemaking Priorities</b>  <u>Helen and Andrew Bailey (1312485)</u>  Support the first five bulleted Placemaking Priorities but make the following comments.</p> <ul style="list-style-type: none"> <li>• Placemaking Priority 1 - The proposed development at TM03 may end up taking a different form from that granted permission.</li> <li>• Placemaking Priority 2 - The potential for 36 private houses to be built on TM02 does not appear to align with this priority. The need for less affordable housing in Tomatin is already met through planning applications for individual dwellings.</li> <li>• Placemaking Priority 3 – Question whether the suggested path is in addition to the active travel network to Inverness as stated in the sustainable transport interventions and seeks clarity on the proposed connection to Inverness.</li> <li>• Placemaking Priority 4 - This is in the very early stages and should not be used as a justification for a medium to large sized housing development at this stage.</li> <li>• Placemaking Priority 5 – Question why electric charging points and disabled spaces were not provided as part of the community facility development and states this should be a requirement at application stage.</li> </ul> <p>Objects to Placemaking Priority 6 because the greenspace around the core paths in Tomatin, which is safeguarded in the aIMFLDP, is no longer being safeguarded as either greenspace or green networks. The greenspace/network around the core paths contains a large amount of juniper bushes which are recognised as being in serious decline. Protecting this space will serve to reduce its vulnerability to further development. Respondents also highlight that a substantial portion of the green networks highlighted in the Plan, including suggested use for active travel, is actually railway land immediately either side of the Highland mainline and bounded by fencing, and are thus not designed to be accessible to members of the public.</p> <p><u>Network Rail (1312503)</u>  Notes the aspiration to re-open the former railway station as a means to enhance public transport opportunities for residents, attract business and tourists and reduce traffic on the A9. However, this is a small settlement and would be subject to a STAG appraisal which should consider how the investment made to upgrade to A9 in the area may make car a more attractive transport option than rail. Notes that allocation TM04 identifies land around the former railway station for industry and business uses, either alongside or instead of the reinstatement of the railway station. This allocation covers Network Rail owned operational land and sidings, the longer term future need for which has yet to be confirmed.</p> <p><b>TM01: West of Church of Scotland</b>  <u>Helen and Andrew Bailey (1312485)</u>  The name of the development site should be amended as the Church has been removed from the land opposite. Respondents also highlight the objection from the Council's Flood Risk Management team to the pending application due to concerns of flood risk and the lack of information provided by</p>		



the applicant. Development sites should be assessed against flood risk prior to inclusion in the Plan. Landowners should deal with flood risk issues prior to gifting the land to the community.

**TM02: North West of Railway Viaduct**

Helen and Andrew Bailey (1312485)

Respondents object to the allocation because: 1) there is no evidence of the commitment of the landowner to deliver the development and this puts an unreasonable threat of development on the respondents, whose property adjoins the site; 2) there is no evidence of suitable sewage treatment arrangements, be that Scottish Water providing additional capacity, extension to the existing works or capacity in the existing system; 3) there are likely to be areas at risk of flooding, and no improvements have been made to the drainage since its inclusion in the aIMFLDP; 4) as it is proposed to provide private housing only (affordable component is proposed to be on TM01) then it does not align with the 2<sup>nd</sup> Placemaking Priority; 5) gifting of TM01 for affordable housing is not a suitable justification for the inclusion of TM02, especially given the numerous negative points identified within the Strategic Environmental Assessment site assessment for TM02; 6) the need for market sector housing in Tomatin appears to already be met through planning applications for individual dwellings; 7) the SEA site assessment identified double-negative post-mitigation scores for water and sewerage, and for sustainable transport, alongside other negative scores and the SEA doesn't account for: the altitude of Tomatin and the more severe weather it gets; the shading part of the site gets during the winter; or, the presence of lapwings which have 'Red' RSPB conservation status; 8) the development would not qualify for subsidised full-fibre broadband connection offered by the community development company; 9) the potential opening of the railway station should not be used as a justification for TM02 as it is in the very early stages of discussion; 10) proposed redevelopment of the Former Little Chef site should not be used as a justification for TM02 as there has been little progress in taking it forward; and, 11) rather than a large number of market sector houses built on one site, scattered housing appears to work well in Tomatin. Respondents also point out two mistakes with the boundary of TM02: a small section on the south side of TM02 is owned by Network Rail and not the owner of the majority of TM02; and, a portion at the north and east side of TM02 has been compulsorily purchased as part of the A9 dualling work.

**TM03: Former Little Chef**

Helen and Andrew Bailey (1312485)

Support the allocation, noting there is an extant permission for the site, but highlights that little progress has been made to deliver the site otherwise and questions its effectiveness.

**TM04: Former Railway Station**

Helen and Andrew Bailey (1312485)

Support the allocation but note Network Rail has highlighted in the IMFLDP2 review process that a STAG appraisal needs to be carried out to consider the viability of re-opening the railway station, and that they, as the owners, have no plans for the site.

**Modifications sought by those submitting representations:**

**Placemaking Priorities**

Helen and Andrew Bailey (1312485)

Addition of land around the core paths as protected greenspace, as per the aIMFLDP, which stated, "Wooded land to the west of the village is important to its setting and for recreation and therefore is safeguarded" and highlighted on the map.

Network Rail (1312503)

Addition of a reference for a STAG appraisal to be undertaken of the potential rail halt. Amendment to the Tomatin Settlement Map to identify the potential rail halt and how it interacts with allocation TM04 (assumed).

**TM01: West of Church of Scotland**

Helen and Andrew Bailey (1312485)

Amendment to the name of the development site.

**TM02: North West of Railway Viaduct**

Helen and Andrew Bailey (1312485)

Removal of the allocation from the Plan. If the site is taken forward then addition of the same stringent flood risk conditions being applied to TM01 and it should be amended to remove the sections of land that are incorrectly included within its curtilage.

**TM03: Former Little Chef**

Helen and Andrew Bailey (1312485)

None.

**TM04: Former Railway Station**

Helen and Andrew Bailey (1312485)

None.

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

**Placemaking Priorities**

Helen and Andrew Bailey (1312485)

In relation to the comments on the first five Placemaking Priorities:

- 1) Point raised is noted.
- 2) Individual housing has typically taken place in the countryside around Tomatin. The delivery of housing on an allocated site within the confines of the settlement will help to both reduce pressure on the countryside and ensure that the residents of the housing will be less dependent on car journeys.
- 3) The route between Moy and Tomatin was identified as a priority by the Strathdearn Community Developments Company in its Main Issues Report submission. The reference to a connection between Tomatin and Inverness in the sustainable transport interventions highlights the Council's aspiration to develop better inter-settlement active travel provision. No known assessment work has been undertaken for the route at this stage.
- 4) It is recognised that there are no plans, funding or business case to reopen the station. It has not been used as a justification for allocating land at Tomatin.
- 5) Currently, there is no mandatory requirement for EV charging facilities to be delivered as part of all planning applications. The Scottish Government and the Council are considering such a requirement and whether this should be achieved via building standards changes and/or planning condition. The Council has published non statutory guidance on this topic **[\*]** which differentiates between active (communal public) and passive (private, within curtilage) provision. The latter may more appropriately be dealt with through buildings standards regulation and the former via planning condition.

The large area of woodland to the west of Tomatin was identified as greenspace in the aMFLDP to avoid any incremental housing development. However, the Council have attempted to clarify and take a more consistent approach to identifying greenspaces in the new Plan. Whilst the woodland does not fit with the Plan's definition of protected greenspace, it could be considered to form part of the wider green network. If the Reporter is so minded, then the Council would support the area previously shown as greenspace in the aMFLDP to the west of Tomatin being shown as a green network. The green network notation is a more indicative boundary feature than protected greenspaces and therefore minor discrepancies such as those highlighted are not significant. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Network Rail (1312503)

In recognition of the need for the Scottish Transport Appraisal Guidance (STAG) process to be undertaken to inform decision making on the reopening of a rail halt at Tomatin, if the Reporter was so minded, then the Council would support the following amendment to the 4th Placemaking Priority: "Undertake a Scottish Transport Appraisal Guidance (STAG) study to explore potential for reinstating a rail halt to enhance public transport options for residents, attract business and tourists and reduce traffic on A9." Given that the rail halt is only an aspiration and, as highlighted above, a STAG study has not yet taken place it is not considered necessary at present to show the rail halt on the settlement map.

**TM01: West of Church of Scotland**

Helen and Andrew Bailey (1312485)

The Council intends, as a factual change, to change the name of the site to 'North of Ard Park'. Flood risk is considered as part of the site selection process (see the Environmental Report, Tomatin summary section [\*\*] for further information). In terms of TM01, the Plan already identifies the need for a Flood Risk Assessment and Drainage Impact Assessment to be undertaken. Only pluvial (not fluvial or coastal) flood risk affects the site and affects less than 50% of the site and is not considered insurmountable to the site's development.

**TM02: North West of Railway Viaduct**

Helen and Andrew Bailey (1312485)

In response to the issues raised:

- 1) the proposed allocation TM02 formed part of a much larger vision of strategic expansion supported in the aIMFLDP. Whilst there are concerns about the deliverability of this scale of development, it is anticipated that a smaller scale proposal would be effective over the Plan period. As is proposed, if the affordable housing element is granted permission on TM01, it may also help to ensure the delivery of open market housing on TM02 is more viable.
- 2) Scottish Water has been consulted on the allocation and are content that a viable solution can be delivered to accommodate the development of the site.
- 3) Flood risk and drainage issues have been taken into account when assessing the site and, accordingly, the Plan identifies the need for a Flood Risk Assessment and Drainage Impact Assessment to be undertaken.
- 4) The Placemaking Priority refers to the aim of delivering new housing to help bolster the local community. It is not exclusive to affordable housing.
- 5) Tomatin is identified as a Main Settlement due in part to the relatively wide range of facilities for a village of its size. Whilst the strategic expansion of the settlement is no longer deemed suitable, the allocation of land for both affordable and open market housing is important and will help to deliver the Placemaking Priority mentioned above.
- 6) This issue has been addressed above.
- 7) Relevant mitigation has been included in the Plan or in general policies which addresses the issues raised.
- 8) The importance of digital connectivity is recognised, however, the ability to receive subsidised full-fibre broadband connection is not a determining factor in allocating land for development at this location.
- 9) This issue has been addressed above.
- 10) This issue has been addressed above.
- 11) This issue has been addressed above.

**TM03: Former Little Chef**

Helen and Andrew Bailey (1312485)

Noted.

**TM04: Former Railway Station**

Helen and Andrew Bailey (1312485)

Noted.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 49</b>	<b>Tore</b>	
<b>Development plan reference:</b>	Section 4 Places, Tore Settlement, PDF Pages 314-318	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Douglas Macaskill (1323476) SEPA (906306) Springfield (1147956) Woodland Trust (1312249)		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 33, Settlement Map 37 Tore, Development Sites, PDF paragraph 247-249	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Settlement Map</b> <u>Springfield (1147956)</u> Allocation of respondent's land as per supplied development framework plan [*] because: aIMFLDP 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&amp;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><b>TR01: By Woodneuk</b> <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> <p><b>TR02: Land North of the Grain Mill</b> <u>Douglas Macaskill (1323476)</u> 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.</p> <p><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>		

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 [REDACTED] 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:**



<b>Reporter's recommendations:</b>

<b>Issue 50</b>	<b>Tornagrain</b>	
<b>Development plan reference:</b>	Section 4 Places, Tornagrain Settlement, PDF Pages 319–323	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Moray Estates per Turnberry (1312468)  Woodland Trust (1312249)  Gordon Brown (1323131)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Placemaking Priorities 34, Settlement Map 38 Tornagrain, Development Sites, PDF paragraphs 250-253	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Tornagrain Placemaking Priorities</b>  <u>Moray Estates per Turnberry (1312468)</u>  Landowner supports the Tornagrain Placemaking Priorities subject to one objection. The second Placemaking Priority states 'Upgrade the A96 roundabout prior to Phase 2 of development and Transport Scotland to deliver the A96 dualling between Inverness and Tornagrain prior to Phase 3 (unless demonstrated that additional phases can be suited accommodated).' The wording relates to the delivery of two infrastructure works. Clarification to the wording is needed to deal with the circumstances where it is otherwise agreed that the infrastructure improvement is either not required or that additional development can be accommodated without it being in place. As worded, the bracketed wording could also be interpreted that it only applies to the A96 dualling. It should apply to both. Also, the grammar of the phrase in the brackets is not correct; the word 'suited' is unnecessary and can be deleted.</p> <p><b>TG01: Tornagrain New Town</b>  <u>Moray Estates per Turnberry (1312468)</u>  The landowner supports the allocation and highlights that within the Developer Requirements reference is made to the approved planning permission 09/00038/OUTIN on 15 May 2019, but that a further planning permission in principle (16/05725/S42) was granted for the new town. This permission is being implemented and it would be worthwhile making a minor change to the text so that it also refers to this other permission in the Developer Requirements.</p> <p><u>Woodland Trust (1312249)</u>  Most native woodland has been excluded from the allocation by boundary adjustments or greenspace designation and this is commended. The remaining LEPO woodland at Tornagrain Wood in the west of the site, south of the A96 is non-native LEPO. LEPO woodland can develop ancient woodland characteristics over time.</p> <p><u>Gordon Brown (1323131)</u>  Having accepted a new town in close proximity to where the respondent lives, he is determined to ensure that the existing residents of the area see some advantages and minimal disruption. Respondent highlights that Phase 7 of the masterplan adjoins the existing Tornagrain village, expected around 2050, but that means there will be no direct access to the facilities being created until that time, despite the disruption of major development. Despite the landowner recognising the issue, 15 years later there is still no pedestrian access to the local shop, pharmacy, cafe, railway station, etc, etc for existing residents in the local area. The fuel pipeline and overhead HV cables crossing the site cannot be developed and provide the opportunity to create a path. Other major issues with the allocation include the lack of visitor parking, lack of pedestrian crossing of the A96 trunk road, drainage issues as part of Phase 7, and the landowner has dismissed opportunities for utilising renewable energy. Comparisons are drawn to East Kilbride new town.</p>		

**Modifications sought by those submitting representations:****Tornagrain Placemaking Priorities**Moray Estates per Turnberry (1312468)

Amendment to the second Placemaking Priority wording to read “Upgrade the A96 roundabout prior to Phase 2 of development, and (ii) Transport Scotland to deliver the A96 dualling between Inverness and Tornagrain prior to Phase 3 (unless, in either case, it is demonstrated that additional phases/development can be accommodated).”

**TG01: Tornagrain New Town**Moray Estates per Turnberry (1312468)

Additional reference in the Developer Requirements to planning permission in principle 16/05725/S42.

Woodland Trust (1312249)

Addition of a Developer Requirement that no development should take place at the remaining LEPO woodland at Tornagrain Wood in the west of the site, south of the A96 without a woodland survey.

Gordon Brown (1323131)

Addition of a Development Requirement or Placemaking Priority to deliver the proposed path connection to the original Tornagrain village as soon as possible (assumed).

**Summary of responses (including reasons) by planning authority:****Tornagrain Placemaking Priorities**Moray Estates per Turnberry (1312468)

It is recognised that the change is subtle but important. As the suggested amendment better reflects the position regarding upgrades to the A96 trunk road and roundabout, if the Reporter is so minded then the Council would support the requested change to the Plan.

**TG01: Tornagrain New Town**Moray Estates per Turnberry (1312468)

It is recognised that the planning application referenced as 16/05725/S42 which was granted permission in 2017 allowed the re-phasing of development and referencing this in the Plan would add value. Therefore, if the Reporter is so minded, then the Council would support planning reference ‘16/05725/S42’ being added alongside the existing planning reference in the Developer Requirements.

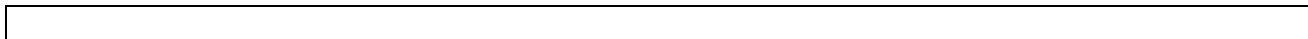
Woodland Trust (1312249)

The issue is recognised and already covered to a large extent by the 6th Placemaking Priority: Preserve and enhance green and blue networks within and around the settlement, particularly areas of native woodland and watercourses, for the benefit of active travel use, water management and biodiversity. However, given the woodland which exists on the site, there is some merit in a more explicit reference. Therefore, if the Reporter is so minded then the Council would support an additional Develop Requirement being added for a “woodland survey”.

Gordon Brown (1323131)

The active travel connection between the new town and the original Tornagrain village is a valid suggestion. Whilst the phasing of the new town has, to some extent, already been determined through existing applications, the Council would support reference to this connection being added to the Plan to ensure it is considered as part of any future revision or other opportunity. If the Reporter is so minded, then the Council would support the rewording of the 4th Placemaking Priority to: “Enhance active travel connections and other sustainable transport options to key employment destinations, including Inverness Airport Business Park, to the original Tornagrain village, and through the delivery of the A96 Landward Trail and North South Links.”

**Reporter’s conclusions:****Reporter’s recommendations:**



<b>Issue 51</b>	<b>Economic Development Areas (EDAs)</b>	
<b>Development plan reference:</b>	Section 4 Places, Economic Development Areas, PDF Pages 324-342	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Alasdair Gillespie (1310451)  Andrew Jones (1324077)  Andrew Still (1323138)  Andrew Thayne (1324269)  Andy Thurgood (1310849)  Beatrice Vince (1324223)  Charlie Butcher (1323121)  Cromarty &amp; District Community Council (1271626)  Cyril Smith (1324222)  Daniel Woodley (1312362)  Derek Marshall (1323045)  Ernie Millard (1310590)  Highland Deephaven Ltd per G&amp;S (Evanton) (1323073)  Historic Environment Scotland (HES) (964857)  Joan Noble (931076)  Lilli Marshall (1312447)  Mark Fiskel (1312527)  MoD per DIO (1270246)  Mr Scott per Bidwells (1273028)  Nairn Access Panel (1312032)  Nairn West &amp; Suburban Community Council (1323971)  NatureScot (1266529)  Network Rail (1312503)  Nigg and Shandwick Community Council (1312227)  PDG Aviation per GHJ (1312295)  Robert Mackenzie (1218607)  Sheenagh Harrison (1312446)  Steve North (1263190)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Economic Development Areas (EDAs), PDF Paragraphs 254-272	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Request for additional EDA</b>  <u>Mr Scott per Bidwells (1273028)</u>  Landowner objects to the non-inclusion of land at Fearn Aerodrome for light industrial uses which was identified as a Strategic Employment Site within the adopted IMFLDP and refutes the reasons presented by the Council within the Main Issues Report (MIR). The reasons included concerns over the site's deliverability (as the Council was not aware of any significant commercial interest or potential future development pressures) and that the allocation is considered unnecessary as it does not reflect the development potential of the area. It was also highlighted that support in principle for commercial uses at the site is likely to be forthcoming through other planning policies. The landowner, however, highlights continued development interest/pressures in the area, the most recent example including a 100GW Anaerobic Digestion Plant (Screening Opinion reference 22/02293/SRE).</p> <p><b>HD01: Highland Deephaven</b>  Highland Deephaven Ltd per G&amp;S (Evanton) (1323073)</p>		

Landowner supports the principle of the Economic Development Areas (EDAs) and the recognition that these sites can generate significant economic activity. Also supports the allocation of Highland Deephaven because: 1) it provides significant economic benefits, particularly addressing shortfall of employment land; 2) strong transport links to the A9 and marine access; 3) potential for a new rail spur supported by Network Rail; 4) active developer interest; 5) owners intend to carry out a masterplanned approach to accord with policy objectives in the Plan and set out land uses including industrial, storage and office development. The landowner therefore objects to the proposed allocation use being for industry only and requests that the acceptable uses remain the same as the adopted IMFLDP which extent to industrial, business and infrastructure uses.

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

#### NatureScot (1266529)

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

#### **NG01: Nigg Energy Yard**

##### Andrew Jones (1324077)

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

##### Andy Thurgood (1310849)

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

##### Cromarty & District CC (1271626)

The Environmental Impact Assessment should include assessment of Low Frequency Noise, Peak Noise and Noise Fluctuations, adopting the methodology of BS 4142:2014+A1:2019 March 202 Version1.0 Technical Note, and adoption of current World Health Organisation (WHO) guidance on Low Frequency Noise, Peak Noise and Noise Fluctuations. As part of any expansion, Nigg Energy Park should be asked to include investment to: 1) increase the ferry to become a year round service



to encourage local employment opportunities; and, 2) set up an insulation (including double glazing with conservation area planning flexibility) fund available to Cromarty residents to help combat the existing, and any increase in, low frequency noise.

Daniel Woodley (1312362)

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

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

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

- 1) Tourism – allocating the land for industry has removed the potential for it to be developed as a world class golf course which was to be private investment and would have resulted in many long term sustainable jobs and made a complementary and significant boost to the local tourism industry (e.g. golf, wildlife and historical based tourism). It will cause a detrimental impact on the wider tourism industry of Easter Ross. The Cromarty – Nigg ferry crossing, which is popular with tourists/cyclists, would be compromised due to the safety and visual/landscape impact for visitors travelling on the B9175;
- 2) Scale and impacts on infrastructure - the proposed industrial developments are vague, out of scale with the surrounding area, represent a significant increase from existing allocation and it does not have the infrastructure to support such development, e.g. the roads are over capacity and poorly maintained;
- 3) Benefit to community – the proposed industrial development will not benefit the local community;
- 4) Neighbouring properties - the allocation surrounds 7 residential properties and development will threaten their accesses from the B9175 and result in unbearable levels light, odour, air, vibration and noise pollution due to the close proximity to the development/industrial site. Previous works have been carried out at antisocial times, and agreed mitigation was not adhered to or continued to have negative impacts on neighbouring properties. It will impact on the views of neighbouring properties;
- 5) CPO/compensation – there will be a need for the Council/developers to compulsory purchase the residential properties or pay compensation due to unmitigable impacts on residents and on property values;
- 6) Brownfield land - rather than industrialisation of greenfield land, there is already available brownfield land in the area which can accommodate the demand for industrial development. Examples given include; 1) the permission has just been granted for a fabrication plant within the existing Nigg yard; 2) the oil terminal at Nigg which becomes available for development in 2025; 3) and other location such as Ardersier);
- 7) Public sector funding – some respondents caution against investing large amounts of public money into heavy industry in the Highlands as it has been proven to be unsustainable, short lived and detrimental to the community in the long run – other parts of the UK are ultimately better placed to accommodate industrial development. Rerouting of the B9175 would come at huge public expense.
- 8) Environment – development would have significant environmental impacts, including on various protected species, woodland and habitats and detrimental impact on coastal walks and beach.
- 9) Lack of consultation – there has been a lack of consultation with the local community regarding the Plan and the proposals.

Nigg and Shandwick CC (1312227)

Objects to the allocation of NG01 because:

- 1) Access – the road network is not appropriate for the industrial development proposed. An increase in traffic on the scale necessary to maintain an industrial site of the proposed size would lead to significant congestion as well as compounding the existing issues for those residents and businesses along the route, such as from noise and air pollution. It is likely to

increase traffic on the single track road which runs parallel with the B9175 which is not appropriate for such pressure. The Nigg Ferry terminal does offer an alternative to vehicular access, but the present provisions amount to a single, low capacity, seasonal ferry;

- 2) Environmental impact – Nigg is a predominantly rural area rich with varying habitat and biodiversity and is highly productive farmland. The proposed development of greenfield land goes against national and international agreements and the land must be properly assessed and understood prior to decisions to support development. Two brownfield sites exist to the north and south of the existing facility – these must be utilised before the community would consider the expansion onto greenfield land;
- 3) Scale - NG01 covers an enormous area, all of which is proposed for industrial use and it does not account for infrastructure, amenities, housing and other services needed to support the direct and indirect jobs. Concerns that the associated development will lead to further development of the countryside. Concerns about the legacy of the sites when industrial activity ceases – will they be left abandoned such was the case with the existing sites. A proper decommissioning plan must be set up before any development is approved;
- 4) Human impact – The impact on the community council/community has not been taken account and certain houses would be surrounded by development making living there untenable. Proper analysis of the viability of these homes for continued occupancy must be undertaken, and where necessary, adequate financial compensation should be offered to the home owners. Proper provisions must be planned and put in place to lessen the impact of sound, sight, and air pollution on the wider community.

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

#### Port of Cromarty Firth (1178440)

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

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

#### Robert Mackenzie (1218607)

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

Objects to the following:

- 1) the allocation being a single entity as there are in fact two distinct sites, i.e. Nigg Energy Park and Pitcalzean Farm (land to the east of the B9175). Pitcalzean Farm is undeveloped land, which is partially allocated for industrial development, and is under separate ownership from Nigg Energy Park. The sites should be clearly distinguished in the IMFLDP2 as, NG01: Nigg Energy Park and NG02: Pitcalzean Farm;

- 2) The Economic Development Area Map 5 for Nigg Energy Park should also be amended to fill out the industrial allocation in order to achieve a more suitable allocation, which would better facilitate the scale of development and land area required for the type of short term industrial developments likely to be brought forward (i.e. as per the Nigg and Pitcalzean tax site plan proposed by Inverness and Cromarty Firth Freeport) [\*].

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

### **CS01: Castle Stuart**

Alasdair Gillespie (1310451)

HGV movements around Castle Stuart are damaging the roads and they are not being properly maintained. The HGV traffic is unsafe on the roads, damaging entrances onto the B9039 and mitigation (in terms of physical repairs, upgrades, debris and dust) is being delivered.

NatureScot (1266529)

Recommend including Developer Requirements: 1) for protecting the features of the Longman and Castle Stuart Bays SSSI; 2) to manage disturbance to qualifying bird species of both the Longman and Castle Stuart Bays SSSI and the Inner Moray Firth SPA. Measures could include nature-based solutions such as planting and careful site design to screen people from birds and to limit access to the shore from this allocation. There are also opportunities to include bird hides and discrete viewpoints of the Bay.

### **FG01: Fort George**

Andrew Thayne (1324269), Beatrice Vince (1324223)

Objects to the land surrounding No.1 and No.2 The Common [\*] being included within the allocation because: 1) development will reduce the amenity and quiet nature of the area, result in overlooking and lower their property value; 3) there are ongoing intermittent low water pressure problems which would be exacerbated by development; 4) the vegetation provides habitat/biodiversity value and screening from the nearby woodyard.

Historic Environment Scotland (HES) (964857)

Support Housing being added to the list of acceptable uses since the MIR, alongside the other specified uses of Community, Business, Tourism and Retail. Many of the buildings have been used for residential accommodation over a long period of time and adaptive re-use and retrofit could play an important part of a balanced mixed use future.

HES support the Developer Requirements that have been put forward and the recognition of the need to respect the historical integrity of Fort George. As a point of detail the statement "safeguard the fabric, historic character and/or curtilage setting of the Listed Buildings" should read "safeguard the fabric, historic character, curtilage and setting of the Listed Buildings".

Given the significant historic importance of the site it would also be of benefit for a Conservation Plan to be required in order to ensure that the significance of the asset is understood and to set out how this significance will be retained in the future use and development of the site.

MoD per DIO (1270246)

The DIO supports the allocation of Fort George for the mix of uses proposed because: 1) the site offers the opportunity to create a truly diverse and sustainable community, where people want to live and work; 2) it fits with national and regional policy; and 3) it provides the required flexibility to secure Fort George's long-term viability, when it becomes decommissioned as a military base.

NatureScot (1266529)

Recommend including a Developer Requirement to protect the features of the Ardersier Glacial Deposits SSSI, Ardersier GCR and the Whiteness Head SSSIs.

The area to the north east of the proposed site is currently an undisturbed part of the Inner Moray Firth due to the restricted access arising from military activity. This area provides a valuable sanctuary for birds that may be disturbed in other parts of the Inner Moray Firth SPA. In relation to

the Developer Requirement for a Recreational Access Management Plan (RAMP), NatureScot recommend specifying how the RAMP will ensure that this undisturbed area of the Inner Moray Firth SPA is maintained, and that there will be no adverse effects on the site integrity. Additional requirements for the RAMP should include: 1) assessing the relative importance of the roosts at this location within the context of the wider Inner Moray Firth SPA; 2) undertaking counts to determine current numbers of qualifying birds using this area as a proportion of SPA as a whole; 3) assessing if there are other roost sites nearby that could accommodate birds using these roost sites if they are subject to disturbance and, if so, are any of the alternative roosts also under pressure; 4) quantifying the current level of recreational access along this stretch of coast and set out likely increases above the baseline as a result of the proposed development; 5) and assessing the likely impact of any increased recreational disturbance and set out how a RAMP could be used to effectively manage and mitigate such impacts.

Objects to the Developer Requirement for a coastal protection assessment as such defences could worsen erosion southward towards Ardersier. To resolve this, it is recommended that a Developer Requirement for ensuring development avoids the coastal edge is added, and that the reference to a coastal protection assessment which could lead to potential coastal engineered works is removed.

### **IA01: Inverness Airport Business Park**

Cyril Smith (1324222)

Suggests the benefit of making a transportation hub at Inverness Airport/Port of Ardersier which will have air, rail and ship freight as this could free up land at Inverness Harbour and bulk materials yards which can be allocated for housing and social requirements.

Nairn Access Panel (1312032)

Highlight the need for hassle free accessible transport links between the new railway station at Dalcross and the airport.

NatureScot (1266529)

Recommend including a Developer Requirement for protecting the features of the Longman and Castle Stuart Bays SSSI.

Network Rail (1312503)

Support the Developer Requirement to improve active travel links to new rail halt.

### **IA02: Dalcross Industrial Estate Expansion**

PDG Aviation per GHJ (1312295)

Objects to the allocation of IA02 because:

- 1) it is inappropriate to allocate and promote land for development in such close proximity to the long-established heliport on the north side of the existing Dalcross Industrial Estate due to impacts it will have on its operation and viability;
- 2) no consideration has been given to the development plan history of the site which includes a Public Local Inquiry as part of the 2003 Inverness Local Plan where most of these issues were examined and the Reporter recommended against the allocation of the land at that time following the submission of evidence from PDG Aviation about the operational requirements for the heliport. Also, the site was considered within the Main Issues Report for the first Inner Moray Firth Local Development Plan (2013) for Temporary Stop Sites for Travelling People but was not taken forward beyond that stage;
- 3) no mention has been given to the operational requirements of the heliport;
- 4) between 2002 and 2006 PDG engaged directly with THC and sought legal counsel opinion which clearly established PDG's continuing rights to overfly the undeveloped grazing land – these discussions have been ignored;
- 5) approved flight paths have consistently been followed and continue to be in operation today;
- 6) aviation industry authority bodies stimulate guidelines for flights in and around airports and heliports and PDG operates helicopters in all three classes and it requires suitable clear areas for helicopters to operate and take off/land safely and with economic efficiency;
- 7) much of IA02 land is used regularly by PDG helicopters and allows for take off/approach to be modified at will for changing wind directions;
- 8) the current no-fly and noise limitation areas were self-imposed by PDG to avoid impacting on neighbouring properties;

- 9) Planning Permission and the permission of landowners is not required to overfly the adjacent field;
- 10) respondent questions the need to allocate land when there is more than enough already serviced land at Inverness Airport Business Park which is allocated for business and industrial development.

**WH01: Whiteness**

Cyril Smith (1324222)

Suggests to make a transportation hub at Inverness Airport/Port of Ardersier which will have air, rail and ship freight as this could free up land at Inverness Harbour and bulk materials yards which can be allocated for housing and social requirements.

Joan Noble (931076), Nairn West & Suburban Community Council (1323971)

While the prospect of employment again at the Port of Ardersier is welcome, the respondents objects to the allocation supporting major polluting activities (e.g. waste incinerator and a steel mill) just upwind of Nairn and its beaches and golf courses as it will impact on the area's tourism industry and health of residents.

NatureScot (1266529)

Recommends the following Developer Requirements are added: 1) to protect the features of Whiteness Head GCR and the Whiteness Head SSSI; 2) need to refer to the Spit Management Plans and Sediment Movement Plans as agreed at Planning In Principle stage (18/044552/PIP); 3) to prevent the spread of New Zealand pigmyweed (*Crassula helmsii*) through measures for either control or eradication of the invasive non-native species (INNS); 4) Any works in the future to protect the development from coastal change must not result in engineering methods that would damage the Inner Moray Firth SPA or Whiteness Head SSSI.

Steve North (1263190)

Objects to development as the site lies within an extremely environmentally sensitive location raising a whole series of complicated and unpredictable issues which will be extremely challenging to address and which will require significant resources from public bodies to manage successfully - particularly in the long term. Investment based on waterside access along such a mobile and sensitive shoreline is short sighted.

**Modifications sought by those submitting representations:****Request for additional EDA**

Mr Scott per Bidwells (1273028)

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

**HD01: Highland Deephaven**

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

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

NatureScot (1266529)

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



**NG01: Nigg Energy Park**

Andrew Jones (1324077)

No modification sought.

Andy Thurgood (1310849)

Removal of the allocation NG01 from the Plan (Assumed)

Cromarty & District CC (1271626)

The Environmental Impact Assessment to include assessment of Low Frequency Noise, Peak Noise and Noise Fluctuations, adopting the methodology of BS 4142:2014+A1:2019 March 202 Version 1.0 Technical Note, and adoption of current World Health Organisation (WHO) guidance on Low Frequency Noise, Peak Noise and Noise Fluctuations. Add the following Developer Requirements: 1) to increase the Ferry to become a year round service to encourage local employment opportunities; 2) to set up an insulation (including double glazing with conservation area planning flexibility) fund available to Cromarty residents to help combat the existing, and any increase in, low frequency noise.

Daniel Woodley (1312362)

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

Nigg and Shandwick CC (1312227), Andrew Still (1323138), Charlie Butcher (1323121), Ernie Millard (1310590), Mark Fiskel (1312527), Derek Marshall (1323045), Lilli Marshall (1312447), Sheenagh Harrison (1312446)

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

Nigg and Shandwick CC (1312227)

Removal of allocation NG01.

Port of Cromarty Firth (1178440)

Extend the allocation boundary shown as per the attachment [1].

Robert Mackenzie (1218607)

Split the single existing allocation into two allocations – with the existing Nigg Energy Park being 'NG01: Nigg Energy Park' and Pitcalzean Farm (land to the east of the B9175) being 'NG02: Pitcalzean Farm'. Extend the allocation boundary (which would be NG02: Pitcalzean Farm) as per the attachment [1]. Seeks flexibility from the Local Authority, that should no industrial development be brought forward within five years of the IMFLDP2 being adopted, then consideration should be given for alternative development, such as the redevelopment of the historic golf course.

**CS01: Castle Stuart**

Alasdair Gillespie (1310451)

Additional mitigation identified within the Developer Requirements to ensure impacts on the road network are fully assessed and offset (assumed).

NatureScot (1266529)

Add the following Developer Requirements: 1) protect the features of the Longman and Castle Stuart Bays SSSI; 2) manage disturbance to qualifying bird species of both the Longman and Castle Stuart Bays SSSI and the Inner Moray Firth SPA.

**FG01: Fort George**

Historic Environment Scotland (964857)

Replace the Developer Requirement wording "safeguard the fabric, historic character and/or curtilage setting of the Listed Buildings" with "safeguard the fabric, historic character, curtilage and setting of the Listed Buildings".

Add the need for a Conservation Plan to be undertaken to the list of Developer Requirements.

Andrew Thayne (1324269), Beatrice Vince (1324223)

Remove the land surrounding No.1 and No.2 The Common from FG01 [1].



MoD per DIO (1270246)

No modification sought

NatureScot (1266529)

Add a Developer Requirement to protect the features of the Ardersier Glacial Deposits SSSI, Ardersier GCR and the Whiteness Head SSSIs.

Add to the existing Developer Requirement for a Recreational Access Management Plan (RAMP) to specify how the RAMP will ensure the undisturbed area of the Inner Moray Firth SPA is maintained, and that there will be no adverse effects on the site integrity. Specific additional measures should include: "1) assessing the relative importance of the roosts at this location within the context of the wider IMF SPA; 2) undertaking counts to determine current numbers of qualifying birds using this area as a proportion of SPA as a whole; 3) assessing if there are other roost sites nearby that could accommodate birds using these roost sites if they are subject to disturbance and, if so, are any of the alternative roosts also under pressure; 4) quantifying the current level of recreational access along this stretch of coast and set out likely increases above the baseline as a result of the proposed development; and, 5) assessing the likely impact of any increased recreational disturbance and set out how a RAMP could be used to effectively manage and mitigate such impacts."

Replace the existing Developer Requirement for a coastal protection assessment to one which ensures development avoids the coastal edge.

#### **IA01: Inverness Airport Business Park**

Cyril Smith (1324222)

Reference to be added that the allocation should become a transportation hub alongside WH01: Whiteness.

Nairn Access Panel (1312032)

Add a Developer Requirement to ensure accessible transport links between the new railway station at Dalcross and the airport.

NatureScot (1266529)

Add a Developer Requirement to protect the features of the Longman and Castle Stuart Bays SSSI.

Network Rail (1312503)

No modification sought.

#### **IA02: Dalcross Industrial Estate Expansion**

PDG Aviation per GHJ (1312295)

Removal of IA02: Dalcross Industrial Estate Expansion from the Plan.

#### **WH01: Whiteness**

Cyril Smith (1324222)

Reference to be added that the allocation should become a transportation hub alongside IA01: Inverness Airport Business Park.

Joan Noble (931076), Nairn West & Suburban Community Council (1323971)

Remove heavy industry (Class 5 – General industrial) from the list of acceptable uses.

NatureScot (1266529)

Add the following Developer Requirements: 1) to protect the features of Whiteness Head GCR and the Whiteness Head SSSI; 2) need to refer to the Spit Management Plans and Sediment Movement Plans as agreed at Planning In Principle stage (18/044552/PIP); 3) to prevent the spread of New Zealand pigmyweed (*Crassula helmsii*) through measures for either control or eradication of the invasive non-native species (INNS); 4) Any works in the future to protect the development from coastal change must not result in engineering methods that would damage the Inner Moray Firth SPA or Whiteness Head SSSI.

Steve North (1263190)

Removal of the allocation WH01: Whiteness from the Plan

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

**Request for additional EDA**

Mr Scott per Bidwells (1273028)

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

**HD01: Highland Deephaven**

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

Reasons given in support of the allocation are noted. The identification of only Industrial uses in the Plan for Highland Deephaven reflects the most appropriate and predominant use for the land south of the A9. As set out in the Glossary, Industrial allocations allow for Class 4 Business, Class 5 General Industrial, Class 6 Storage or Distribution and therefore provides flexibility to deliver the uses suggested by the respondent. However, the expansion of the specified uses to include "Industry, Business and infrastructure" as per the adopted IMFLDP could help to better reflect the wider potential of the site, particularly given the scale of the allocation, albeit that Business and Infrastructure are likely to be more minor elements of the allocation. Therefore, if the Reporter is so minded, then the Council would support the list of acceptable uses being extended to include "Industry, Business and infrastructure". To highlight and promote the interlinked development opportunities on either side of the A9 it is acknowledged that a cross-reference in both the Evanton and Highland Deephaven sections would be useful. The suggested merger of site EV05: Evanton Industrial Estate with HD01: Highland Deephaven is not considered necessary. Although the land at ED05 sits within the same ownership of HD01, it is separated by the A9 Trunk road and forms part of the wider industrial estate on the outskirts of Evanton. See Issue 31: Evanton for the response to how it is suggested that the Evanton section can be amended to better cross reference the two sites.

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

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

The existing cross-references within the Evanton and Highland Deephaven maps can also be strengthened to highlight the adjoining allocation. The Highland Deephaven EDA map can use the same colour scheme for sites outwith the EDA as used in the Evanton map to show Highland Deephaven EDA. The reference on the maps can also be amended, from "see Highland Deephaven map" to "see HD01: Highland Deephaven Economic Development Area". The objections to the specific Developer Requirements which are referred to in the landowner's submission were derived in consultation with NatureScot and SEPA and are deemed to be appropriate for inclusion. We do not therefore propose to remove the requirements relating to watercourse crossings or ship to ship transfers. The request for the additional wording relating to the rail halt is considered reasonable as

rail siding will inevitably be required. Therefore, if the Reporter is so minded, then the Council would support the amendment of the final sentence of the first paragraph to (emboldened text would be additional and strike-through text removed) “The is also the potential for a spur off the Far North Railway Line and rail halt to be created ~~for commercial freight~~ to serve industrial operations and to support the sustainable movement of freight.”

#### NatureScot (1266529)

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

“Developer masterplan which should address: protect and enhance watercourses/features including existing riparian areas. Any crossings should be bottomless arched culverts or traditional style bridges. No culverting for land gain; Flood Risk Assessment (no development in areas shown to be at risk of flooding); Drainage Impact Assessment; ~~coastal erosion survey which identifies developable areas and mitigation measures~~ protect the features of Cromarty Firth SSSI including detailed appraisal of potential coastal change and effects on flood risk (no hard engineered defences will be supported, and to be assessed against impacts on the Cromarty Firth SPA); protected species survey; Land Contamination Site Investigation; high standard of architectural design and landscaping scheme which minimises the visual impact of development, particularly from the A9 and integrates greenspaces within the blue/green network; protect and enhance where appropriate existing woodland; safeguard potential for new rail halt and sidings to be formed to serve the industrial operations, jetty extension and marine frontage; Demonstration of no adverse effect on the integrity of the Dornoch Firth and Morrich More SAC, Moray Firth SAC, Cromarty Firth SPA/Ramsar (including the ability of the river delta to continue as an important wader roost site) and Moray Firth SPA by public sewer connection and comprehensive sustainable urban drainage system to deal with surface water run-off to avoid sedimentation and pollution reaching Firth, satisfactory submission of a Construction Environmental Management Plan and Operational Environmental Management Plan including avoidance of disrupting coastal processes, direct any lighting away from the adjacent mud and sand flats of the river delta, prevention of sedimentation and pollution, impact and mitigation on qualifying species including harbour seals, mitigation for disturbance and noise, Recreational Access Management Plan including consideration of water based activities, must include satisfactory provision and/or contribution towards open space, path and green network requirements, Noise and Vibration Mitigation Plan (including construction and operational phases and disturbance effects), Oil Spill Contingency Plan, Boat traffic Management Plan, Hydro-Dynamic study to assess the impact of altered flows on sediment movement in the firth in relation to subtidal sandbanks, full compliance with appropriate regulatory frameworks for ballast water discharge, dredging and disposal and ship-to-ship transfers including Marine Scotland dredging and disposal guidance (both for capital and maintenance spoil) and JNCC piling guidance.”

#### **NG01: Nigg Energy Park**

##### Andrew Jones (1324077)

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

##### Andy Thurgood (1310849)

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

inclusion of the following additional requirement “Appropriate setbacks, landscaping and other mitigation to safeguard amenity and privacy of neighbouring residential properties”.

#### Cromarty & District CC (1271626)

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

#### Daniel Woodley (1312362)

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

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

#### **Justification for the allocation**

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

#### **Infrastructure & Masterplanning**

The adopted IMFLDP allocation is supported by the Nigg Development Masterplan [2] which is statutorily adopted Supplementary Guidance. The masterplan was prepared in 2008 and set out the baseline development context. Its aim was to help promote the opportunities at that time and ultimately ensure it was brought back into economic use. Since then, Global Energy Group has acquired the site and developed it into a leading energy industry port facility. Whilst certain aspects



of the Nigg Development Masterplan remain relevant, it is widely acknowledged that it does not now fully reflect the emerging needs of the industry and development opportunities. As set out in the Developer Requirements for NG01, the developer will be required to carry out a masterplan for the site and address many of the same issues raised in the Nigg Development Masterplan. These include infrastructure requirements, environmental and amenity considerations, identification of developable areas and phasing, and engage with key stakeholders including the local community.

### **Decommissioning plan**

The Council recognises the importance of decommissioning large scale industrial developments when they become redundant. Policy 67 Renewable Energy Developments of HwLDP requires that, in all relevant cases, restoration of the site occurs. The Council's Construction Environmental Management Process for Large Scale Projects (2010) [1] notes that the Project Environmental Management Process should end with "operational management/post operational decommissioning to ensure that the environment is safeguarded from any negative effects of the development." Given the nature of the existing uses within the allocation (which include the disused oil terminal) and the wide range of potential future industrial uses, if the Reporter is so minded, the Council would support a Developer Requirement being added to highlight the need for such decommissioning/restoration work. This could be along the lines of: "programme of decommissioning/restoration in event of post operation/redundancy"

### **Landscape and visual impacts & tourism concerns**

The Cromarty Firth is already home to a range of significant energy and industrial related infrastructure and built development. Such development and activity has become a recognisable and widely accepted part of the landscape. This landscape is set against the backdrop of increasing numbers of visitors to the Highlands and a growing tourism sector. In recent times, there has been a variety of tourism related investment proposals and developments in and around the Cromarty Firth, including the world class golf course referred to within representations and proposed by the landowner of Pitcalzean Farm on land adjoining the existing Nigg Energy Park. This demonstrates that the juxtaposition between heavy industry and the high-quality natural environment which surrounds it is compatible in many respects and can serve as a defining feature of the area. The continued transition away from oil and gas to renewable energy activities will also help to embed the image of the region being focused on environmentally friendly activities, which is becoming an increasingly important consideration for tourists. Nevertheless, it is acknowledged that additional industrial activity needs to be carefully considered in terms of the impact it has on the landscape. Accordingly, the Plan already includes a Developer Requirement for a Landscape and Visual Impact Assessment to be undertaken, which will ensure such impacts are fully assessed and minimised. During the earlier stages of the Plan review, proposals for a golf course were being progressed for the land east of Nigg Energy Park by the landowner. Despite this, the Council agreed for the allocation of the land for industrial uses which essentially ensures that the golf course proposal will not be supported within the allocation at this time. As set out above, the land has been identified as being crucial for the renewable energy industry. In recognition of the site's strategic importance for the energy sector and the wider regeneration of the region, this position is now fully supported by the landowner of Pitcalzean Farm, as shown in his representation on the Plan. It is noted, however, that with key investment decisions will be made over the next 5 years that, if the growth and investment in renewable energy developments does not materialise during this time, the Council will be more open to considering alternative proposals. In this scenario, as part of the next Plan review, the Council will also consider whether reallocation for industrial uses is appropriate. Concerns expressed about the potential impacts on the amenity of nearby residents have been addressed in the response above.

### **Environmental concerns**

The environmental concerns relating to the principle of industrial development on the site have been considered through the SEA Environmental Report and Habitats Regulations Appraisal (HRA) [2] which have supported the preparation of the Plan. This has informed the Developer Requirements for the site (which cover a wide range of environmental issues including woodland, biodiversity, habitats and access) and ensures that more detailed assessments are carried out and suitable mitigation identified in support of the masterplanning and planning application process. This will also be a fundamental part in establishing which parts of the allocation are developable and which areas need to be safeguarded and enhanced.

## **Lack of consultation**

The Statement of Conformity with Participation Statement [1] sets out the extensive consultation and engagement carried out throughout the plan making process.

### Nigg and Shandwick CC (1312227)

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

### Port of Cromarty Firth (1178440)

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

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

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

Taking account of the above response and noting the clear support provided by the Full Council Committee [2] for the proposals set out by Opportunity Cromarty Firth, the Council suggests to the Reporter that the boundary of the allocation is amended to reflect that of the Green Freeport bid as per the respondent's attachment [3]. If the Reporter is so minded to include it, it is suggested that a Developer Requirement be added to ensure that further assessment and engagement is undertaken to determine suitable developable areas. This could be along the lines of: "developable areas to be determined through ongoing programme of environmental assessment and masterplanning process with early engagement required with key agencies and other stakeholders".

As set out in the Renewable Energy section of the Plan, the Council is open and willing to preparing Masterplan Consent Areas for sites within a Green Freeport [4] – as indicated by the Scottish and UK governments in the joint prospectus - as a means of front loading the planning system. If such



a framework taken forward for this site, it would provide another, more formal opportunity for stakeholders (such as key agencies) to input and for further public scrutiny. In addition, and as outlined in greater detail within Issue 11: Renewable Energy & Policy 7 Industrial Land, to ensure that the Plan can best align with the priorities in the most appropriate way, including in relation to the key site allocations, the Council would welcome the opportunity to engage with the Reporter during the Examination process when the announcement is expected to have been made and further information becomes available on the implications for the area.

Robert Mackenzie (1218607)

Support and the rationale for the allocation is noted. In relation to the first objection within the representation, which relates to the allocation at Nigg being shown as a single entity, it is acknowledged that there are in fact two distinct components to the allocation. One part covers the footprint of the existing port and associated built development which lie entirely to the west of the B9175, including Global Energy Group's port facility together with the disused oil terminal. The other part of the allocation lies on the eastern side of the B9175 and is largely undeveloped land and offer potential for the creation of a wide range of new commercial development. Also, given the fact that the ownership of the two components is different, it is recognised that there is value in separating the single allocation into two allocations as proposed, i.e. NG01: Nigg Energy Park and NG02: Pitcalzean Farm. Therefore, if the Reporter is so minded, the Council would support this change to the allocation.

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

**CS01: Castle Stuart**

Alasdair Gillespie (1310451)

The concerns raised by the respondent are noted and the Plan already includes the following Developer Requirement: "Transport Assessment including details of access strategy, road hierarchy and active travel/public transport linkages to wider area. This will ensure that impacts on the road network, including those by HGV, are properly assessed and appropriate mitigation required as part of the development. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

NatureScot (1266529)

The features of the Longman and Castle Stuart Bays SSSI are already protected by HwLDP Policy 57 Natural, Built and Cultural Heritage. There is already mitigation derived from the HRA appropriate assessment covering the Inner Moray Firth SPA. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

**FG01: Fort George**

Andrew Thayne (1324269), Beatrice Vince (1324223)

General planning policies will ensure the respondent's amenity will be suitably protected from any neighbouring development. However, it is recognised that given the mature scots pine woodland which surrounds the 2 houses provides a valuable habitat, the Plan could highlight it better. If the Reporter is so minded, the Council would support the wooded area being shown as a part of the green network.

Historic Environment Scotland (HES) (964857)

Support for the range of uses is noted. In relation to the Listed Building Developer Requirement, it is recognised that the wording suggested by HES is more appropriate. If the Reporter is so minded, then the Council would support the wording by changed to "safeguard the fabric, historic character, curtilage and setting of the Listed Buildings".

The suggestion of a Conservation Plan being required is also considered appropriate and If the Reporter is so minded, then the Council would support it being added to the list of Developer Requirements.

MoD per DIO (1270246)

Support for the Plan position noted.

NatureScot (1266529)

The features of the Ardersier Glacial Deposits SSSI, Ardersier GCR and the Whiteness Head SSSIs are already protected by HwDLP Policy 57 Natural, Built and Cultural Heritage.

In relation to comments on the Inner Moray Firth SPA and need for a Recreational Access Management Plan, the Plan already includes a related Developer Requirement. It is considered that the level of detail provided in NatureScot's comments relating to the content of the RAMP is not necessary to include in the plan and is better suited to ongoing advice which will take place during the planning application process. Nevertheless, if the Reporter is so minded, the Council would support reference being added to the existing requirement to specify the part of the SPA which NatureScot are particularly concerned about:

*"Demonstration through further assessment and identification of suitable mitigation of no adverse effect on the integrity of the /Ramsar, Moray Firth SAC and Moray Firth SPA (particularly the area to the north east which has restricted access due to military activity) as result of loss of or disturbance to or pollution of bird feeding and roosting areas of the Firth linked to the Firth, preparation of Recreational Access Management Plan including satisfactory provision and/or contribution towards open space, path and green network requirements, including mitigation associated with the Inverness to Nairn Coastal Trail, submission of a Construction Environmental Management Plan including method statements and mitigation in relation to: piling (in accordance with JNCC piling guidance);"*

It is acknowledged that a Developer Requirement for a coastal protection assessment and any such defences could lead to erosion elsewhere. If the Reporter is so minded, the Council would support the removal of the Developer Requirement for a coastal protection assessment and replacing it with the need for "no development located at the coastal edge".

**IA01: Inverness Airport Business Park**

Cyril Smith (1324222)

The Plan already highlighted the strategic importance of the airport business park and Whiteness, particularly from a transport/access point of view. As there are no specific plans to create a hub at this time, it is not suggested that an amendment be made to the Plan. It may be an issue which could be discussed further as part of the upcoming review of the Local Transport Strategy.

Nairn Access Panel (1312032)

The Council recognise the importance of hassle free accessible transport links between the new railway station at Dalcross and the airport. The Council have recently successfully negotiated a segregated shared use path from Torangrain down to the A96. Whilst there is no specific funding to deliver any further enhancements, the Plan already sets requirements for improved active travel provision for IA01: "Improve active travel linkages to key nodes within and outwith the site, including the new rail halt, and local residential centres, such as Tornagrain. Provision of unsegregated shared use paths on either side of airport road and maintenance commitment/improvement of existing cycleway; introduce reduced speed limit on the C107 through the airport and business park;"

NatureScot (1266529)

The features of the Longman and Castle Stuart Bays SSSI are already protected by HwDLP Policy 57 Natural, Built and Cultural Heritage. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

Network Rail (1312503)

Support for the Plan position noted.

**IA02: Dalcross Industrial Estate Expansion**

PDG Aviation per GHJ (1312295)

The Council values PDG's contribution to the local economy and has considered the legal and planning history as part of the Plan review. It is clearly noted as a significant constraint which will require further discussions with PDG to resolve. However, as set out in the Employment section of the Plan (see pages 50-57), there are significant challenges facing the supply side of the industrial property market. The lack of available land is one of the threats which has been identified. The site benefits from being within Council ownership and adjoining an established industrial estate.

Whilst there are no proposals for the development of the site at present, it is considered that there could be scope for mutual accommodation and the Council wish to allocate the land to allow for flexibility in the future and any change in circumstances. To ensure that the respondent's operational requirements are taken into account, if the Reporter is so minded, the Council would support a Developer Requirement being added along the lines of: "consider the operational requirements of the adjoining heliport."

Other than the suggested amendment above, the Council believes the Plan's content should remain unaltered in respect of this issue.

**WH01: Whiteness**

Cyril Smith (1324222)

See the response above to IA01 which addresses the same comment.

Joan Noble (931076), Nairn West & Suburban Community Council (1323971)

Whiteness (also known as Port of Ardersier) is a disused major industrial manufacturing yard which was created in the 1970s and closed in 2002. Being one of the UK's largest brownfield ports at nearly 33ha the site has been earmarked industrial redevelopment for nearly 20 years.

As set out in the response within Issue 11: Renewable Energy & Policy 7 Industrial Land, the Council recognise the transformational potential which the green energy industry can have for the region. The strategic importance of the Cromarty and Moray Firths and its existing ports for the renewable energy industry have been highlighted within 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 notes that with investment, Whiteness is one of the few locations which have capacity to offer all aspects of the fabrication of floating offshore wind substructures.

The site benefits from extant planning permission in principle for re-establishing a port facility focused around the energy industry (18/04552/PIP). New owners acquired the site in 2021 and have presented a renewed vision for the site which centres around a range of different energy related activity, including decommissioning, energy from waste, steel manufacturing, cement production and manufacturing of offshore wind components. Whilst the permission allows for certain aspects to be carried out, it is assumed that a new planning consent would be required for other proposals. Whilst the allocation supports industrial activities, any specific proposal which does not already have permission will be rigorously assessed, particularly given the environmental sensitivities of the surrounding area. The Developer Requirements, which have been prepared in consultation with the Key Agencies, already set out the fundamental aspects which any developer will need to address.

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

NatureScot (1266529)

The features of the Whiteness Head GCR and the Whiteness Head SSSI are already protected by HwDLP Policy 57 Natural, Built and Cultural Heritage. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

However, the Council see merit in the other changes requested by NatureScot. Therefore, if the Reporter is so minded the Council would support Developer Requirements being added which make reference to: the Spit Management Plans and Sediment Movement Plans as agreed at Planning In Principle stage (18/044552/PIP); the prevention of the spread of New Zealand pigmyweed (*Crassula helmsii*) invasive non-native species (INNS); any works in the future to protect the development from

coastal change must not result in engineering methods that would damage the Inner Moray Firth SPA or Whiteness Head SSSI.

Steve North (1263190)

As noted above, the Council recognise the environmental sensitives of the site and have carried out extensive engagement with the key agencies in preparing the mitigation set out int eh Developer Requirements. These will essentially require an ongoing programme of environmental assessment. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

**Reporter's conclusions:**

**Reporter's recommendations:**

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

## **Barbaraville**

### SEPA (906306)

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

## **Cawdor**

### Cawdor SDT/Estate per GHJ (1271536)

Objects to the non-allocation of land at Cawdor, allocated for circa 300 houses and associated mixed uses in the adopted IMFLDP, for the following reasons:

- 1) Housing Land Supply assumptions which have guided allocations within the Plan are unlikely to be sufficient to deal with the needs and demand presented in Cawdor and the wider Inner Moray Firth area over the coming plan period;
- 2) it is a sustainable direction of growth for a well-located community within the long established A96 Growth Corridor;
- 3) lack of understanding and rigour applied in the assessment of this allocation;
- 4) the site can assist in the delivery of a number of key policy aims set out in the Plan and draft NPF4, e.g. 20 minute neighbourhoods;
- 5) there has been considerable amount of work, time, money, and good faith put into the masterplanning process on the Cawdor Expansion allocation as identified in the adopted IMFLDP, including public engagement and site assessments (draft Design Framework provided within original submission) [\*\*];
- 6) There is an extant Planning Consent (Ref:16/02147/FUL) in place on area CD01 (MIR reference) and likely to be a great deal of developer interest in the other 'infill' opportunities which should be identified to give all a degree of certainty in delivering these. By not allocating development it contradicts the term Growing Settlements and leads to uncertainty amongst the community, landowners.

## **Foyers**

### Boleskine House Foundation (1312524)

Support expressed for the Plan and makes the following comments:

- 1) Echoes points raised below by Farigaig and Boleskine Residents Association's comments
- 2) Seek clarity on how Farigaig and Boleskine fit within the proposed placemaking of the neighbouring villages of Inverfarigaig, Foyers, Errogie, Gorthleck and Whitebridge given different nature of the housing, types of development and constraints. Suggests a boundary to the proposed "Growing Settlements" be determined since Farigaig and Boleskine does not meet the infill criteria proposed.
- 3) If the Stratherrick and Foyers Community Action Plan is to be used as a material consideration, it is important that it reflects the interests of the residents, businesses and charities along the Farigaig and Boleskine corridor.
- 4) Supports the restoration and renovation of Boleskine House because it aligns with wider objectives of the Plan (e.g. enhanced access and biodiversity), it can make a significant contribution to the local economy, it can act as a community hub, and will encourage families and young people to the area.

### Farigaig and Boleskine Residents Association (1312384)

Support expressed for the Plan and makes the following comments:

- 1) Queries the boundary edge for north Foyers and highlights that the Farigaig and Boleskine corridor is located south of the Inverfarigaig pass, and spans along the B852 with Foyers Lodge more or less marking the southern edge of the Boleskine postcode.
- 2) The Farigaig and Boleskine area does not fit the same parameters as the villages identified as Growing Settlements and this should be considered in planning decisions.
- 3) Support the Placemaking Priority relating to Boleskine House as it has a significant role for deliver the Plan's objectives and as a community hub.

### Kyra Motley (1312072)

Respondent highlights that whilst the Community Action Plan was well delivered, it does not reflect all community interests, e.g. the proposal for the development of Lower Foyers.

which 90% of the community nearby object to, and questions the reference in the Plan to it being a "material consideration". Suggests "guidance" is better. Supports the Placemaking Priority relating



to better road maintenance and suggests reduced speed limits in certain areas. Supports the Placemaking Priority relating to new housing being infill only and next to exiting clusters of development and not on Loch Ness frontages or fields between well-established houses. Supports the Placemaking Priority relating to Boleskine House redevelopment for commercial uses as it is the only opportunity to create meaningful employment.

### **Garve**

SEPA (906306)

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

### **Inchmore**

James Horlick per Ness Planning (1312439)

Objects to non-inclusion of Inchmore as a main settlement and the absence of a specific allocation of the respondent's land for development because: Inchmore has been a main settlement in successive previous LDPs and is identified as such in the aIMFLDP including specific development allocations on the respondent's land; a planning application for part (most of IC2 within the aIMFLDP) of the site is pending determination which demonstrates its viability and effectiveness; development of the respondent's land would lend balance to the settlement form and provide scope for additional housing to meet a recognised local need and demand; the development would provide a section in a local and strategic Inverness to Beaulieu active travel link on its frontage; Inchmore has access to local facilities and employment opportunities and has easy, pedestrian, access to the local primary school; Inchmore is served by existing public transport facilities, including a regular bus service providing access to both Beaulieu and Inverness; existing infrastructure has capacity; development at Inchmore would comply with the Plan's general policies and outcomes; the land is suitable for home working units which will reduce the need for travel; the site will deliver at least 25% affordable housing; the development would take housing pressure off the surrounding countryside; and, the viability of the existing village will be enhanced.

### **Inver**

SEPA (906306)

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

### **Marybank**

The Firm of Angus MacLean per GH Johnston (1312296)

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

### **Milton of Kildary**

Thomas Raller per GH Johnston (1312290)

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

Julian Cox per GH Johnston (1312292)

Objects to the lack of specific land allocations in this community because it does not give certainty to existing residents and potential investors particularly in view of the pending Green Freeport status

for the Cromarty Firth and expected jobs growth. Seeks land to be allocated at Wester Tarbat to the south of Milton. Supporting statement supplied which refers to respondent's MIR submission and provides a map of the land being sought as an allocation [\*].

### **Portmahomack**

J Gordon per GH Johnston (1312515)

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

### **Rhicullen/Newmore**

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

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

## **Modifications sought by those submitting representations:**

### **Ardross**

McArthurs per Bidwells (1217486)

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

### **Balnain**

Glenurquhart Community Council (1323049)

Amended placemaking priorities to reference that vacated Forestry Land Scotland land / buildings in the heart of the village should be considered for housing/mixed use development including a 'mens shed' and extended community amenities (assumed).

### **Barbaraville**

SEPA (906306)

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

### **Cawdor**

Cawdor SDT/Estate per GHJ (1271536)

Add 30 ha of land at Cawdor for circa 300 houses and associated mixed uses which was identified as CD01- CD04 in the Main Issues Report, and CD3-CD11 in the adopted IMFLDP. As a minimum, identify sites with existing planning consents in place and the infill opportunities.

### **Foyers**

Boleskine House Foundation (1312524)

Add a boundary to the Growing Settlements.

Farigaig and Boleskine Residents Association (1312384)

No modification sought.

Kyra Motley (1312072)

Replace the reference to the Community Action Planning being a "material consideration" to it being "guidance".

**Garve**

SEPA (906306)

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

**Inchmore**

James Horlick per Ness Planning (1312439)

Inclusion of Inchmore as a main settlement and the specific allocation of the respondent's land (sites IC1 and IC2 from the aIMFLDP) for (housing) development.

**Inver**

SEPA (906306)

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

**Marybank**

The Firm of Angus MacLean per GH Johnston (1312296)

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

**Milton of Kildary**

Thomas Raller per GH Johnston (1312290)

Allocation of land at Milton of Kildary.

Julian Cox per GH Johnston (1312292)

Allocation of land at Wester Tarbet, Milton of Kildary.

Thomas Raller per GH Johnston (1312290)

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

**Portmahomack**

J Gordon per GH Johnston (1312515)

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

**Rhicullen/Newmore**

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

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

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

**Ardross**

McArthurs per Bidwells (1217486)

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

**Balnain**

Glenurquhart Community Council (1323049)

The existing placemaking priorities support most of what the respondent requests. It is not normal practice for a Highland local development plan to prescribe a specific type of community facility and user particularly where that facility doesn't have a designed and costed scheme and a planning permission. Part of the central Forestry Land Scotland landholding is subject to fluvial flood risk and therefore a more positive reference to the development potential of this particular land would be inappropriate.

**Barbaraville**

SEPA (906306)

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

**Cawdor**

Cawdor SDT/Estate per GHJ (1271536)

The Plan's Spatial Strategy and in particular its Settlement Hierarchy sets out a strategic view on where future growth should occur. It takes a more focused approach than previous plans and places emphasis on addressing the Climate and Ecological Emergency and supporting post pandemic economic recovery. As set out in paragraph of the Plan, the Council aims to target future growth at locations which are the most environmentally sustainable and economically viable places: with environmentally sustainable transport choices; where infrastructure network/community facility capacity either exists or can be created at least cost to the public and private sector; and where existing commercial and environmental assets can best be protected and enhanced whether this is safeguarding and improving the viability and vitality of our town and city centres or our natural, built and cultural heritage. The strategic expansion of Cawdor was first identified, along with other small settlements such as Croy, in the A96 Corridor Masterplan finalised in 2006. It formed part of a wider aspiration to encourage large scale mixed use growth along the A96 from Inverness to Nairn. The scale and variety of growth anticipated in the Masterplan was far from being fully realised and the relatively limited development which has been delivered is typically located in the larger settlements. Cawdor does not meet the sustainability considerations highlighted above and is not a suitable place for strategic growth. It has few facilities to support such levels of growth and there is very limited public transport provision, meaning that new residents will be almost entirely reliant on car-based transport. In addition, since Cawdor was first earmarked for development the spare capacity in the school, which was identified in HwLDP as a key reason for supporting development there, has also been taken up. The most recently published School Roll Forecast [\*\*] identifies that the school will require a 2 classroom extension over the forecasting period. Cawdor is identified as a Growing Settlement as there is potential within the village core for some small scale infill and rounding off development. The Plan therefore supports the principle of such development and the Placemaking Priorities will be used as guiding considerations. See Issue 3: Housing Requirements for the Council's response to concerns raised about the amount of housing land identified in the Plan.

**Foyers**

Boleskine House Foundation (1312524), Farigaig and Boleskine Residents Association (1312384), Kyra Motley (1312072)

Responding to the Foundation's points above (which are the same matters raised by other respondents) in the same order:

- 1) Noted.
- 2) The Placemaking Priorities for the nearby Growing Settlements of Foyers, Errogie, Gorthleck and Whitebridge have been identified specifically for those locations and will not be applicable for applications outwith those villages, including Farigaig and Boleskine. Due to the small-scale and more organic nature of development which is likely to emerge in these locations, the Plan does not identify boundaries for each Growing Settlement. The Placemaking Priorities will therefore be guiding criteria for relevant planning decisions. General planning policies will apply outwith these settlements.
- 3) Whilst the Stratherrick and Foyers Community Action Plan is identified as a material consideration, it has not been presented to the local Council committee for endorsement

and it is unknown whether there was opportunity for any objector to formally raise issue. Therefore, there is less weight given to the document. It is understood that the Development Trust is beginning to undertake additional work on certain key priorities set out in the CAP, e.g. evidence gathering and more detailed land use planning. This should allow further engagement by the community and interested parties.

4) Noted.

### **Garve**

#### SEPA (906306)

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

### **Inchmore**

#### James Horlick per Ness Planning (1312439)

In the Plan, Inchmore is reclassified as a Growing Settlement (without specific development allocations and a development boundary) because of the lack of activation of the allocated development sites (IC1 and IC2), the lack of local school (Kirkhill Primary) and sewage works capacity [?], surface water and fluvial flooding issues, the reduced overall housing land requirement, and the desire to direct development to more environmentally sustainable and economically viable locations. Notwithstanding the above, Inchmore is identified as a Growing Settlement within which small scale infill development is supported and the respondent's land is referenced as suitable for such development. Positive overall policy advice [?] has been issued in respect of the current application [?]. That application complies with most of the Plan's Inchmore placemaking priorities but servicing and drainage issues remain to be resolved. A large part of the application site is underlain by blue clay soils which impose significant site preparation cost and surface water drainage challenges. The application is only in principle and no housebuilder partner has been identified to date so there remain doubts about its effectiveness. The respondent's offer to help deliver a section in a local and strategic Inverness to Beaulieu active travel link on its frontage is welcomed but is not a justification for a main settlement classification. Even with a proportion of home-work units the application development will not result in a lower total number of non-sustainable mode journeys from and to Inchmore. It will just lower the increase in such journeys. Active travel journeys to Kirkhill Primary School are at the distance limit of what might be described as reasonable. The only remaining facility in Inchmore is the public house which relies more on passing than walk-in trade. Accordingly, the Council believes the Plan's content should remain unaltered in respect of this issue.

### **Inver**

#### SEPA (906306)

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

### **Marybank**

#### The Firm of Angus MacLean per GH Johnston (1312296)


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

### **Milton of Kildary**



Thomas Raller per GH Johnston (1312290)

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


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

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

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

Julian Cox per GH Johnston (1312292)

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

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

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

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

**Portmahomack**

J Gordon per GH Johnston (1312515)

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



The Plan's Settlement Hierarchy [1] sets out a strategic view on where future growth should occur, targeting future growth at locations which are most economically viable and environmentally sustainable. In the settlement hierarchy Portmahomack is a Tier 5 settlement; Tier 5 settlements are identified as Growing Settlements where in terms of sustainability any development is about bolstering the smallest established rural communities and the scale of growth should be 'infill' only. There is still support for the principle of infill development, refurbishment of existing properties and redevelopment of brownfield (previously developed) sites. In Growing Settlements, a lesser scale of development is supported than in 'Main' Settlements but a more positive approach than within the open countryside.

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

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

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

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

### **Rhicullen/Newmore**

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

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

The Plan's Settlement Hierarchy [1] sets out a strategic view on where future growth should occur, targeting future growth at locations which are most economically viable and environmentally sustainable. In the settlement hierarchy Rhicullen/Newmore is a Tier 5 settlement; Tier 5 settlements are identified as Growing Settlements where in terms of sustainability any development is about bolstering the smallest established rural communities and the scale of growth should be 'infill' only. There is still support for the principle of infill development, refurbishment of existing properties and redevelopment of brownfield (previously developed) sites. In Growing Settlements, a lesser scale of development is supported than in 'Main' Settlements but a more positive approach than within the open countryside.

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

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

There are many other (arguably better located) housing sites allocated within the Plan and they provide an adequate quantitative supply and qualitative range of sites within the Easter Ross area

so there is no exceptional justification for allocating land at Rhicullen/Newmore. Accordingly, the Council believes that no modification should be made in respect of this comment.

**Reporter's conclusions:**

**Reporter's recommendations:**