

Highland wide Local Development Plan - Main Issues Report Consultation Summary and Actions Sheet

Reference Number:	HWLDP-MIR-98
Organisation/Individual:	James Barr Ltd – MacDonald Estates

Action:

Immediate Response Required	
Meeting required with Respondent	x
Issue for Area Local Development Plan	
Further Information Required	
Other (<i>Please Specify</i>)	

If no box ticked - issues raised will be dealt with in preparation of the Proposed Plan.

Issues Raised in Response:

Purpose of Main Issues Report	x	Previously used Land	x
NPF2 for Scotland		Wild Land	
Vision for the Highlands	x	Water Environment	
Inverness and A96	x	Renewable Energy	
The A96 Corridor	x	Flooding	
Phasing of Development		Waste Management	
Developer Contributions		Air Quality	
East Inverness	x	Sustainable Design	
Nairn		Business and Industrial Land	
Tornagrain		Accessibility and Transport	x
Smaller Settlements in A96	x	Agricultural Land	
Caithness and North Sutherland		Subdivision of Existing Crofts	
Easter Ross and Nigg		Allocation of Inbye Land	
Development of Local Centres		New Crofting Township	
Wider Countryside and Fragile Areas		Small Scale New Crofts	
Population and Housing	x	Coastal Development	
Housing in the Countryside		Forestry and Woodland	
Affordable Housing		Minerals	
Planning for an Ageing Population		Open Space and Physical Activity	
Gypsies/Travellers		Access to the Outdoors	
Retailing	x	Comments on Consultation Process (+ve)	
Developer Contributions		Comments on Consultation Process (-ve)	
Natural, Built and Cultural Heritage			

Key:

Background	Spatial Strategy	Policy Options	Consultation
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Notes:

Seeks allocation of land for a residential led mixed use development between Culloden and Balloch Meeting required to discuss representation
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Action Sheet Completed by:	SH
Date:	8/12/09

Highland wide Local Development Plan Main Issues Report Questionnaire

Please fill in this questionnaire. Your views are extremely important to us and we will take them into consideration when preparing the proposed plan.

If you would prefer you can answer only the questions on the issues that you are interested in. If you have any general comments, please put them in the box on page 12.

Please fill in your details below so we can keep you up to date with the progress of the Highland wide Local Development Plan.

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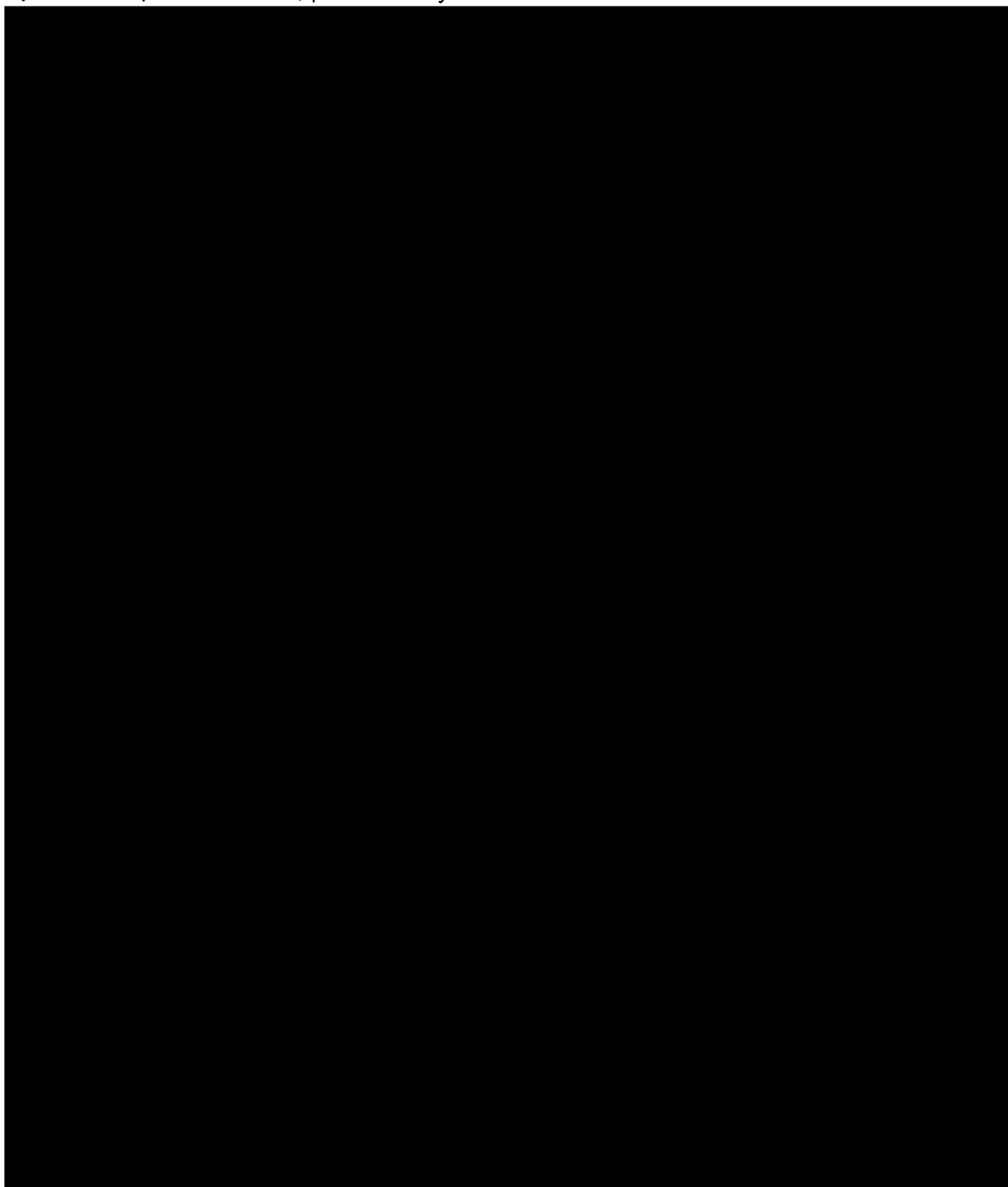
This form can also be filled in online at <http://www.highland.gov.uk/developmentplans>

**This Questionnaire must be returned by
5pm Monday 9th November, 2009**

Equal Opportunities Questionnaire

This Equal Opportunities Questionnaire is requested in order that The Highland Council can build an accurate picture of the make-up and diversity of groups that our planning policies impact on. This information is only used for this purpose.

If you have a disability that requires us to make a reasonable adjustment to enable you to complete this form, please notify us.



**Both Questionnaires must be returned by
5pm Monday 9th November, 2009**

Comments Box

PLEASE SEE ENCLOSED REPRESENTATIONS AND FRAMEWORK DOCUMENT.

Representations to:

THE HIGHLAND-WIDE LOCAL DEVELOPMENT PLAN

MAIN ISSUES REPORT

James Barr

On Behalf of: Macdonald Estate Plc

OCTOBER 2009

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1.0 INTRODUCTION

- 1.1 James Barr is instructed by Macdonald Estates Plc to submit representations in relation to the Highland-wide Local Development Plan - Main Issues Report (MIR) published August 2009. These representations should therefore be taken as comment / objections to preferred options highlighted in the MIR.
- 1.2 The MIR highlights that due to outdated Local Plans and other pressures, particular focus is given to the development issues around Inverness and Nairn (the A96 Corridor), Caithness, North Sutherland and Nigg. The Plan therefore wishes to deal with these development issues now, rather than waiting until the preparation of the Inner Moray Firth, Caithness and Sutherland West Highland Local Development Plans (LDP's).
- 1.3 In this context a framework document entitled "Balloch Farm, Inverness" accompanies these representations. The Balloch Farm site represents an unrestricted development option for around 500 new homes, community facilities, shops, open space, recreational areas and other benefits which will be available to everyone living nearby. The site is offered as a development proposal for inclusion in the forthcoming Highland-wide LDP as a development site.
- 1.4 These representations will provide comment with regard to the purpose, vision, and spatial strategy of the Highland-wide LDP. A suggested alternative to the Council's preferred option is provided in each instance if applicable and roughly corresponds to the layout offered in the Highland-wide LDP - MIR Questionnaire for ease of reference.

2.0 PURPOSE OF THE MAIN ISSUES REPORT

- 2.1 It is acknowledged that the Planning etc. (Scotland) Act 2006 makes allowance for different Local Development Plans for different purposes covering the same part of any district. However the White Paper - *Modernising the Planning System*, published in June 2005, highlights that in order to make the planning system more efficient there would be a move towards a **single tier** of Local Development Plans everywhere apart from the four largest city regions. The reasoning behind this move was to make plans simpler and provide a clear vision on how settlements and rural areas should evolve.
- 2.2 The MIR states that the purpose of the Plan will be to put in place policy for decision making purposes across the Highland Council area, particularly those relating to the general approach to development and act as a replacement to the Highland Structure Plan. In other words the Highland-wide LDP will provide strategic level guidance in the context of Highland as a whole.
- 2.3 This overarching level of guidance is tantamount to a Strategic Development Plan (SDP). Inverness is not considered by the Scottish Government to be one of the four city regions covered by SDP's. Macdonald Estates therefore argue that the Highland-wide LDP forms an unnecessary tier of policy

guidance and do not agree that the Plan is necessary. There are no issues that could not be better dealt with by the anticipated three further LDP's (Inner Moray Firth, Caithness and Sutherland, West Highlands) covering the Highland area. This additional tier of Local Development Plan does not rest well with the aims of achieving efficiency and simplicity within the planning system and does not represent a move towards a single tier of planning consistent with the spirit of the Planning etc. (Scotland) Act 2006.

3.0 THE VISION FOR THE HIGHLANDS

3.1 Macdonald Estates supports efforts to accommodate the increase in the population of the Highlands. The recent Housing Needs and Demand Assessment (August 2009) undertaken by Highland Council indicates that a large number of new housing needs to be built over the next 10 years and beyond, to meet expected growth in Highlands' population.

3.2 The Assessment highlights that an increase in the number of private and affordable houses built each year is required. On average around 1,700 houses are required to be built each year to meet need and demand. This is an increase of around 370 more each year (almost half of these in the Inner Moray Firth area). Clearly this will require sufficient land to be made available for development. If not enough housing is built to meet demand, the impacts are likely to be:-

- house price increases;
- more pressure on social rented housing;
- people will not be able to, or will be discouraged from moving to take up jobs; and
- people will move to places where housing is available (possibly outwith Highland)

3.4 If the supply of residential development land is restricted, Highland's communities and economy will suffer as a result. It is of paramount importance that the Council allocates sufficient land to stimulate additional Investment, increase build rates and provide housing opportunities for all areas of existing need and market demand.

3.5 On this matter, Scottish Planning Policy 3: Planning for Homes (July 2008) advocates the 'allocation of a generous supply of land to meet identified housing requirements across all tenures' and establishes a goal of raising the national build rate of housebuilding to 35,000 new houses a year by the middle of the next decade.

Alternative to preferred option

3.6 Macdonald Estates **objects** to the inclusion of to the possible options for delivering the objectives of the Plan as stated in the MIR. As an addition/alternative the following is proposed to replace the first bullet point under the heading of 'Sustainable Highland Communities' if these objectives are to be included in the LDP;

“To increase the population of the Highlands to achieve a balanced age range by providing opportunities for market housing and affordable housing both within settlements and within the Highland Countryside through the allocation of a generous supply of land to meet existing need and identified housing requirements across all tenures.”

4.0 WHERE SHOULD GROWTH GO AND HOW CAN WE DELIVER IT? (THE SPATIAL STRATEGY)

4.1 In response to **Question 1**, Macdonald Estates object to the Councils preferred option. Macdonald Estates do not agree with the identification / highlighting of all sites identified in the ‘Preferred Spatial Strategy for Inverness’ diagram or via a ‘City Vision’ document. The reasoning why this approach is not favoured and a summary of restricted (preferred) sites is highlighted below.

The City Vision

4.2 The Council’s preferred approach would involve the preparation of an updated ‘City Vision’ to inform where key development and infrastructure priorities are for the city. Section 15 of Planning etc. (Scotland) Act 2006 (the Act) requires LDPs (outside of SPD areas) to contain a spatial strategy, this being a detailed statement of the planning authority’s policies and proposals as to the development use of land; and a vision statement; a broad statement of how the development of the area could and should occur and the matters that might be expected to affect that development. I therefore see no reason why the anticipated Inner Moray Firth LDP cannot sufficiently achieve a vision statement for Inverness or indeed for Inverness as part of the wider area.

Preferred Spatial Strategy for Inverness

4.3 Section 17 (2) of the Act highlights that the MIR is a report in which are set out:-

“(a) general proposals by the authority for development in their district and in particular proposals as regards where the development should be carried out (and where it should not), and

(b) general proposals which constitute a reasonable alternative (or reasonable alternatives) to those mentioned in paragraph (a).”

4.4 The interpretation of Section 17 (2) is therefore taken in two parts; that Local Authorities must outline general proposals and general alternatives; and in line with paragraph (b) general reasonable alternatives to particular proposals highlighted under paragraph (a). In summary the MIR identifies sites for development; it should therefore also highlight reasonable alternative sites - which it does not.

4.5 Instead the MIR highlights alternative **strategies** i.e. ‘*to focus efforts on opening up opportunities in the A96 Corridor*’. It is therefore not enough to state that an alternative strategy is to look at

the wider geographical area. The Highland-wide LDP has opted to focus on development pressures in Inverness now rather than wait for progression of the Inner Moray Firth LDP. A more focused consideration of alternative sites is required to open the debate on where development should or should not occur. The MIR's 'strategy approach' does not highlight whether any reasonable alternative sites have been considered by the Council. In this regard the MIR lacks basic information relating to alternative sites, and does not present the full picture for comment.

- 4.6 There is a concern that the Council wishes to progress only sites previously highlighted in the A96 Corridor Framework for development purposes without fully entertaining the prospect of alternative proposals and adopted Local Plan. Circular 1/09 - Development Planning, is clear in its guidance, when in the context of engagement and Main Issues Reports it states that; 'Publication should come before the planning authority has reached a firm view as to the strategy that should be followed, and the authority's approach should not be one of 'defending' their proposals but one of genuine openness to different ideas. Main issues reports should be engaging documents that encourage the public and other stakeholders to read and respond to them.'

Preferred Development Sites

- 4.7 Due to the fact that the Highland wide LDP has opted to focus on development pressures in Inverness now rather than wait for the progression of the Inner Moray Firth LDP, it can be assumed that the sites falling within the preferred Spatial Strategy for Inverness must form - at least partly - the 5 year supply of effective land for housing in line with the requirements of SPP3. In reality however the Spatial Strategy for Inverness will struggle to offer effective housing land to cater for established need and demand within the next 5 years and beyond without looking towards East Inverness for development opportunities.
- 4.8 The 'Preferred Spatial Strategy for Inverness' diagram and the bullet points highlighting the main areas for discussion in identifying how Inverness will develop indicates several sites also allocated by the Adopted Inverness Local Plan 2006. Development sites located to the South of Inverness include; Inshes (760 proposed residential units), Milton of Leys (900 proposed residential units), and Culduthel / Slackbuie (1,400 proposed residential units). Although construction has started at all of these sites, it was anticipated that the Inverness by-pass (Trunk Link Road) would help ease pressure and serve these development sites. This has not happened. It is therefore likely that there will be unacceptable pressures on the local road network as development progresses.
- 4.9 The preferred road line for the western section of the Inverness trunk link road, which would help free up congested local road networks and enable other constrained sites to be developed involves a bridge over the River Ness and a high level opening bridge over the Caledonian Canal. Highland Council have to date not secured funds for this project and have previously stated that they do not have enough capital budget to accommodate the construction costs. The project was submitted to the Scottish Governments Strategic Transport Projects Review, which considers transport projects to be funded by the Scottish Government and a decision was taken late last year not to fund the crossings or western section of the by-pass.

4.10 It would seem that unless Highland Council can find funding within the next 5 years, the delivery of the crossings and other necessary infrastructure improvements needed to free up local transport networks and preferred development sites, is very unlikely to happen in the near future. We must also bear in mind that even if funding is gained, the associated construction timetable is likely to run for several years, and development sites cannot be developed to their capacity until this has been completed. Additionally if high developer contributions are sought to supplement the cost of Infrastructure improvements, this could in turn make development far less appealing and possibly uneconomical adding a further level of restriction to the sites.

4.11 Constricted sites included with the Preferred Spatial Strategy for Inverness include;

- **Ness-side / Ness castle, including Milton of Ness-side (165.0 ha of land):** The Local Plan states that; development of the site is dependent on programmed/committed funding necessary to link the A82 including developer contribution; construction of part of this is concurrent with development, and extension of the trunk water and drainage main. Land at Milton of Ness-side... will require widening of Dores Road.

The 2007 Development Brief prepared by the Highland Council highlights the sites are collectively capable of delivering 1334 units (for approximately 2700 residents). It is stated that only Ness Castle is suitable to progress. Ness castle however still requires a widening of Dores Road and extensions to the trunk utility mains. The Highland Councils Land Audit 2007 (published August 2008) also highlights that 600 of the 1250 houses programmed for 2013+ are also constrained.

- **Charleston (55.0 ha of land):** The Local Plan states that development of the site is dependent on a canal crossing of the A9-A82 Trunk Road Link. The councils Land Audit 2007 highlights that the site should be capable of delivering 700 houses; however 560 houses programmed for 2013+ are constrained.
- **Woodside of Culloden (40.0 ha of land):** Also known as Westhill in the adopted Local Plan and highlighted as an expansion site. The Councils Land Audit 2007 highlights the sites capacity for 500 new homes - planned to be completed by 2008, with further capacity past 2008 anticipated. The Inverness Housing Sites Completions diagram also details that this site is between 80-100% complete.

4.12 Woodside although included in the Preferred Spatial Strategy for Inverness diagram, offers very little if any potential for growth. Charleston and Ness-side / Ness castle, including Milton of Ness-side are restricted by funding, marketability and infrastructure constraints. This equates to a total of approximately 260 ha of restricted land which the Council anticipates to deliver housing aspirations for the next 5 years and beyond. This is very unlikely to happen and a revised strategy which includes new unrestricted development sites needs to be progressed as a matter of urgency.

Demand for Housing in Inverness

- 4.13 The recent Highland Housing Needs and Demand Assessment provides details of population projections and housing aspirations for the Inverness Housing Market Area (HMA). Using the 'central' population projection highlighted in the recent Highland Housing Need and Demand Assessment the population of the Inverness HMA is projected to grow by 10,519 persons - equivalent to a 34.5% change from 2006 to 2031. Based on this estimation, an average of 463 new households is required per year for the period 2006 to 2021 and an average of 398 units needed for the period 2021 to 2031. The Highland Council's 'high migration' population projections predict a population growth for the Inverness HMA of 41.6% for the period 2006 to 2031.
- 4.14 In terms of composition, types of households are expected to change dramatically between 2006 and 2031. For Inverness HMA there will be a significant increase in the number of single person households and two person households without children, a dramatic increase in single parent families and a significant decrease of two adults plus children. It is predicted that there will be demand equating to 10,519 new households for the Inverness HMA alone.
- 4.15 The current trend reducing household sizes as a result of divorce and life expectancy is set to continue. There will be a significant increase in the number of one person households accompanied by a reduction in the number of 3+ person households. This indicates that there is likely to be more demand for smaller sized housing. The increase of households headed by one person means that household incomes will be lower so there may be a demand for larger numbers of affordable housing also.
- 4.16 In terms of Housing completions a 19% decrease in the build rate of new homes compared with 2007 figures was recorded. The first significant decrease in the Highland Council area since 2001. This is undoubtedly a consequence of the current recession. There is a substantial downwards price correction which is not likely to end for a number of years coupled with the likelihood of increasing unemployment, and lower household income. This does not bode well for investment in new build projects and is likely to have a knock on effect in terms of poor build rates for both allocated and windfall sites.
- 4.17 The Highland Councils Land Audit 2007 (published August 2008) highlights 970 housing units from windfall sites (2008 onwards) in Inverness (Inverness West, Central, Ness-side, Millburn, and South wards). However the same Audit (using 2007 as a base date) also indicates very low build rates associated with windfall sites. Although these sites are included as effective supply - it is unlikely that a significant proportion will be built until the economy stabilises. It is therefore argued that the Highland Council has too heavy a reliance on windfall sites to help achieve delivered housing numbers. It is advocated that a similar number of effective units (allocated on unrestricted sites) should be found to provide a level of assurance and to meet needs and projected demand.

Alternative to preferred option

- 4.18 There is a clear deficit in the existing and anticipated land supply exacerbated by the highlighting of non-effective sites for inclusion as part of the emerging LDP. It is therefore reasonably suggested that in addition to the regeneration sites identified in the preferred strategy, alternatives to the Ness-side and Charleston sites are sought as a matter of urgency. Any new development sites should collectively compensate for at least 260ha of the aforementioned restricted (non-effective) land and include capacity for additional need and requirements that is unlikely to be met by windfall sites identified in the Land Audit 2007.
- 4.19 As highlighted by the MIR development opportunities to the west of Inverness are limited by the canal and river crossings and by the landscape. Land to the south is constrained by the steep slopes. Opportunities to the north are limited by the Kessock Bridge. Development to the east of the city has been identified as the most deliverable long term growth opportunity. All efforts to make up the deficit in housing land supply should therefore be focused on East Inverness.
- 4.20 It is further highlighted that location of development sites and alternatives should be informed by the Local Development Plan process. Sites identified for development or otherwise, highlighted through representations submitted to the Council as part of this process constitute the most up to date development proposals for the Inverness area.

5.0 THE A96 CORRIDOR

- 5.1 Macdonald Estates supports the Council's view that the A96 Corridor is capable of providing a wide choice of development land to meet future housing requirements. The MIR provides the opportunity to re-instate views on where development should go in the future.

Balloch Farm

- 5.2 A framework document entitled "Balloch Farm, Inverness" accompanies these representations. The Balloch Farm site represents an unrestricted development option for around 500 new homes, community facilities, shops, open space, recreational areas and other benefits which will be available to everyone living nearby and could be phased and delivered within the emerging LDP period. Balloch Farm is offered as a development proposal for inclusion in the forthcoming Highland-wide LDP as a reasonable alternative site for residential purposes to those currently highlighted by the Preferred Spatial Strategy for Inverness / East Inverness / A 96 Corridor.
- 5.3 The Balloch Farm site is ideally located to make use of planned infrastructure improvements for the area, including the Strategic Transport Projects Review's identified improvements to the A96 and the possible A96 - A9 link. The site is not constrained (effective) and could be progressed as a short to medium or medium to longer term strategic housing allocation.

- 5.4 It is anticipated that the site would be developed in several phases, releasing around 100 houses at a time, incorporating the release of affordable homes and community facilities from phase 1 - over a 5 year period (100 new homes per year). This would allow development proposals to progress without over-burdening progressive infrastructure improvements for the A96 corridor as a whole. Macdonald Estates is also willing to discuss phasing in more detail with the Council and other key agencies to ensure that a co-ordinated approach to development is taken.
- 5.5 Macdonald Estates acknowledges the importance of good design and layout. It is crucial that development proposals fit well within the existing landscape setting and respect important features such as countryside views, landscape features, existing built up areas and any nearby protected sites. In this regard a number of professional consultants have been appointed to inform and prepare a Masterplan which will ultimately establish how development proposals can be achieved and delivered. An 'indicative masterplan' is included within the accompanying framework document (Balloch Farm, Inverness) which indicates a conceptual layout. This layout is by no means set in stone, and would be subject to on-going discussion - however it does demonstrate that after taking into consideration all opportunities and constraints, development aspirations are deliverable.
- 5.6 The Highland Council has been engaged through a series of meetings to help shape development proposals. The Council's 'Major Applications Team' - comprising officers from the planning, roads, forestry, education culture and sport, access, waste, contaminated land, housing and property departments have been consulted. To ensure that masterplan proposals take a holistic approach, the Health and Safety Executive (HSE), Scottish Environmental protection Agency (SEPA), Scottish Natural Heritage (SNH), Historic Scotland and Transport Scotland have also been consulted. Initial feedback from this consultation process has helped to establish opportunities and constraints and shape the conceptual layout of development proposals.
- 5.7 Macdonald Estates wishes to consult widely and engage other key stakeholders, especially the local communities of Culloden and Balloch to discuss development proposals as part of the consultation process linked to the preparation of a Masterplan for the site. It is of paramount importance that development proposals are influenced by the expectations of local decision makers and the local community - the views of which are key considerations in the making of a new successful place.

Inclusion of Development Sites Identified in the A96 Corridor Framework in the LDP

- 5.8 In response to **Question 2**, Macdonald Estates **objects** to the inclusion of development sites identified in the A96 Corridor Framework in the LDP.
- 5.9 There is a pressing need for additional housing in this area as proven by the recent Housing Needs and Demand Assessment. If the progression of development is delayed this would result in an unacceptable set back in the provision of housing, which could have a knock on effect to build rates. Highland's communities and the economy would suffer.

- 5.10 The early progression of the initial phases of development across the corridor is required before major infrastructure improvements are completed. There is a far greater degree of certainty attached to the planned infrastructure improvements for the area east of Inverness, including the Strategic Transport Projects Review's identified improvements to the A96. There will be an inevitable time lag associated with the progression of these works and the Local Development Plan - whereas the requirement for development is growing. Development opportunities need to be progressed in acknowledgement of this time lag, or risk being lost from the area.
- 5.11 It is not disputed that the principal of locating development in the A96 corridor is a sound one. However we must remember that work undertaken to inform the A96 Corridor Framework was initiated as far back as 2005 and a number of instrumental changes to national planning policy, local infrastructure provision expectations, population expectations, demand for housing, and global and local economy which influence the location and extent of residential development have since taken place. The A96 Corridor Framework is out of date and cannot be expected to respond to today's development pressures.
- 5.12 The global economic crises has undoubtedly added to the difficulties of delivering housing requirements, with anticipated build rates falling and the deliverability of many sites being called into question due to economic issues at the least. It is therefore not unreasonable to question whether the A96 Corridor Framework and included sites are robust enough to withstand market pressures and deliver development aspirations.

Alternative to preferred option

- 5.13 It has already been established under the heading of 'demand for housing in Inverness' that an additional supply of housing land is required to meet need and demands. A suggested alternative would be to build upon the locational attributes of East Inverness and the A96 corridor, and look again at alternative / additional development sites. This alternative would allow the Council to look again at effective and deliverable development sites providing a level of assurance that housing numbers and build rates could be achieved.
- 5.14 Macdonald Estates is confident that Balloch Farm is an unrestricted site capable of delivering housing to service the growth of the Inverness.

6.0 AREA SPECIFIC ISSUES - EAST INVERNESS

- 6.1 The expansion of Inverness in the shorter term involving the significant delivery of housing, business and commercial opportunities is supported. Macdonald Estates does however question the East Inverness Frameworks suitability as a basis for delivering housing, business and commercial opportunities and objects to its inclusion, highlighting preferred sites for development in the LDP.

- 6.2 It is acknowledged that a number of planning applications have been submitted in the East Inverness area. The largest of which is currently being progressed by Inverness Estates and includes approximately one third of the East Inverness Framework Plan area. There are however several restrictive factors that have not been highlighted by the Inverness Framework Plan.
- 6.3 Both the Cairnlaw Burn and the Scretan Burn are identified as areas at risk of flooding from rivers in the SEPA indicative flood map, both of which run through the Framework area. Furthermore the framework / MIR do not acknowledge any heritage designations. There are numerous listed buildings in the area, and Scheduled Ancient Monument Sites. This is of particular importance as Scheduled Ancient Monument Sites are highlighted to be of national importance and are offered protection by the Ancient Monuments and Archaeological Areas Act 1979.
- 6.4 The Framework proposes medium density residential development directly on top of a ring ditch located closely to Milton, which forms the remains of a prehistoric burial or settlement feature. The area scheduled area measures 70m by 80m, and effectively sterilises this areas development potential for residential use.
- 6.5 An additional Scheduled Ancient Monument is situated closely to the Ashton Farm Cottages and also comprises a ring ditch, and pit circles in two separate locations. The Framework however highlights that both areas are suitable for high density residential development. Again these areas have been effectively sterilised for residential development purposes.
- 6.6 Notwithstanding the aforementioned restrictive issues, the most problematic constraint to development is represented by a Major Accident Hazard Pipeline (MAHP) which runs directly through the Framework area parallel to the A96.
- 6.7 The Scottish Gas Networks Aberdeen / Conon Bridge pipeline (ref: 2364) is classified as a MAHP and as such any proposed development in close proximity to the pipeline must consult the Health and Safety Executive (HSE) and take note of their 'land use planning zones'. HSE's land use planning methodology uses a 3-zone system to determine its advice regarding planning applications for development in the vicinity of a MAHP. This consists of an inner, middle and outer zone around the pipeline with the inner zone being the highest risk area, and the outer zone being a lower risk area. Residential development is almost certainly not acceptable in the inner or middle zones which radiate up to 80m from the pipeline itself i.e. an 80m exclusion zone either side of the pipeline creating a 160m corridor where residential development is almost certainly not going to be favoured by the HSE.
- 6.8 Additionally the area is crossed by an MoD (Ministry of Defence) / OPA (Oil Pipelines Agency) pipeline which although not currently classed as a MAHP - discussions with the HSE have revealed that classification of pipeline is currently under reviewed - may be included as a MAHP in the near future. This pipeline follows closely the line taken by the Scottish Gas Networks pipeline (albeit slightly further to the south east) and as a consequence may exclude a wider area of land from residential development proposals.

6.9 In response to **Question 4** the expansion of Inverness in the shorter term involving significant delivery of housing, business and commercial opportunities is supported. It is clear however that the Framework area is not capable of delivering development aspirations as highlighted in the Framework Plan. Macdonald Estates **objects** to the East Inverness Framework's possible inclusion highlighting preferred sites for development in the LDP due to unaccounted flood risk, major hazards and heritage restrictions which render large chunks of the area very unsuitable for development.

Alternative to preferred option

6.10 It is therefore suggested that a different approach is taken to that of the preferred option;

- Set out priorities for development of the area in the period from 2016 to 2021, including detailed examination of **alternative deliverable development** sites which aid in the delivery of provisions for open space, and transport improvements (that link well to planned infrastructure improvements, make better provision of walking and cycling networks in the area).

7.0 SMALLER SETTLEMENTS IN THE A96 CORRIDOR

7.1 As mooted in Section 5 of these representations, work undertaken to inform the A96 Corridor Framework was initiated as far back as 2005. A number of instrumental changes to national planning policy, local infrastructure provision expectations, population expectations, demand for housing, and the global and local economy which influence the location and extent of development have since taken place. The A96 Corridor Framework is out of date and cannot be expected to respond to today's development pressures.

Alternative to preferred option

7.2 In response to **Question 7**, Macdonald Estates **objects** to the Councils preferred option. A suggested alternative would be to build upon the location attributes and potential for growth in the smaller villages on case by case basis, based on the requirements for housing, employment and commercial need. This information could help to form a settlement strategy for each settlement / village which would identify areas for controlled expansion if required.

8.0 WIDER COUNTRYSIDE AND FRAGILE AREAS & HOUSING IN THE COUNTRYSIDE

8.1 The preferred option for wider countryside and fragile areas highlights that the Council wishes to identify areas of the countryside around main settlements where there will continue to be high demand for housing development and protect these. Macdonald Estates **objects** to this option. Demand for housing development in these areas exists because current housing provision is inadequate.

- 8.2 The 'Housing in the Countryside' section of the MIR also deals with housing pressures in countryside locations, albeit the hinterland (around the main towns and city of highland). Macdonald Estates also **objects** to this preferred option.
- 8.3 Care must be taken not to stifle potential growth within the main settlements and countryside locations which in turn could have adverse economic effects and result in driving people away, rather than sustaining population or growth. Structured growth therefore must be allowed to occur.
- 8.4 Under the heading of 'Housing in rural areas' SPP3 states that; where there is significant demand for new housing , specific development plan provisions could contribute to economic and social opportunities and reduce pressures on the general housing stock without damaging the environment. The guidance also highlights that it may be possible to harness (the steady demand for new housing) in ways which secure economic, social or environmental benefits. The requirements for new housing in rural areas should be considered part of the development of a sustainable settlement strategy, with the majority of new housing continuing to be met within or adjacent to existing rural settlements.

Alternative to preferred option

- 8.5 In response to **Questions 11 and 13**, it is suggested that more emphasis is put into the creation of sustainable settlement strategies for each settlement and policies which allow sensitive development. Settlements can then grow in a sustainable manner, rather than being stifled by the imposition of blanket policies which may restrict development opportunities and hamper otherwise growing communities unnecessarily.

9.0 HOUSING LAND REQUIREMENT AND SUPPLY

- 9.1 In response to **Question 12**, Macdonald Estates **objects** to the preferred option to adopt a positive approach to the delivery of effective allocated housing land to address the highest rate of projected population and housing growth. The preferred option does not go far enough. As previously advocated in the section 4 of these representations as an alternative approach to the preferred option, an additional allocation of housing is required. Alternative and additional sites to those highlighted in the preferred spatial strategy need to be sought as a matter of urgency to ensure that need and demand for housing in Inverness and Highland is met.

10.0 RETAILING

- 10.1 In response to **Question 17**, Macdonald Estates **objects** to the Councils preferred strategy. The approach to retail development proposals must be more flexible. Although the Council may wish to highlight particular areas as suitable for retail use (say to serve a large expansion area), this should not be exclusively linked to masterplans i.e. only to be built on said development site. Nearby development sites may service the proposal and existing requirements better in terms of

the current tests presented in SPP8. Such areas may even come to the fore prior to the preparation of masterplan proposals. Each retail proposal should therefore be decided upon its own merits in line with current government guidance.

11.0 PREVIOUSLY USED LAND

11.1 Macdonald Estates **objects** to the suggested setting of targets for development on previously used land. It is important to increase opportunities for development of brownfield sites; however in some instances brownfield sites are not suitable due to a range of restrictions such as contamination, layout, and ownership that can make sites problematic and uneconomical to develop. An unyielding focus in the re-development of brownfield sites could lead to the oversight of better placed and more advantageous proposals (say in terms of community benefits) being refused planning permission based on over onerous grounds.

Alternative to preferred option

11.2 In response to **Question 20**, a target driven approach to the development of brownfield sites could restrict the development of other sites better located and suited to the proposed end use. An alternative approach would be to decide each planning applications upon its own merits, in line with national planning policy which encourages the use of brownfield land.

12.0 ACCESSIBILITY AND TRANSPORT

12.1 Macdonald Estates recognises the need to support a pattern of development that reduces the need to travel and provides increased opportunities to access more sustainable means of transportation. In this context support is offered to transportation and infrastructure initiatives, particularly improvements to the A96 and the A9 (albeit that the decision making process, timeframe and funding aspects are largely out of the control of Highland Council), and the prospect of a possible link road between them.

12.2 In the context of East Inverness and efforts to reduce perceived congestion, the Inverness Transport Strategy highlights the inclusion of a possible park and ride facility accessible from the A96 and the settlements of Culloden and Balloch. Macdonald Estates offers support to the preferred option as far as the inclusion of this facility is concerned and advocates that this should be pursued via a clear link between the proposed LDP and Transport Strategy.

12.3 There is however concerns relating to the mechanism employed to seek contributions for new development projects outlined in the Council's Transport Strategy and / or identified in the Scottish Government Strategic Transport Project Review. Macdonald Estates therefore **objects** to the Councils preferred option in this regard.

- 12.4 Although there is an argument to seek development contributions where development will have an impact on local transport networks, the Highland Council have long advocated that projects such as the Inverness Trunk Link Road have national significance and as such should appear in the STPR and be funded by the Scottish Government. Where funding for infrastructure improvements will come from for these projects remains unclear. To this end there is concern that the Council could be tempted to levy disproportionate developer contributions to pay for infrastructure improvements.
- 12.5 Any planning agreement should be related in scale and kind to the proposed development. It is acknowledged that developers may reasonably be expected to pay for, or otherwise contribute towards costs of infrastructure which would not have been necessary but for the development. However, the effect of proposed infrastructure improvements is undoubtedly to confer wider community benefit to the Highlands, therefore contributions should be proportionate to the scale of development being proposed.
- 12.6 Circular 12/1996 provides guidance on this matter and goes a little further. It states that attempts to extract excessive contributions from developers towards the cost of infrastructure or to obtain extraneous benefits are unacceptable. Situations may arise where an infrastructure problem exists prior to the submission of an application for planning permission. Planning agreements should not be used just to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives that are not necessary to allow permission to be granted for the particular development.

Alternative / Addition to preferred option

- 12.7 In response to **Question 28B**, Highland Council should state clearly through policy that any planning agreement will be reasonable, related in scale and kind to the proposed development and be proportionate. Even then only levied to contribute towards the costs of infrastructure which would not have been necessary but for the development.
- 12.8 Additional Supplementary Planning Guidance should also outline the preferred mechanism involved in the gaining of developer contributions and outline clearly any calculation required to be undertaken in the pursuance of contributions of other benefits including any equation this may involve.

13.0 CONCLUSION

- 13.1 Macdonald Estates are willing to discuss development proposals at Balloch Farm further with the Highland Council and offer the site as effective land which could provide a significant number of new homes over the plan period.

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