

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

Reference Number:	HWLDP-MIR-249
Organisation/Individual:	Muir Smith Evans – Inverness Estates Ltd

Action:

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

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	
NPF2 for Scotland	
Vision for the Highlands	
Inverness and A96	x
The A96 Corridor	x
Phasing of Development	
Developer Contributions	x
East Inverness	x
Nairn	
Tornagrain	
Smaller Settlements in A96	
Caithness and North Sutherland	
Easter Ross and Nigg	
Development of Local Centres	
Wider Countryside and Fragile Areas	
Population and Housing	
Housing in the Countryside	
Affordable Housing	
Planning for an Ageing Population	
Gypsies/Travellers	
Retailing	x
Developer Contributions	x
Natural, Built and Cultural Heritage	

Previously used Land	
Wild Land	
Water Environment	
Renewable Energy	
Flooding	
Waste Management	
Air Quality	
Sustainable Design	
Business and Industrial Land	
Accessibility and Transport	
Agricultural Land	
Subdivision of Existing Crofts	
Allocation of Inbye Land	
New Crofting Township	
Small Scale New Crofts	
Coastal Development	
Forestry and Woodland	
Minerals	
Open Space and Physical Activity	
Access to the Outdoors	
Comments on Consultation Process (+ve)	
Comments on Consultation Process (-ve)	

Key:

Background	Spatial Strategy	Policy Options	Consultation
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Notes:

Market realities should be considered regarding strategy for Inverness
 Approach to A96 must be flexible for the market
 Development needs to be financially viable
 Need to address corridor wide infrastructure is recognised but acknowledges difficulty in doing so
 All wider infrastructure must be genuinely required
 Looking for designation of land at East Inverness to be informed in proposed plan

Action Sheet Completed by:	SH
Date:	10/12/09

Dawn Sutherland

From: Brian Muir [REDACTED]
Sent: 09 November 2009 12:08
To: devplans
Subject: Highland Wide Local Development Plan: Main Issues Report: Submission by Inverness Estates Ltd

Dear Sir/Madam,

Please find attach a submission, on behalf of Inverness Estates Ltd, in relation to the Main Issues report published in August for the HwLDP.

Please acknowledge receipt.

Yours faithfully,

Brian Muir
[REDACTED]

Muir Smith Evans
203 Bath Street
Glasgow
G2 4HZ

[REDACTED]
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09/11/2009

M U I R S M I T H E V A N S
Planning & Development Consultants

Director of Planning & Development
The Highland Council
Freepost SCO5568
Inverness
IV3 5BR

Our ref INVE0001/bwm/jew

By e-mail Only

9 November 2009

Dear Sir/Madam

**Highland Wide Local Development Plan
Main Issues Report: August 2009
Questionnaire Response on behalf of Inverness Estates Limited**

We act on behalf of Inverness Estates Limited (IEL). This submission relates to the A96 Corridor in general, and to East Inverness and Stratton in particular.

Attached to this letter are:

- The first page of the relevant questionnaire, duly completed; and
- A Paper Apart which contains responses to particular questions within the questionnaire.

Please note that all sub-headings within the Paper Apart should be cross-referenced to the relevant sub-headings or questions in the questionnaire published by The Highland Council.

We trust that this is of assistance and look forward to receiving your acknowledgement of the receipt of this submission. May we take this opportunity to specifically state that IEL would welcome further discussion with the council in relation to the response which has been submitted.


Brian W Muir


Enc. Questionnaire and Paper Apart
cc. Client and client team



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.

Name INVERNESS ESTATES LTD
AGENT Address MUIR SMITH EVANS
203 BATH STREET
GLASGOW
.....
.....
Postcode G2 4HZ
Phone 
Email 

* For responses to Questionnaire, please see attached Paper Apart.

You can respond via e-mail: 

Fax:

Post: Director of Planning and Development
The Highland Council
Freepost SCO 5568
Inverness
IV3 5BR

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**

HIGHLAND WIDE LOCAL DEVELOPMENT PLAN

MAIN ISSUES REPORT: August 2009

QUESTIONNAIRE

Submission on behalf of Inverness Estates Ltd

PAPER APART (5 pages)

(All sub-headings should be cross-referenced to the relevant sub-headings or questions in the questionnaire published by The Highland Council)

Details

Inverness Estates Limited per Muir Smith Evans
203 Bath Street
Glasgow
G2 4HZ



Question 1

It is not easy to answer "yes" or "no" to this question. It is not an "either/or" situation.

Clearly it is appropriate to consolidate the city with the implementation of the existing Inverness Local Plan Expansion Areas. However, even a "wish list" of priorities set out by the council will have to sit alongside market realities.

It is also the case that infrastructure investment for the city region as a whole may be developed earlier as a consequence of the first phases of development in the A96 Corridor immediately to the east of Inverness (for example in relation to the current planning application for Stratton), than by the consolidation of the Inverness Local Plan Expansion Areas.

And so, in the submission of Inverness Estates Ltd (IEL), the stated Preferred Option for the spatial strategy for Inverness is broadly acceptable, provided it does not undermine the spatial strategy and early (appropriate) development in the A96 Corridor and, in particular, at East Inverness.

Also see responses to Questions 2, 3, and 4 below.

Question 2

IEL supports the council's statement that the development principles behind the A96 Corridor Framework, particularly in terms of providing a wide choice of development land to meet future housing requirements, remain valid, and that this view is supported by the National Planning Framework 2 prepared by the Scottish Government.

In relation to the council's Preferred Option for taking forward these principles, IEL supports:

- The identification of the development sites set out within the A96 Corridor Framework in the Proposed Plan; and
- The council's intention to support early (2011-2016) phases of development across the Corridor before major infrastructure is completed, subject to agreements, amongst the relevant public and private parties, to ensure that relevant infrastructure is in place when it is needed, in a manner which is appropriate to the development phase which has been reached.

In support of this, IEL also makes the following submissions in relation to the Preferred Option:

- It is reasonable for the Proposed Plan to set out the amount of development which will be anticipated within the Corridor in the periods 2011-2016 and 2016-2021 but that, given the timescale involved (a period of 12 years from now) , this must be flexible enough to respond to changes in market conditions provided the appropriate infrastructure is identified, can be in place, and is fundable;
- Any linkage to the phasing of development in the Corridor to the outcomes of the council's work on the existing sites in Inverness (see Question 1 above) must be flexible and not mechanistic; and
- the relevant infrastructure should be commercially viable as well as appropriate.

Question 3

All development has to be financially viable. Given the huge risks involved in almost all types of development, developers will only embark on the development if there is a realistic rate of return (profit margin). In addition, funding sources (whether banks, private investors or sovereign funds) will only support a development if the developer has a realistic prospect of delivering the rate of return. Unless these key factors are in place, development will not happen.

Within this context, and taking into account the commercial environment which is likely to persist for the next five years, IEL considers that it is essential that the framework for delivering developer contributions towards infrastructure is realistic and flexible, and is focused on **enabling** development rather than **inhibiting or delaying** development.

In the submission of IEL, the starting point should be that all proposed developments should, as part of their implementation, deliver the site-specific infrastructure which is necessary as a consequence of that development. This can appropriately be delivered on a case-by-case basis.

IEL also recognises that, given the long-term ambitions of the council for the A96 Corridor between Inverness and Nairn, there will be other corridor-wide investments in infrastructure which may be desirable, although not actually necessary for the implementation of individual development projects. It is a clearly established principle that infrastructure which is required as a direct consequence of a proposed development falls to the developer to provide and fund. That has been the norm in the past. The difficulty comes when there is massive off-site infrastructure, not required as a consequence of the development but which the Government or Local Authority deems essential to be in place prior to a phase of a development being built / implemented. This can become a Catch 22, with the result that desirable developments are delayed for many years or, in the worst cases, don't happen at all.

In relation to these aspirations, there may be a case for a framework for developer contributions for specified corridor-wide matters which cannot be directly linked to individual development proposals.

The funding of major but essential off site infrastructure provision may be dealt with in a number of ways. However, it must at all times be commercially viable to the developer and, it should not unnecessarily hold back or delay a phase. The major problem is funding, who will provide the funding and, the claw back mechanism to the funder who provides the up-front funding, whether that is the Government, a local authority, or a private developer.

If a developer is to fund a whole section of off-site infrastructure which is beneficial to the overall corridor then that developer would be carrying capital funding and interest charges for many years at its own cost. Future developers' shares of these costs would require interest payments and other factors to be taken into account. In short, current developers should not be expected to forward-fund, hold, and effectively provide at their expense, infrastructure which another developer would then pay for many years hence at what is effectively a discounted rate.

The only other method is for the Government and/or the relevant local authority fund the project when it is required and for it then to claw back the costs from individual developers when it can.

Both systems, in the present and foreseeable environment, look unworkable in the view of IEL. The third option is for development to proceed with its own site-related infrastructure, but without the wider infrastructure in place, and for the Government and the local authority to deal with it as they have done with the proposed development at Slackbuie, which would be both fair and equitable.

If IEL's primary position is not accepted then, without prejudice to further discussions on this matter, IEL submits the following initial comments in relation to a potential framework for

thinking about wider contributions, which would replace the protocols in the current A96 Corridor document:

- Infrastructure or environmental projects which were to be funded in this way must be genuinely required for the benefit of the corridor as a whole, and not simply aspirational projects which are “imposed”;
- Essential off site infrastructure provision can be dealt with in a number of ways but it at all times must be commercially viable to the developer and, it should not unnecessarily hold back or delay a phase of development if that development can be effectively mitigated;
- There would therefore have to be a clear and transparent mechanism for collecting and spending the funds involved, a matter which cannot be left to the administration by public authorities alone;
- There should be flexibility to allow developers to physically implement infrastructure which may have Corridor-wide benefits, rather than pay money into a fund which may, or may not, at some time in the future implement the relevant infrastructure; and
- There should be a clear distinction between that infrastructure which is necessary for the implementation of specific development proposals and that infrastructure which is aspirational for the enhancement of the corridor as a whole.

It is therefore the submission of IEL that a revised Preferred Option should be developed. IEL is willing to take part in constructive discussions on this matter.

Question 4

IEL broadly supports the Preferred Option.

It is very important, for both coherent development planning and for market confidence, that an incremental approach is not adopted. For example, it will be important for the local plan to identify (within East Inverness) the whole of the Stratton/West Seafield area for development, and, within that, phasing priorities appropriate to the relevant timeframes.

Question 17

IEL broadly agrees with the Preferred Option.

IEL supported, within the A96 Corridor Framework document, the designation of a new town centre at Stratton to serve both the existing, large communities (which include Smithton, Culloden, and Balloch), as well as the proposed new communities within the East Inverness development area.

IEL requests that the Proposed Plan confirms this designation as it will greatly assist the council's aspiration to deliver an appropriate, integrated, town centre with a full range of retail, social, educational, health, leisure and community facilities to serve the above existing and proposed settlements. This will also assist the council's sustainability agenda in that it will reduce journey lengths and encourage the use of public transport.

The new centre is intended to serve the specific communities mentioned above and to address the long-standing requirement for proper local facilities. It will be of a scale and nature which complements Inverness City Centre rather than competes with it.

Question 18

See submission in relation to Question 3 above.